

Full Council

21st May 2019



Report of: Tim O’Gara, Director – Legal & Democratic Services

Title: **Information Report – Decisions Taken Under Special Urgency Provisions**

Ward: Citywide

RECOMMENDATION

Full Council is asked to note the use of special urgency provisions (APR 16) in relation to decision that was been taken by Cabinet in respect of 2018/19 Period 10 Forecast Outturn Report on the 2nd April 2019



Background / information

1. Statute and the Council's Constitution provide that notification of key decisions that are intended to be taken by the Executive must be published 28 days before the decision is taken, and that the papers in relation to that decision must be published not less than 5 working days before the decision to be taken.
2. There are, however, exceptions in law and the Constitution to these timescales so that shorter notice can be given in certain circumstances.
3. The Constitution provides (Access to Information rules APR15), that if a matter which is likely to be a key decision has not been included in the Forward Plan (to give 28 days' notice), the decision may still be taken if:
 - (a) The decision must be taken by such a date that it is impracticable for it to be deferred until it can be included in the next Forward Plan;
 - (b) The Proper Officer has given notice to the chair and members of a relevant Overview and Scrutiny body in writing, of the matter to which the decision is to be made;
 - (c) The Proper Officer has made copies of that notice available to the public at the offices of the Council; and
 - (d) At least five clear working days have elapsed since the Proper Officer complied with (a) and (b).
4. If an urgent decision needs to be taken and 5 clear working days cannot be given as set out in APR 15 above, APR 16 provides that in cases of special urgency a decision may still be taken if the decision taker obtains the agreement of the chair of a relevant Overview and Scrutiny body that the taking of the decision cannot be reasonably deferred.
5. The Constitution also requires that cases where special urgency provisions (APR 16) have been required will be reported to the Full Council for information.
6. This report informs Full Council of the following decision taken under special urgency provisions in April 2019. Notice of the decision was on the forward plan but not as a key decision.

APR 16 – 2018/19 Period 10 Forecast Outturn Report – 2nd April 2019

Decision:

- **Cabinet approved the allocation of an additional £1.0m budget to provide for Clean Streets action plan as per the supplementary estimate set out in Appendix B.**
- Cabinet noted the overall forecast outturn position for general funded services is an underspend of (£0.7m) which is 0.2% of the revised budget (Appendix A -Table 1). This will be managed as part of the final accounts by reviewing the planned movements to and from reserves that have been assumed in the forecast.
- Cabinet noted the forecast underspend position with regard to the Housing Revenue Account has increased by a further (£3.3m) to a forecast year end position of (£9.7m) (Appendix A4).
- Cabinet noted the movement in the DSG forecast of £0.3m, which reduces the forecast carry forward underspend to (£0.1m) (Appendix A5).
- Cabinet noted the further reduction in required drawdown from Public Health reserve to £1.7m, from an original plan of £1.8m (Appendix A6).

- Cabinet noted the current forecast capital spend of £145m against the capital programme budget of £161m (Appendix A – Table 3).
- Cabinet noted the forecast net drawdown in reserves of £22.6m (Appendix A - Table 4).