

<b>REPORT TO:</b>	<b>COUNCIL</b> <b>25 JULY 2022</b>
<b>SUBJECT:</b>	<b>ANNUAL REPORT ON THE USE OF SPECIAL URGENCY FOR KEY DECISIONS 2021/22</b>
<b>LEAD OFFICER:</b>	<b>Stephen Lawrence-Orumwense</b> <b>Monitoring Officer</b>
<b>WARDS:</b>	<b>ALL</b>

## **1. RECOMMENDATIONS**

- 1.1. To note the use of Special Urgency for the key decisions listed at section 3.4 of this report during the 2021/22 municipal year.

## **2. EXECUTIVE SUMMARY**

- 2.1. In accordance with the Access to Information Procedure Rules (Part 4B of the Constitution), the Executive Mayor is required to submit a 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 2021/22 municipal year.

## **3. BACKGROUND**

- 3.1. The proposed making of a key decision requires the giving of 28 days' prior public 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 Chair of the Council; or
  - c. Where there is no Chair of the Scrutiny & Overview Committee or Chair of

the Council, the Deputy Chair of the Council.

- 3.2. In all cases during 2021/22 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, 2021/22, 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
<a href="#">Decision - Healthwatch Direct Award Contract   Croydon Council</a>	1722FHS C	Cabinet Member for Families, Health & Social Care	The reason for the Healthwatch service special urgency key decision is because their contract ends on 31 March 2022 and we need to ensure continuity of this service. The Healthwatch service is a statutory service.	18 March 2022	18 March 2022
<a href="#">Decision - Increasing Housing Supply   Croydon Council</a>	1622H	Cabinet Member for Homes and Cabinet Member for Resources and Financial Governance	The reason for special urgency is that we are looking to complete the purchase of 10 properties from Brick by Brick (BBB) by the 31st March. As set out in the Cabinet Paper, the purchases need to be secured by the 31st to ensure that we do not have to hand back £1.48m of right to buy receipts and also minimise borrowing requirements for BBB and therefore by default, the Council.	30 March 2022	30 March 2022
<a href="#">Decision - Variation to Extend - Child</a>	6921LR	The Leader of the	This decision cannot reasonably be deferred because the procurement for these statutory services closed in	17 Dec 2021	17 Dec 2021

<a href="#">Development and School Readiness Services   Croydon Council</a>		Council	October 2021 with no bidders and current contracts come to an end on 31st December 2021 presenting the following risks: 1. Gap in service provision, particularly for vulnerable children, their parents and carers in need of support and those who continue to be affected by the pandemic 2. Risk to employee employment rights as current contracts end on 31st December 3. Judicial review for failing to make available statutory services to improve outcomes and reduce inequalities		
<a href="#">Decision - Income Management, Cash Receipting and Electronic Payment processing contract variation   Croydon Council</a>	5921LR	The Leader of the Council	The Framework that we will use to exercise the extension will expire at the end of December. There have been lengthy negotiations with Capita to secure increased savings which now amount to approximately £209k over the new 7 year term – these negotiations have led to the delay in this approval, so urgency is now required to secure these savings before the framework expiration deadline	20 Dec 2021	1 Nov 2021

- 3.5. The Special Urgency procedure was used in the 2021/22 municipal year to ensure continuity of statutory services and to reduce costs or the loss of savings to the council.
- 3.6. 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>
- 3.7. Members will note that Council agreed at its meeting on 23 March 2022 to amend the Access to Information Procedure Rules set out in Part 4B of the Constitution. One of the agreed amendments, set out in rule 34.1 of Part 4B was to increase the frequency of any future reports to Council by the Executive Mayor on the use of Special Urgency from annually to quarterly. Following the receipt of this annual report future reports will be presented to full Council on a quarterly basis by the Executive Mayor containing details of each executive decision taken during the period since the last report was submitted to Council where the making of the decision was agreed as urgent in accordance with Special Urgency requirements set out in rule 32.

#### **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.

*Approved by:* Lesley Shields Head of Finance – Assistant Chief Executive and Resources

#### **5. LEGAL CONSIDERATIONS**

- 5.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Legal Services and 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 local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority'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 two or more wards or electoral divisions in the area of the local authority.
- 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 defines a "key decision" as defined in Article 13.2(d) namely an executive decision, which is likely to—
- a) result in the Council incurring expenditure, or making savings, of more than £1,000,000 or such smaller sum which the decision-taker considers is significant having regard to the Council's budget for the service or function to which the decision relates; or
  - b) be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough.
- 5.4 The Access to Information Procedure Rules in Part 4B of the Constitution paragraphs 31 and 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 a quarterly report

on the use of the Special Urgency provisions by the Executive Mayor to be made to full council.

*Approved by:* Sandra Herbert Head of Litigation and Corporate Law for and on behalf of the Director of Legal Services and Monitoring Officer.

## **6. HUMAN RESOURCES IMPACT**

- 6.1 There are no direct workforce implications arising from this report. Should any workforce implications arise, these will be dealt with in accordance with the Council's HR policies and procedures.

Approved by: Gillian Bevan, Head of HR, Resources and Assistant Chief Executives on behalf of the Chief People Officer.

## **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. This is in line with the Equality Strategy 2020-2024 which states that all key decisions should be supported by an equality impact assessment and that equality impact assessments must be data driven.

Approved by: Denise McCausland – Equalities Programme Manager

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**CONTACT OFFICER:** Marianna Ritchie  
Senior Democratic Services and Governance Officer  
– Council and Regulations

**BACKGROUND DOCUMENTS:** None