

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal and Governance Services
Submitted to:	Council
Date:	11 September 2024
Title:	Update on Urgent Decisions
Report for:	Information
Status:	Public
Council Plan priority:	Delivering Best Value

Proposed decision(s)
No decision is required. Council is asked to note the decisions that have been taken under urgency rules.

Executive summary
The Constitution requires the Council to be provided with an update with regard to any urgent decisions that have been taken.

1. Purpose

1.1 The report provides details of decisions that have been taken under the urgency rules.

2. Recommendations

2.1 That the Council
Notes the decisions that have been taken under the urgency rules.

3. Rationale for the recommended decision(s)

3.1 The Constitution requires the Council to be provided with an update with regard to any urgent decisions that have been taken.

4. Background and relevant information

4.1 SPECIAL URGENT DECISIONS

A special urgent decision is where the required statutory notice of the proposed decision cannot be given (i.e. it is not possible to give the five days public notice). A decision is defined as urgent where any delay likely to be caused by the call-in process would seriously prejudice the interests of the Council or the public. In terms of the Scrutiny call-in procedure, agreement that the decision cannot be reasonably deferred is always sought from the Chair of Overview and Scrutiny Board or the relevant Scrutiny Panel. Once this agreement is obtained, a copy of the notice is placed on the Council website. The decision taker must sign a form recording the decision and a record of that decision is then published. The information is available on the Modern Gov system or via the Council website. There have been two special urgent decisions since the last report to Council on 27 March 2024:

Date:	1 May 2024
Decision Maker	Executive
Decision	Garden Waste Subscription Service – Additional Bin Purchase
Reason for Urgency	<p>The decision is required as demand for the service has surpassed expectations and as a result additional urgent brown garden bins are required to cope with the increased demand. If the bins were not ordered urgently, then the Council would not be able to fulfil the orders of all residents who have signed up to the subscription service, would not be able to enable any additional residents to sign up for the service from this point forward or enable any future subscriptions at a later date. The order of the additional bins is urgent as the garden waste subscription service commenced from 1st April however not all residents who have signed up to the service have received a new garden waste bin due to the increased demand and therefore are at risk of missing numerous garden waste collections when they have paid for the service.</p> <p>The decision is unable to comply with the notice periods in part 6.22 or the forward work programme requirements in part 6.32 of the Constitution. The general exception in 6.35 cannot be followed as the decision must be made urgently to fulfil orders, enable additional orders to be made and to ensure waste collection is carried out to subscribers.</p> <p>Therefore the request is made for an exemption for special urgency for the decision under Part 6.36 of the Constitution.</p>

Date:	1 May 2024
Decision Maker	Executive
Decision	Household Support Fund 2024
Reason for Urgency	<p>The special urgent decision is required as Central Government advised of a further round of the Household Support Fund (HSF) in the Spring Budget. This funding was due to end, therefore the decision by Central Government to continue has only just been made, hence the short timescale for implementation.</p> <p>Following direction from Central Government, the scheme for 24/25 requires Executive approval and until such approval is provided the Local Authority is prevented from distributing any funds.</p> <p>In addition the Department of Work and Pensions (DWP) require confirmation of an approved delivery plan by 10 May 2024.</p> <p>The decision is unable to comply with the notice periods in part 6.22 or the forward work programme requirements in part 6.32 of the Constitution. The general exception in 6.35 cannot be followed as the decision must be made urgently to approve the Household Support Fund and delivery plan, for submission of the delivery plan to DWP, to start to distribute the funds to vulnerable residents and deliver the scheme as a matter of urgency.</p> <p>Therefore the request is made for an exemption for special urgency for the decision under Part 6.36 of the Constitution.</p>

4.2 URGENT DECISIONS

An urgent decision is where the required statutory notice of the proposed decision can be given but due to urgent deadlines for implementing those decisions, the Scrutiny call-in procedure do not apply. Agreement is always sought from the Chair of Overview and Scrutiny Board or relevant Scrutiny Panel to exempt the proposed decision from the call-in process. The decision then becomes a public record. The information is also available on the Modern Gov system or via the Council website. There have been no urgent decisions taken since the last report to Council on 27 March 2024.

5. Other potential alternative(s) and why these have not been recommended

- 5.1 Do Nothing: That an update on urgent decisions is not provided to full Council. This would not comply with the requirements for details of any urgent decisions that have been taken and the reasons for urgency, to be reported to full Council.

Impact(s) of the recommended decision(s)

5.2 Financial (including procurement and Social Value)

There are no financial implications arising from the content of this report.

5.3 Legal

The Constitution requires regular updates on urgent decisions that have been taken to be submitted to full Council.

5.4 Risk

Failure to adhere to Local Code of Corporate Governance and deliver governance improvements outlined in the Annual Governance Statement.

If updates on urgent decisions were not provided to Council, it would not be in accordance with the requirements of the Constitution.

5.5 Human Rights, Public Sector Equality Duty and Community Cohesion

No protected groups are affected by the decision.

5.6 Climate Change / Environmental

Not applicable.

5.7 Children and Young People Cared for by the Authority and Care Leavers

Not applicable.

5.8 Data Protection

Not applicable.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Report is for noting only.		

Appendices

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2	
3	

Background papers

Body	Report title	Date
Executive	Garden Waste Subscription Service – Additional Bin Purchase	1 May 2024
Executive	Household Support Fund 2024	1 May 2024

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