

**COUNCIL**  
**21 FEBRUARY 2018**

**SPECIAL URGENCY DECISIONS: OCTOBER – DECEMBER 2017**

**Cabinet Member(s):** The Leader of the Council

**Responsible Officer:** Legal Services Manager and Monitoring Officer

**Reason for Report:** To report special urgency decisions taken in the preceding quarter.

**RECOMMENDATION:** That the report be noted.

**Relationship to Corporate Plan:** None arising from this report, but the decision described below might fall within the section on “Economy” – be more entrepreneurial and commercial as a council.

**Financial Implications:** None arising from this report. The financial implications of the decision described below were considered when making that decision.

**Legal Implications:** Rule 17.3 of the Access to Information Procedure Rules in the Constitution requires the Leader to submit quarterly reports to Council on decisions taken by Cabinet under Rule 16 (Special Urgency).

**Risk Assessment:** None arising from this report. Any risk arising from the decision(s) reported here would be a matter considered at the time of that decision.

**Equality Impact Assessment:** None arising from this report. Any risk arising from the decision(s) reported here would be a matter considered at the time of that decision.

**1.0 Introduction**

1.1 The Council has made provision in its Constitution for decisions to be taken which are so urgent that there is insufficient time:

- (a) to publish a Notice of Key Decision in the Forward Plan; and
- (b) to comply with the general exception (to the obligation to publish a Notice of Key Decision) set out in Rule 15 of the Access to Information Procedure Rules (“the Access Rules”).

1.2 The relevant provisions on Special Urgency are set out in Rule 16 of the Access Rules. Rule 17 then addresses subsequent reporting requirements. Rule 17.3 provides:

*In any event the Leader of the Council will submit quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.*

## **2.0 Special urgency decisions – October to December 2017**

- 2.1 There has been one decision taken relying on the special urgency powers in the quarter being reported. This decision, taken on 13 October 2017, authorised the submission of a bid to purchase of 30 Fore Street, Tiverton at an auction held on 17 October 2017.
- 2.2 As members will be aware, a successful bid at an auction in most cases commits the bidder to the purchase and an immediate deposit on property purchases is required. Prior to the bid being made, the Council carried out due diligence on the property, including (due to the urgency of the matter and the need for clarity and certainty prior to submitting a bid) detailed external legal scrutiny of the terms and conditions of the auction, legal title and all usual related matters which might be examined during the course of a standard acquisition process.
- 2.3 The reasons for the decision were:
- (a) The purchase was seen as a strategic investment allowing future development opportunity of the area following production of the masterplan for Tiverton Town Centre;
  - (b) Purchase at that time is more likely to be at a lower cost to the Council than if conducted as part of a wider redevelopment scheme;
  - (c) Treated as an urgent decision due to the short timeframe between the fact of the auction becoming known (9 October 2017), the subsequent failure to agree in principle on a purchase price (subject to contract) and timescales which could have resulted in the withdrawal of the property from the auction whilst due process to approve and complete the acquisition was followed, and the actual date of the auction (17 October 2017); and
  - (d) The purchase affords the ability to receive a greater return on capital sums rather than invested in a bank.
- 2.4 The decision was taken under Rule 16.3 by the Director of Finance, Assets and Resources, with the approval of the Chief Executive, the Leader, the Cabinet Member for Housing and Property and the Chairman of Scrutiny. At the time, the decision contained exempt information, in particular relating to the upper limit set for any bid.
- 2.5 The outcome of the decision is that the Council was successful in its bid and the purchase of 30 Fore Street, Tiverton was completed on 28<sup>th</sup> November

2017 at a price of £375,000. This purchase price was below the upper limit set out in the decision.

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**Circulation of the Report:**

**List of Background Papers:** Decision recording form dated 13 October 2017