

Subject: Urgent Decisions

Status: For Publication

Report to: Council

Date: 27th June 2007

Report of: Head of Planning, Legal and Democratic Services

Portfolio

Holder: Cabinet Member for a Well Managed Council

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 requires 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).

No decisions have been taken under Rule 15 since the last report to Council on 31st January 2007.

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 since the last report.

- 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 is attached at Appendix A.

5. COMMENTS OF THE HEAD OF FINANCIAL SERVICES

- 5.1 There are no immediate financial implications arising from the report.

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 There are no human resource matters relating to the report.

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.

10. CONSULTATION CARRIED OUT

- 10.1 Portfolio Holder for a Well Managed Council

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Background Papers	
Document	Place of Inspection
Minutes of Cabinet Meetings	Website

Details 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 considered by Cabinet	Comment
To approve the fees schedule set under the gambling Act 2005.	Licensing Section	The Cabinet	Licence fees under the Gambling Act 2005 must be published before 21 st May 2007.	15/5/07	N/A	No	6/6/07	Rule 16 used
To include a Grampian condition in the Agreement of Planning Application 2005/167	Development Control Section	Development Control Committee	At the Development Control Committee on 10 th April 2007 delegated authority was given to the Head of Planning, Legal and Democratic Services to sign the legal agreement for Planning Application 2005/167. The agreement was to be signed on 9 th May 2007.	1/5/07	N/A	No	6/6/07	Rule 16 used
Nomination of Bacup Town Centre as the Council's preferred location for the Pennine Lancashire Towns Squared Project.	Economic Regeneration Section	The Cabinet	Elevate had asked for locations to be nominated by 27 th April 2007.	25/4/07	N/A	No	25/4/07	Rule 16 used