

Report to Council

11 October 2023

By the Leader of the Council

INFORMATION REPORT



**Horsham
District
Council**

Not Exempt

Report on Special Urgency Decision

Executive Summary

This report is to inform members that an urgent decision was taken at my cabinet meeting on 28 September 2023.

Recommendations

That the Council is recommended:

- i) To note that the Cabinet agreed, as a matter of special urgency, to the contract award in relation to top deck resurfacing works at the Swan Walk Car Park

Reasons for Recommendations

- i) To report that cabinet made an urgent decision
- ii) To ensure constitutional compliance

Background Papers

Report to Cabinet 28 September 2023- Swan Walk Car Park Works - contract award and budget allocation

Special Urgency Notice – 27 September 2023

Wards affected: All

Contact: Aisha Nottage, Democratic Services & Elections Manager, 01403 215562

Background Information

1 Introduction and Background

- 1.1 The provisions contained in the constitution provide that decisions taken, as a matter of special urgency, must be reported to the council.
- 1.2 The cabinet made one such decision at its meeting on 28 September 2023.

2 Relevant Council policy

- 2.1 Rule 4c.26 of the Overview and Scrutiny Procedure Rules (contained in the council's constitution) stipulates that decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

3 Details

- 3.1 At its meeting on 28 September 2023, the Cabinet decided to award a works contract in relation to resurfacing works at the Swan Walk Car Park.
- 3.2 The subject contract award constitutes a key decision. Local Authorities are required, broadly, to provide details of any key decisions and these are to be made available for public inspection at least of 28 clear days prior to the date the relevant decision is made.
- 3.3 That said, key decisions may be taken in contravention of the above noted provisions if, broadly, (i) it was impracticable to comply with these requirements, and, (ii) 5 clear days' notice of the intention to make a decision has been given.
- 3.4 It was impracticable to comply with the above-noted requirements as the contract needed to be awarded as a matter of urgency and the decision could not be reasonably deferred.
- 3.5 This is because the car park is currently exposed to inclement weather potentially causing deterioration to the top deck of the car park, as well as allowing water through to the lower floors which is a safety concern. The spaces on the top deck are presently unusable and are required for the Christmas period when there will be an increased parking demand. Therefore, the works need to be concluded as a matter of priority.
- 3.6 Accordingly, I obtained the agreement of the Chairman of the Overview and Scrutiny Committee that the required decision (to award the contract) is urgent and cannot be unreasonably deferred.
- 3.7 As such, the purpose of this report is to report to council that cabinet made a decision as a matter of special urgency.

4 Next Steps

- 4.1 This matter of special urgency will be reported to Council in May, as part of the Annual report on matters of special urgency.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The reporting of a decision taken as a matter of urgency does not comprise policy development and, as such, the views of any Policy Development Advisory Groups have not been sought.

6 Other Courses of Action Considered but Rejected

- 6.1 No other courses of action were considered appropriate as the provisions of the constitution require that urgent decisions are reported to the council.

7 Resource Consequences

- 7.1 There are no resource consequences in relating to the reporting of this item.

8 Legal Considerations and Implications

- 8.1 Rule 4c.26 of the Overview and Scrutiny Procedure Rules provides that decisions taken as a matter of urgency are reported to the next available meeting of the Council, together with the reasons for urgency.

9 Risk Assessment

- 9.1 There are no risks associated with reporting the urgent item to the council.

10 Procurement implications

- 10.1 There are no procurement implications associated with reporting the urgent item to the council.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 There are no such implications in relation to reporting the urgent item to the council.

12 Environmental Implications

12.1 There are no environmental implications in relation to reporting the urgent item to the council.

13 Other Considerations

13.1 There are no other considerations.