

LONDON BOROUGH OF CROYDON

REPORT:	COUNCIL
DATE OF DECISION	17 July 2024
REPORT TITLE:	REPORT ON THE USE OF SPECIAL URGENCY FOR KEY DECISIONS AND EXEMPTION FROM CALL-IN DECEMBER 2023 TO JUNE 2024
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 December 2023 and June 2024.
- 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 December 2023 to June 2024.

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 December 2023 to June 2024.

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 December 2023 to June 2024.

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 three 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
The Colonnades, 619 Purley Way, Croydon CR0	3123EM	Corporate Director of Resources	The decision is time sensitive as legals have been agreed by both parties and we are now in a position to exchange	7 December 2023	7 December 2023

4RQ – Asset Disposal		and s151 Officer	based on a revised figure, with a completion set for 10 working days after. Any delays in allowing both parties to enter into contract runs the high risk of the purchaser coming back and seeking a further price reduction or at worst withdrawing (less likely) from the sale		
Letter of Support Year End Accounts 2022/23 – Brick by Brick Croydon Ltd	9123EM	Executive Mayor not in Cabinet	BBB need to submit their accounts by end of December and to ensure fully audited sign off the Auditors of BBB need the letter of comfort as that will assure them of the going concern for the entity.	14 December 2023	14 December 2023
Parking Policy – Adoption Of Policy	0124 SCRER	Corporate Director Sustainable Communities, Regeneration & Economic Recovery	Delaying this decision will impact on start of planned statutory consultation process for actions arising from the Parking Policy, and will impact the delivery of the transformation project.	19 March 2024	19 March 2024

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 five decisions 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
60 Vulcan Way, Croydon, CR9 0DB – Asset Disposal	0524RES	Corporate Director of Resources and s151 Officer	The decision is time sensitive as legals have been agreed by both parties and we are now in a position to exchange based on a revised figure, with a completion set for 10 working days after. Any delays in allowing both parties to enter into contract runs the high risk of the purchaser coming back and seeking a further price reduction or at worsts withdrawing (less likely) from the sale	22 February 2024
Update to Lease acquisition and Underlease disposal at Red Clover Gardens	0124EM	Executive Mayor Jason Perry	The Council will need to complete the deal by 31st May 2024 as detailed within the reports. Due to delays in completing the Underlease the Council has agreed to defer capital receipt related to the affordable blocks.	30 May 2024
Oracle Cloud Services	1424RES	Corporate Director of Resources and s151 Officer	For the reasons of commercial sensitivity and commercial timeliness urgency.	31 May 2024

Approval Of Steps To Comply With The Indemnity Land Transfer Agreement (Ilta) And Escrow Agreement For The Settlement Of Compulsory Purchase Order (Cpo) Compensation With L&G	0124PAR	Corporate Director of Sustainable Communities, Regeneration & Economic Recovery	For the reasons of commercial sensitivity and commercial timeliness urgency.	27 June 2024
Target Operating Model – procurement of a partner to produce a blueprint	1524EM	Chief Executive	<p>The 'Future Croydon' plan set a milestones to procure a Target Operating Model strategic partner in May 2024 and that strategic partner to deliver a Target Operating Model blueprint by September 2024. The IAP set the same September deadline for the Council and its also the deadline set by the Corporate Director of Resources & S151 Officer to inform the Medium Term Financial Strategy. Hence the need to move at pace.</p> <p>This award decision is designed to enable the supplier to start on site within two weeks to complete the work by the September deadline. This is a compressed timeline for this work and a delay puts at serious risk the September completion.</p>	29 May 2024

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. (01/07/2024)

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 Helen Reeves for Head of Strategy & Policy (Date 01/07/2023)

9. APPENDICES

9.1 There are no appendices to this report.