

REPORT TO:	COUNCIL 5 JULY 2021
SUBJECT:	ANNUAL REPORT ON THE USE OF SPECIAL URGENCY FOR KEY DECISIONS 2020/21
LEAD OFFICER:	Asmat Hussain Interim Executive Director Resources and Deputy Monitoring Officer
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT:	
The report to Council on the use of Special Urgency is prepared in accordance with the Access to Information Procedure Rules at Part 4B of the Constitution.	

1. RECOMMENDATIONS
1.1. To note the use of Special Urgency for the key decisions listed at section 3.4 of the report during the 2020/21 municipal year.

2. EXECUTIVE SUMMARY

- 2.1. In accordance with the Access to Information Procedure Rules (Part 4B of the Constitution), the Leader of the Council is required to submit an annual report to Council on the use of Special Urgency for key decisions.
- 2.2. This report details the cases where Special Urgency has been used during the 2020/21 municipal year.

3. BACKGROUND

- 3.1. The proposed making of a key decision requires the giving of 28 days' prior notice. Where the giving of such notice is impracticable the Constitution provides both General Exception and Special Urgency provisions. The General Exception provisions require, amongst other things, a period of five clear working days' notice to be given. Where compliance with the General Exception principle is impractical the decision can be taken under the Special Urgency provisions. In cases of Special Urgency the decision may only be made where the decision maker has obtained agreement that the making of the decision is urgent and cannot reasonably be deferred from:
 - a. The Chair of the Scrutiny & Overview Committee; or
 - b. If there is not such person, or if the Chair of the Scrutiny & Overview Committee is unable to act, the Mayor; or
 - c. Where there is no Chair of the Scrutiny & Overview Committee or Mayor,

the Deputy Mayor of the Council.

- 3.2. In all cases during 2020/21 the approval of the Chair of Scrutiny & Overview Committee was given.
- 3.3. Following the approval of the Chair of Scrutiny & Overview Committee two notices were published and circulated to all Members of the Council:
- a. A notice that a decision would be made under Special Urgency which included the reason for urgency; and
 - b. A further notice stating the decision had been made and included the report upon which the decision was based.
- 3.4. During the municipal year, 2020/21, the provision of Special Urgency has been used on four occasions to enable urgent decisions to be made. The decisions which have been made under this provision are set out below:

Decision Title	Decision number	Decision maker	Reason for Special Urgency	Date SU notice published	Date decision notice published
District Centre Prosperity – Purley BID	5420EJ	Cabinet Member for Economy & Jobs	Covid 19 has had a severe impact on the businesses in this designated area and Purley BID have been an essential part of the emergency response, the area needs have changed and it has never been more important to deliver a proposal that reflects a business led, agile response for renewal. It is this response which has led to the delay of the Purley BID proposal being submitted. The BID have engaged and responded directly to their levy members concerns and needs and now have a proposal that reflect the want of the businesses. However, this means that in order to meet the needs of the ballot timeline we cannot wait until the Cabinet meeting being held on the 19 October and the decisions requested must be taken outside of the Cabinet.	06/10/20 View the notice here	07/10/20 View the notice here
Strategic Review of Companies and other investment arrangements - Brick by Brick Croydon Ltd ("BBB") Shareholder decision - Directors and articles of association	3320CAB	Cabinet	This decision cannot reasonably be deferred because the results of the Strategic review need to be reported as a matter of urgency to limit the Council's cost exposure. When commissioned at the September Cabinet, it was always the intention to report to the November Cabinet, but no separate listing was made in the forward plan. If the report is not considered at this meeting, the Council will not be able to take appropriate action in regard to its associated companies and other entities where necessary.	20/11/20 View the notice here	26/11/20 View the notice here

COVID 19 - 2nd Lockdown and local restrictions - Business Grants	6220ERS	Cabinet Member for Economic Recovery & Skills	The new business grant schemes were announced on the 31st October 2020. With the expectation from Government that the schemes were to be designed, implemented, and funding to be distributed to eligible businesses as soon as possible. Unfortunately, the relevant guidance was issued on 3rd November with additional guidance being added on 10th and 30th November with final FAQ's being issued 23rd December 2020. As such, there has not been time to this in line with the ordinary notice procedures. It is now impracticable to comply with Rule 31 (General Exception).	20/11/20 View the notice here	26/11/20 View the notice here
COVID 19 - National Lockdown Grants	1621C Renewal	Cabinet Member for Croydon Renewal	This key decision is requested under the special urgency measures as part of the emergency response to COVID 19. The making of this decision is urgent to allow the council to offer businesses the support they require with their business costs and loss of income during these unprecedented times that have arisen due to COVID 19 pandemic.	10/03/21 View the notice here	20/04/21 View the notice here

- 3.5. The Special Urgency procedure has only been used this municipal year as a corollary of the corona virus pandemic or to enable the council to respond to the financial challenges in a timely manner.
- 3.6. Decisions 6220ERS (COVID 19 - 2nd Lockdown and local restrictions - Business Grants) and 1621CRenewal (COVID 19 – National Lockdown Grants) were decisions made in response to Covid-19 to ensure the Council was able to support locally businesses through the distribution of government grants.
- 3.7. Decision 5420EJ (District Centre Prosperity – Purley BID) was also in response to Covid-19 having delayed the Business Improvement District proposal being submitted ahead of going to a ballot.
- 3.8. Decision 3320CAB (Strategic Review of Companies and other investment arrangements - Brick by Brick Croydon Ltd ("BBB") Shareholder decision - Directors and articles of association) was a decision to enable the council to limit cost exposure in response to the financial challenges it faced.
- 3.9. More detail on each decision is available by clicking on the links in the table above or by visiting the website at:
<https://democracy.croydon.gov.uk/mgDelegatedDecisions.aspx?bcr=1&DM=0&DS=2&K=0&DR=&V=0>

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 4.1 There are no direct financial consequences of this report. Each decision taken under the special urgency framework was supported by a report that set out the financial implications of that decision, and was subject to financial review as part of the decision making process.

5. LEGAL CONSIDERATIONS

- 5.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance and Deputy Monitoring Officer that the statutory definition of a 'key decision' is set out in regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as a decision which is likely (a) to result in the council incurring expenditure which is or the making of savings which are significant having regard to the council's budget for the service or function to which the decision relates; or (b) to be significant in terms of its effects on communities living or working in an area comprising 2 or more wards in the area of the council.
- 5.2 Guidance issued under the Local Government Act 2000 section 38 provides that the council shall agree as a full council limits above which items are 'significant' and publish those limits which the council has done via its Constitution.
- 5.3 The Constitution in Part 2 Article 13 provides that a 'key decision' is an executive decision which is likely to: (i) result in the Council incurring expenditure or making of savings of more than one million pounds or such smaller sum which the decision maker considers is significant having regard to the Council's budget for the service or function to which the decision relates; or (ii) significant in terms of its effects on communities living or working in an area comprising two or more wards in the borough.
- 5.4 As part of the Governance Review Members have agreed an update to the definition of 'significant' and in turn the definition of a 'key decision' set out in the Council's Constitution at Part 2 Article 13. However, Members have also agreed to put on hold the implementation of these changes pending a review of Council resources to support their implementation.
- 5.5 The Access to Information Procedure Rules in Part 4B of the Constitution paragraphs 29 – 32 set out specific requirements including publicity in relation to the taking of 'key decisions' and in particular exceptions to the usual publicity requirements on the grounds of General Exception and cases of Special Urgency. Paragraph 34 makes specific provision for an annual report on the use of the Special Urgency provisions by the Leader to be made to full council.

Approved by: Sandra Herbert Head of Litigation and Corporate Law for and on behalf of the interim Director of Law and Governance and Deputy Monitoring Officer.

6. HUMAN RESOURCES IMPACT

- 6.1 There are not direct workforce implications arising from this report.

Approved by: Sue Moorman, Director of Human Resources

7. EQUALITIES IMPACT

- 7.1 There are no direct equalities implications from this report. Each decision taken under special urgency provision was supported by a report that set out the equalities impact of that decision and was subject to an equality analysis as part of the decision making process.

Approved by: Yvonne Okiyo, Equalities Manager

CONTACT OFFICER: Victoria Lower
Senior Democratic Services and Governance Officer
– Cabinet & Executive
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BACKGROUND DOCUMENTS: None