

NOTIFICATION OF SPECIAL URGENCY DECISION

(Decision not included in the Forward Plan that can only be taken if the decision taker obtains the agreement of the Chair of Overview & Scrutiny Committee that the decision cannot be reasonably deferred)

ORIGINATOR'S DETAILS

Name & Contact details – Ian Young, Departmental Finance Manager,
020 7525 7849

DETAILS OF THE REPORT

Title and brief description of the nature of the business to be considered

Thames Water – Refund of Overpayments and Future Arrangements

This report seeks approval to refund any overpayments to former tenants 1 April 2001 July 2013, and with interest covering the period 1 April 2001 to 30 June 2016.

1. Why has this decision been delayed until now?

The legal-verdict relating to this issue was made on 4 March 2016. Since then officers have been considering the implications of the verdict and the appropriate way forward. Agreement of the proposed way forward was reached in May 2016 which was after the deadline for items to be included in the June forward plan. The intention was for notice of the decision to be given by way of a general exception notice. However due to a technical oversight the notice was not issued by the deadline, therefore the use of the special urgency provision is now required before the decision can be taken.

2. Why can't the decision be reasonably deferred?

The next forward plan relates to decisions to be taken in July 2016 onwards. The decision cannot wait until then due to the urgency to start the process of immediately refunding current tenants, with interest calculated under the provisions of the Water Resale Order 2006. The report is scheduled to be considered by cabinet on 7 June 2016.

3. How long has the department known the decision was to be taken?

March 2016.

4. If scheduled on the forward plan for a particular period, what's changed to make it so urgent now?

The decision was not listed on the forward plan for the reasons set out in paragraph 1 above.

5. Why is it important that this decision is taken now?

The report is on the cabinet agenda for 7 June 2016. The intention is for the overpayments to be refunded as soon as possible following decision by cabinet. The next cabinet meeting is not scheduled to meet until 19 July 2016.

6. What is the potential cost to the council if the decision is delayed?

Part of the refund scheme involves the payment of interest covering the period 1 April 2001 to 30 June 2016 on the basis that the decision was due to be taken by cabinet on 7 June 2016. If the decision is delayed until 19 July then there is potential for additional interest costs to be incurred.

Date decision to be taken on – 7 June 2016

Declaration

I agree/disagree* with the Chief Officer/Head of Service that the proposed decision is reasonable and that it can be treated as a matter of urgency.

Reason for refusal

Signed



Dated 03/06/2016

Chair of Overview & Scrutiny Committee

Please note reasons for refusal, additional points or further action required (as appropriate)

I accept the explanation given and acknowledge that this was an administrative error. My only comment would be that that procedures are in place to ensure this isn't repeated.

I also note that the Housing Scrutiny Sub-Committee may well be looking at the substantive issue as part of their work programme, though clearly this is separate from the procedural issue in question here. I have copied in the Chair of housing scrutiny on this notice, for his information.

