

Appendices: 0



**NORTHAMPTON**  
BOROUGH COUNCIL

# **COUNCIL**

## **15<sup>th</sup> September 2014**

**Agenda Status: Public**

**Directorate: Borough Secretary**

<b>Report Title</b>	<b>Exemption from call-in and urgent executive decisions.</b>
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### **1. Purpose**

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- 1.1 To report to Council on the use of the power contained in the Constitution to exempt a decision from call-in where the decision being taken is urgent.

### **2. Recommendations**

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- 2.1 Council is recommended to note the content of this report.

### **3. Issues and Choices**

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#### **3.1 Report Background**

- 3.1 When a decision is made by the Cabinet, or an individual Cabinet Member or a Key Decision is made by an Officer with delegated authority, that decision is subject to call-in for scrutiny. A decision may be implemented after the call-in period has expired, unless the Overview and Scrutiny Committee exercises the right to call-in within that period.
- 3.2 Paragraph 15.10 of the Overview and Scrutiny Procedure Rules in the Constitution sets out that the call-in procedure shall **not** apply where the decision being taken is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. It is necessary for the Mayor to agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- 3.3 The Overview and Scrutiny Procedure Rules require that decisions taken as a matter of urgency must be reported to the next available meeting of the Council. This report complies with this requirement.

- 3.4 Council is therefore asked to note that the Chief Executive made a delegated Key Decision on [19<sup>th</sup> August 2014] that was treated as a matter of urgency and was not therefore subject to call-in. The Mayor agreed that the decision was reasonable in all the circumstances and to it being treated as a matter of urgency. A summary of the decision is set out below:

*The approval of:*

- a) *an increase in the Capital Programme in relation to a key site within the Enterprise Zone to reflect the total project costs; and*
- b) *the Council granting, within a Lease, an option to purchase the Council's freehold reversion of a key site within the Enterprise Zone.*

- 3.5 The reason for the urgency was that if the Council was not able to enter into the necessary legal agreements at the time the decision was made, this could have endangered the Council's overall delivery of a key project which is an important part of the Council's Enterprise Zone programme.

- 3.6 The decision was exempt from publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

#### **4. Implications (including financial implications)**

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##### **4.1 Policy**

- 4.1.1 None.

##### **4.2 Resources and Risk**

- 4.2.1 None.

##### **4.3 Legal**

- 4.3.1 Contained within the body of the report.

##### **4.4 Equality**

- 4.4.1 There are no direct equality and diversity implications arising from this report.

##### **4.5 Other Implications**

- 4.5.1 None.

#### **5. Background Papers**

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- 5.1 None

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