

Subject: Urgent Decisions

Status: For Publication

Report to: Full Council

Date: 31st January 2007

Report of: Head of Planning, Legal and Democratic Services

Portfolio

Holder: Cabinet Member for Human Resources and Member Development

Key Decision: NO

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

1.1 This report fulfils the requirement under Paragraph 17.3 of the Access to Information Procedure Rules.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report do not directly impact on the corporate priorities.

3. RISK ASSESSMENT IMPLICATIONS

3.1 There are no specific risk issues for members to consider arising from this report.

4. BACKGROUND AND OPTIONS

4.1 The Council's Constitution specifies the process that must be followed when urgent decisions are required to be taken. The urgency rules form part of the Access to Information Procedure Rules in the Constitution.

4.2 The Access to Information Procedure Rules require that all key decisions are included in the Forward Plan for the month in which the decision is to be made. When a key decision is not included in the Forward Plan and cannot be deferred to the next month due to urgency, there are a number of options available to ensure that a decision may still be made in an open and transparent manner.

General Exception: Rule 15

Where a key decision is not included in the Forward Plan, it may still be made in accordance with Rule 15 of the access to information rules where:

- (a) The decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the Forward Plan relates; and
- (b) The Chief Executive has informed the Chair of the Overview and Scrutiny Management Committee, or if there is no such person, each Member of that Committee in writing, by notice, of the matter to which the decision is to be made; and
- (c) The Chief Executive has made copies of that notice available to the public at the offices of the Council; and
- (d) At least 3 clear days have elapsed since the Chief Executive complied with (a) and (b).

3 decisions under Rule 15 have been made from 1st April 2006 to date.

Special Urgency: Rule 16

Special Urgency Rules can also apply in exceptional circumstances (Rule 16 of the Access to Information Procedure Rules). This Rule applies when the requirements of Rule 15 cannot be complied with. In particular, the urgency of the decision means that 3 clear days cannot be given.

3 decisions under Rule 16 have been made from 1st April 2006 to date.

- 4.3 The Leader of the Council is required to submit a report to the Council on those decisions taken under the Rule 16 of the urgency provisions and a summary of those decisions, together with those taken under Rule 15, is attached at Appendix A.

5. COMMENTS OF THE HEAD OF FINANCIAL SERVICES

- 5.1 No specific comments.

6. COMMENTS OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

- 6.1 As set out in the report.

7. COMMENTS OF THE HEAD OF HUMAN RESOURCES

- 7.1 No specific comments.

8. CONCLUSION

8.1 The Council has complied with the Access to Information Procedure Rules in all uses of the Urgency Rules.

9. RECOMMENDATIONS

9.1 That the report be noted and that quarterly reports on urgent decisions be submitted to Full Council.

10. CONSULTATION CARRIED OUT

10.1 Portfolio Holder for Human Resources and Member Development

Contact Officer	
Name	Heather Moore
Position	Committee Services Manager
Service / Team	Democratic Services
Telephone	01706 252423
Email address	heathermoore@rossendalebc.gov.uk

Background Papers	
Document	Place of Inspection
Minutes of Cabinet Meetings	Website

Report Title and Date of Decision	Department	Decision Making Body	Reason why decision could not be deferred to next meeting	Overview and Scrutiny Chair Notification	Public Notice	3 clear days lapsed	Date Reported to Cabinet	Comment
Electric Contract	Facilities Management	Head of Legal and Democratic Services in consultation with the Leader of the Council and the Chair of Overview and Scrutiny	The prices had to be accepted within 24 hours in order that they remained valid	22/8/2006	N/A	No	19/9/2006	Rule 16 used
Gas Contract	Facilities Management	Head of Legal and Democratic Services in consultation with the Leader of the Council and the Chair of Overview and Scrutiny	The prices had to be accepted within 24 hours in order that they remained valid	22/8/2006	N/A	No	19/9/2006	Rule 16 used
Planning Policy Statement (PPS) 3 Housing	Development Control	Head of Planning, Legal and Democratic Services	It was important that the Council introduced and applied the Planning Policy Statement and the Lancashire County Council Planning Policy Paper at the earliest opportunity.	5/12/2006	6/12/2006	Yes	13/12/2006	Rule 15 used
Lancashire County Council Planning Policy Paper	Development Control	Head of Planning, Legal and Democratic Services	It was important that the Council introduced and applied the Planning Policy Statement and the Lancashire County Council Planning Policy Paper at the earliest opportunity.	5/12/2006	6/12/2006	Yes	13/12/2006	Rule 15 used

Recognition of local Taxi Associations by the Licensing Committee	Licensing	Head of Planning, Legal and Democratic Services in consultation with the Chair of the Licensing Committee and the Chair of Overview and Scrutiny	To ensure that local Taxi Associations were formally recognised by the Licensing Committee	8/12/2006	N/A	No	13/12/2006	Rule 16 used
Approval of tender for Robert Street Depot	Facilities Management	Cabinet	Authority to decide competing bids for the property had previously been delegated to the Head of Legal and Democratic Services, in consultation with the Portfolio Holder. However, on evaluation of the bids it was felt more appropriate for the full Cabinet to take the decision. Completion of the transaction and realisation of the capital receipt are urgent in terms of financing the Council's Capital Programme.	17/1/2007	18/1/2007	Yes	24/1/2007	Rule 15