

Reporting of Urgent Decision

Report of the Democracy and Governance Portfolio Holder

Recommended:

That the urgent decision set out in the Annex to the report, which was taken by the Chief Executive, in consultation with the Leader, be noted.

SUMMARY:

- The Council's Constitution delegates power to the Chief Executive in consultation with the Leader to take decisions in urgent or emergency situations.
- This power is subject to reporting those decisions back to Council, Cabinet or the Committee concerned.
- This report contains details of an urgent decision made by the Chief Executive in consultation with the Leader which Council is asked to note.

1 Introduction

- 1.1 The need has arisen for an urgent decision to be taken by the Chief Executive in consultation with the Leader to benefit from a grant award and planting of trees across the borough.
- 1.2 These decisions must be reported back to Council and this report fulfils that requirement.

2 Background

- 2.1 Under the Constitution, the Chief Executive in consultation with the Leader is delegated power to take urgent decisions.
- 2.2 Delegation (2) of the "Delegations to Chief Executive" reads:

"To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council's functions subject to:

 - (i) the matter being regarded as an emergency or urgent situation; and
 - (ii) a report back to the Council, Cabinet or Committee concerned.
- 2.3 The requirement to make decisions associated with the ability to complete the tree planting works in accordance with the obligations set out in the memorandum of understanding for Local Authority Treescapes Fund and in a timely fashion can properly be considered an "emergency or urgent situation" for the purposes of the above delegation.

- 2.4 This decision was by its very nature urgent based on the timing and compliance with the grant fund whereby the trees need to be planted by the end of the current planting season in February. This timescale would put in jeopardy our ability to complete this planting and therefore risk losing the external grant funding.
- 2.5 A copy of the Written Statement of Decision is attached as an Annex to this report. The Statement sets out the full details of the decision made and the reasons for that decision.
- 2.6 All decisions are available on the Council's website.

3 Corporate Objectives and Priorities

- 3.1 The appended decision is necessary to enable the Council to continue to fulfil its functions, cutting across all of the Council's corporate objectives and priorities at a time of national emergency.

4 Consultations/Communications

- 4.1 No consultation has taken place on this report. Any consultation undertaken was recorded in the Statement of Decision.

5 Options and Option Appraisal

- 5.1 This report is for noting only. The decision to delegate authority to the Head of Community and Leisure in consultation with the Portfolio Holder for Climate Change and Countryside; the Portfolio Holder for Community, Leisure and Tourism has been agreed. The decisions made pursuant to the urgency delegation are required to be reported to Council.

6 Risk Management

- 6.1 A Risk Management questionnaire has been completed and indicates this report does not require a risk assessment because the changes/issues covered by this report are not significant in terms of risk or have previously been considered.

7 Resource Implications

- 7.1 There are no resource implications of this report. The resource implications of the decision, where appropriate, was considered in the Written Statement of Decision.

8 Legal Implications

- 8.1 Similarly, there are no legal implications of this report. Any legal issues which were taken account in the decision making are recorded in the Written Statement of Decision. The Council's Constitution requires those decisions to be reported back to Council, Cabinet or other Committee.

9 Equality Issues

9.1 No equality issues arise as a result of this report. Any equality issues arising as a result of the decision appended are addressed within the Statement of Decision.

10 Other Issues

10.1 No other issues are apparent.

11 Conclusion and reasons for recommendation

11.1 This document reports to Council the urgent taken by the Chief Executive in consultation with the Leader. Council is asked to formally note this report.

<u>Background Papers (Local Government Act 1972 Section 100D)</u> None			
<u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Portfolio: Democracy and Governance) Councillor N Lodge			
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Report to:	Council	Date:	17 January 2024