

**COUNCIL
28 JUNE 2017**

SPECIAL URGENCY DECISIONS: JANUARY – MARCH 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.

1.3 For the future, I would propose that the quarterly reports relate to the following quarters in any year: January – March, April – June, July – September and October – December. Whilst in most cases the report would go to the next ordinary meeting of the Council following the end of each quarter, the timing of such meetings may occasionally not sit well with the end of the relevant quarter and the timescales for producing the agenda. In that case, the report may have to a subsequent meeting.

2.0 **Special urgency decisions – January – March 2017**

2.1 There has been one decision taken relying on the special urgency powers. This decision, taken on 10 February 2017, authorised the purchase of Coggans Well House (formerly Tiverton Job Centre) at Phoenix Lane, Tiverton.

2.2 The reasons for the decision were:

- (a) The purchase is a strategic investment allowing future development opportunity of the area following production of the masterplan for Tiverton Town Centre;
- (b) Purchase at this time will be lower cost to the Council than part of a wider redevelopment scheme;
- (c) Treated as an urgent decision to enable an offer to be submitted within a tight deadline following its commercial marketing; and
- (d) Purchase affords the ability to receive a greater return on capital sums rather than invested in a bank.

2.3 The decision was taken under Rule 16.3 by the Head of Housing and Property in consultation with the Leader and with the agreement of the Cabinet, the Chairman of Scrutiny, the Chief Executive and the Director of Finance, Assets and Resources (Section 151 Officer).

Contact for more Information: Kathryn Tebbey, Legal Services Manager and Monitoring Officer, 01884 234210, monitoringofficer@middevon.gov.uk

Circulation of the Report:

List of Background Papers: Decision recording form dated 10 February 2017