

LONDON BOROUGH OF CROYDON

REPORT:	COUNCIL	
DATE OF DECISION	13 DECEMBER 2023	
REPORT TITLE:	REPORT ON THE USE OF SPECIAL URGENCY FOR KEY DECISIONS AND EXEMPTION FROM CALL-IN APRIL TO NOVEMBER 2023	
CORPORATE DIRECTOR	JANE WEST CORPORATE DIRECTOR FOR RESOURCES	
LEAD OFFICER:	STEPHEN LAWRENCE-ORUMWENSE DIRECTOR OF LEGAL AND MONITORING OFFICER Email: stephen.lawrence-orumwense@croydon.gov.uk	
LEAD MEMBER:	MAYOR JASON PERRY	
KEY DECISION?	No	REASON: N/A
CONTAINS EXEMPT INFORMATION?	NO	PUBLIC
WARDS AFFECTED:	ALL	

1. SUMMARY OF REPORT

- 1.1. 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.
- 1.2. This report details the cases where Special Urgency has been used between April and November 2023.
- 1.3. In accordance with the Scrutiny and Overview Procedure Rules (Part 4E of the Constitution) the Executive Mayor is also required to submit a report to Council on the use of the exemption from call-in powers agreed by the Chair of the Scrutiny & Overview Committee at least annually.
- 1.4. Therefore this report also details the cases where Exemption from call-in powers have been used between April and November 2023.

2. RECOMMENDATIONS

- 2.1. For the reasons set out in the report Council is recommended:
 1. To note the use of Special Urgency for the key decisions listed at section 4.4 of this report during the period April to November 2023.

2. To note the use of Exemption from Call-in for the key decisions listed at section 5.3 of this report during the period April to November 2023.

3. REASONS FOR RECOMMENDATIONS

- 3.1 As noted in paragraph 1.1, there is a requirement within the Access to Information Procedure Rules in the Council's Constitution that Council will receive a quarterly report on decisions taken under Special Urgency provisions.
- 3.2 As noted in paragraph 1.3, there is a requirement within the Scrutiny and Overview Procedure Rules in the Council's Constitution that Council must receive a report at least annually on the use of the Exemption from call-in powers.

4 SPECIAL URGENCY DECISIONS

- 4.1 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.

- 4.2 There has been six cases of the use of Special Urgency procedures during this period which the Chair of Scrutiny & Overview Committee approved after consideration.
- 4.3 Following the approval of the Chair of Scrutiny & Overview Committee six notices were published and circulated to all Members of the Council stating the decision had been made and included the report upon which the decision was based.
- 4.4 During this period the provision of Special Urgency has been used for the following:

Decision Title	Decision number	Decision maker	Reason for Special Urgency	Date SU notice published	Date decision notice published
Acquisition of Land sites, Regina Road and Malton	0423RES	Corporate Director of Resources	The acquisition of these two sites was included within a Report to Cabinet on 30th November 2022 where the	27 March 2023	27 March 2023

House, from Brick by Brick Croydon Ltd			<p>decision to delegate the authority to the Corporate Director Resources in consultation with the Cabinet members for Finance and Housing was taken.</p> <p>The terms for the purchase have only just been agreed and there is urgency due to the time constraints within the existing Option Agreements.</p> <p>Individually the two purchases are less than £1m but it has been decided that as they are linked to the same scheme, they should be combined for transparency thereby making this a key decision.</p> <p>Due to the time restrictions within the Option Agreement</p>		
Increasing Housing Supply - purchase of Brick by Brick Trellis Mews (Avenue Road)	0523RES	Corporate Director of Resources	The purchase needs to complete by the 28 March 2023 to secure the £1.2m GLA funding.	27 March 2023	27 March 2023
Council Tax Hardship Scheme	2223EM	Executive Mayor	<p>The government have only recently given Croydon council permission to increase council tax above the national limit without seeking a referendum.</p> <p>The decision to make available a Council Tax Hardship Scheme must be taken urgently to support residents in financial hardship.</p> <p>This decision cannot wait as the annual Council Tax bills including the 14.99% increase have already been issued to Croydon residents.</p>	6 April 2023	6 April 2023
Heating Services	4623EM	Executive Mayor in Cabinet	Any delay to taking this decision reduces the mobilisation period for the new Heating Contractor which will increase the	24 May 2023	24 May 2023

Procurement - Revised Award			chances of disruption for residents when the new contract commences on 1 August 2023. In the event there was no new contract in place by 1 August 2023 there would be further disruption for residents and potentially a period with no service provision.		
Parking Automatic Number Plate Recognition (ANPR) Camera Contract exit	1823SCRE	Corporate Director of Sustainable Communities, Regeneration & Economic Recovery	The Council is exiting an existing contract early. Negotiated exit requiring timely agreement in order to appoint a new supplier. Accordingly, the Settlement must be signed by both parties urgently.	18 July 2023	19 July 2023
The Colonnades, 619 Purley Way, Croydon CR0 4RQ – Asset Disposal	7523F	Corporate Director of Resources	An administrative error setting the decision status to 'Abandoned' has given need for the decision to be republished on the Forward Plan under Special Urgency procedures. The decision is time sensitive as legals have been agreed by both parties and the council is now in a position to exchange.	10 October 2023	10 October 2023

4.5 More detail on each decision is available by clicking on the links in the table above or by visiting the website at: [Decisions](#)

4.6 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. Reports are now 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.

5. EXEMPTION FROM CALL-IN PROCEDURES

5.1. There are instances when although 28 day notice has been given, it is not practicable for a key decision to be subject to the call-in process. This would be on the grounds that in the decision-maker's opinion any delay to implementation of the decision would

have an undue impact on delivery and would seriously prejudice the Council's or the public interests. Tis the When such a decision is proposed, it is within the power of the Chair of the Scrutiny & Overview Committee to agree that the proposed decision cannot be reasonably deferred and that it is urgent on this basis, in which case it will be exempt from the call-in process. The record of the decision and the notice by which it is made public must state if it is urgent on this basis, and therefore not subject to the call-in process.

5.2. In the period since the last report to Council there has been one decision which the Chair of the Scrutiny & Overview Committee has agreed could be exempt from the call-in process due on the grounds of urgency.

5.3. During this period the exemption from the Call-In Process has been used for the following:

Decision Title	Decision number	Decision maker	Reason for exemption from Call-in process	Date decision notice published
Contract Award ANPR Camera Supply, Installation and Support (Maintenance)	1223SCREER	Corporate Director of Sustainable Communities, Regeneration & Economic Recovery	The decision is urgent because it will ensure an expeditious reversal of an ongoing loss of income to the Council by providing new ANPR cameras in a timely manner.	28 July 2023

6. ALTERNATIVE OPTIONS CONSIDERED

6.1. It is a constitutional requirement to present Council with a quarterly update on decisions taken under Special Urgency. As such, there are no other options to consider.

7. CONSULTATION

7.1. The process for agreeing the use of special urgency and exemption from call-in both require consultation with the Chair of the Scrutiny & Overview Committee.

8. IMPLICATIONS

8.1 FINANCIAL IMPLICATIONS

8.1.1 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.

8.1.2 Comments approved by Lesley Shields, Head of Finance for Assistant Chief Executive and Resources on behalf of the Director of Finance. 06/1/23

8.2 LEGAL IMPLICATIONS

8.2.1 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.

8.2.2 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.

8.2.3 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.

8.2.4 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 to be made to full council.

8.2.5 Separately the Scrutiny and Overview Procedure Rules in

Part 4E of the Constitution provide at paragraph 11.19 that the referral call-in procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process. The Chair of the Scrutiny and Overview Committee must agree that the decision proposed cannot be reasonably deferred and that it is urgent. In the absence of the Chair, the Deputy Chair's consent shall be required. In the absence of both the Chair and Deputy Chair, the Mayor's consent shall be required. Any such urgent decisions must be reported at least annually in a report to Council from the

Mayor.

Approved by: Sandra Herbert Head of Litigation and Corporate Law for and on behalf of the Director of Legal Services and Monitoring Officer (02/11/2023).

8.3 EQUALITIES IMPLICATIONS

8.3.1 The Council has a statutory duty, when exercising its functions, to comply with the provisions set out in the Sec 149 Equality Act 2010. The Council must, in the performance of its functions, therefore have due regard to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.3.2 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 2023-2027 which states that all key decisions should be supported by an equality impact assessment and that equality impact assessments must be data driven.

8.3.3 Comment approved by Naseer Ahmad for Equality Programme Manager (Date 01/11/2023)

8.4 HUMAN RESOURCES IMPLICATIONS

8.4.1 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.

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

9. APPENDICES

9.1 There are no appendices to this report.