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| Item No. 7.5 | Classification: Open | Date: 27 March 2013 | Meeting Name: Council Assembly |
| Report title: | | Special Urgency and Urgent Implementation Decisions – Annual Report | |
| Ward(s) or groups affected: | | All | |
| From: | | Proper Constitutional Officer | |

RECOMMENDATION

1. That council assembly notes the schedule of special urgency and urgent implementation decisions (Appendix 1) taken in accordance with overview and scrutiny procedure rules 18 and 19.

BACKGROUND INFORMATION

2. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires local authorities to consider an annual report detailing each executive decision where the making of the decision was agreed as a special urgency decision.
3. Special urgency decisions are decisions that need to be taken within five clear working days; i.e. the requirements of Access to Information Procedure Rule 17 (general exception) on notice cannot be complied with. The decision will be subject to call-in.
4. The procedure for special urgency decisions is set out in Rule 18 of the Access to Information Procedure Rules. It states:-

“If the date by which a decision must be taken means that rule 17 (general exception) cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of the overview and scrutiny committee that the taking of the decision cannot be reasonably deferred.

If there is no chair of the overview and scrutiny committee, or the chair of each relevant overview and scrutiny committee is unable to act, then the agreement of the mayor of the council, or in his/her absence the deputy mayor will suffice.”

5. Urgent implementation decisions are decisions that whether they have been included on the forward plan or not, need to be implemented immediately by virtue of the urgency of the actions that need to be taken. The decision will not be subject to call-in. Decisions taken under urgent implementation are not required to be reported to council assembly, however as urgency also applies these have been included.

6. The procedure for urgent implementation is set out in Rule 19 of the Access to Information Procedure Rules. It states:-

“If a decision needs to be implemented immediately by virtue of the urgency of the actions that need to be taken, then the decision can only be taken if the decision maker (if an individual) or the chair of the body making the decision obtains the agreement of the chair of overview and scrutiny committee both that the decision proposed is:

- a) reasonable in all circumstances
- b) to be treated as a matter of urgency.”

KEY ISSUES FOR CONSIDERATION

7. The schedule listed as Appendix 1 contains details of those decisions which have been considered under the provisions of special urgency and or urgent implementation since May 2012 Constitutional Council.

Community impact statement

8. There are no community impact implications arising from this report.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|---|-----------------------------|
| Special Urgency and Urgent Implementation Decisions http://modern.gov.southwark.gov.uk/mgListPlans.aspx?RPId=50000003&RD=0 | Council Offices, 160 Tooley Street, SE1 2QH | Sean Usher 020 7525 5338 |

APPENDICES

| No. | Title |
|------------|---|
| Appendix 1 | Schedule of Special Urgency and Urgent Implementation Decisions |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Ian Millichap, Constitutional Manager | |
| Report Author | Everton Roberts, Constitutional Officer | |
| Version | Final | |
| Dated | 12 March 2013 | |
| Key Decision? | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments sought | Comments included |
| Director of Legal Services | No | No |
| Strategic Director of Finance and Corporate Services | No | No |
| Cabinet Member | No | No |
| Date final report sent to Constitutional Team | 13 March 2013 | |