



COUNCIL: 14 December 2016

Report of: Borough Solicitor

Contact for further information: Mrs J Denning (Extn. 5384)
(E-mail: jacky.denning@westlancs.gov.uk)

SUBJECT: EXECUTIVE DECISIONS – SPECIAL URGENCY

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To advise that, for the period 1 December 2015 to 30 November 2016, two decisions had been made in relation to Access to Information Procedure Rule 16 (Special Urgency) and to provide relevant details of these.

2.0 RECOMMENDATION

2.1 That it be noted that Access to Information Rule 16 (Special Urgency) was exercised twice during the period 1 December 2015 to 30 November 2016.

3.0 ACCESS TO INFORMATION PROCEDURES

3.1 In accordance with Access to Information Procedures, Key Decisions undertaken by the Executive (Cabinet) must be included on the Forward Plan. If the matter has not been included on the Forward Plan, Procedure Rule 15 (General Exception) still allows the decision to be taken when the specified safeguards are met.

3.2 Access to Information Procedure Rule 16 (Special Urgency) states:

“If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual), the Leader (if the Cabinet is making the decision) or the Chairman of the body making the decision:

- (a) obtains the agreement of the Chairman of a relevant Overview and Scrutiny Committee; or
- if there is no Chairman of the relevant Overview and Scrutiny Committee; or
- if the Chairman of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council (the

Mayor), or in his/her absence the Vice Chairman (the Deputy Mayor) that the making of the decision is urgent and cannot reasonably be deferred; and

- (b) makes available on the Council's website and at the Offices of the Council a notice setting out the reasons that the meeting/decision is urgent and cannot reasonably be deferred."

3.3 In accordance with the 'Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, any decisions taken under 'Special Urgency' must be reported to Council annually.

3.4 I can advise that Procedure Rule 16 (Special Urgency) was exercised twice in the period 1 December 2015 to 30 November 2016.

3.4.1 The first item considered on 2 February 2016 was in relation to a joint report from the Interim Borough Solicitor and the Interim Director Housing and Regeneration in respect of "Request for Funds – Opposition to Extension of Whitemoss Landfill Site, Skelmersdale." This item could not reasonably be deferred due to a late request for funding to enable representation at a Court hearing on 16 February 2016.

3.4.2 The second item considered on 13 September 2016 was in relation to a joint report from the Director of Development and Regeneration and the Borough Solicitor in relation to a Planning Appeal Decision Regarding Land to the East of Prescott Road, Aughton, as this item could not reasonably be deferred as the matters concerned a potential legal challenge, under Section 288 of the Town and Planning Act 1990, to a decision of the Secretary of State's Planning Inspectorate, with strict time limits, expiring on 29 September 2016, which was not capable of being met if a decision was delayed.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

4.1 There are no significant sustainability impacts associated with this report and no significant impact on crime and disorder.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 There are no significant financial/resource implications arising from this report other than officer time in dealing with these matters.

6.0 RISK ASSESSMENT

6.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this report.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

None.