

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Use of Special Urgency Provisions
Meeting/Date: Council – 27 July 2016
Executive Portfolio: Executive Leader
Report by: Executive Leader
Ward(s) affected: All

Executive Summary:

It is a requirement within the Council's Constitution that executive decisions taken as a matter of special urgency be reported annually to the Council by the Executive Leader.

Recommendation:

The Council is invited to comment and note the information report.

1. PURPOSE OF THE REPORT

- 1.1 To notify the Council of any key decisions taken throughout the year although not included in the Notice of Executive Decisions.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 If a matter likely to be a key decision has not been included in the Notice of Key Decisions, subject to Rule 16 (Special Urgency) of the Council's Constitution, the decision may be taken if the Chairman of the relevant Overview and Scrutiny Panel is in agreement that taking the decision cannot reasonably be deferred.
- 2.2 Having received the agreement from the Chairman of the relevant Overview and Scrutiny Panel a Notice to this effect is made available at the District Council's Offices and published on the Council's website as per the requirements of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 2.3 In addition to the Council's Constitution, under 100b (4)(b) of the Local Government Act 1972 an item of business may not be considered at a meeting unless by reason of special circumstances, which shall be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 2.4 As per the Council's Constitution any decisions taken as a matter of urgency must also be reported to the next available meeting of the relevant Overview and Scrutiny Panel, together with the reasons for urgency.

3. ANALYSIS

- 3.1 Since 1 July 2015 a key decision has been taken once using the special urgency provisions.
- 3.2 The Cabinet gave consideration to an exempt report by the Head of Resources regarding a Commercial Investment Strategy asset at its meeting on 21 April 2016 based on the reasons as contained within the exempt report, the dates of future Cabinet meetings and an imminent decision being required.
- 3.3 During 2015 the Cabinet approved the Disposal and Acquisition Policy which provides the framework for the purchase and sale of land and property assets; the Commercial Investment Strategy (CIS) which is the framework for investing in a wide portfolio of commercial type properties that will provide a long-term revenue stream for the Council; and the CIS Business Plan, which is the blueprint for how the Council plans to meet the objectives of the CIS.
- 3.4 Since the approval of the CIS Business Plan, the Council had invested £3.9m in CIS related assets (£2.5m in the Churches, Charities and Local Authorities Local Authority Mutual Investments Trust Property Fund and £1.4m in an industrial property at No 2, Stonehill, Stukely Meadows, Huntingdon). As part of continued investment in the CIS, the Council considered investment in an office complex in Hitchin, Hertfordshire.
- 3.5 Following financial modelling and due diligence work a 'without prejudice' bid was submitted. On 18 April 2016 the Council received confirmation that the bid had been successful and therefore approval by the Cabinet to purchase the property was required as the value exceeded £2.0m. The acquisition or disposal

of land or property with a value in excess of £2.0m must be considered as a key decision.

- 3.6 Confirmation that the bid had been successful was received subsequent to the publication of the Cabinet agenda for the meeting on 21 April 2016. Therefore the item of business was considered under the Special Urgency Provisions - Section 16 of the Access to Information Procedure Rules, as contained in the Council's Constitution, in accordance with Section 100B (4)(b) of the Local Government Act 1972.
- 3.7 As a consequence of the local elections on 5 May 2016, the next Cabinet meeting that would receive a report of this nature would have been in June 2016, which would have been too late and might have been detrimental to the purchase of the property.
- 3.8 Having approved the purchase of the office complex in Hitchin the key decision made by the Cabinet was published. Decisions made under urgency provisions are not subject to call-in.
- 3.9 To accord with the Council's Constitution, a report was also presented to the Overview and Scrutiny Panel (Performance and Customers) on 6 June 2016. The report was an exempt document as the decision was commercially sensitive.

4. REASONS FOR THE RECOMMENDED DECISIONS

- 4.1 It is a requirement within the Council's Constitution that executive decisions taken as a matter of special urgency be reported annually to the Council by the Executive Leader.

5. LIST OF APPENDICES INCLUDED

- 5.1 None.

BACKGROUND PAPERS

EXEMPT REPORT Agenda Item No.8 – Commercial Investment Strategy Asset – Cabinet Meeting – 21 April 2016:

<http://moderngov.huntsdc.gov.uk:8070/ieListDocuments.aspx?CId=256&MId=5687&Ver=4>

EXEMPT REPORT Agenda Item No.9 - Report Regarding Use of Special Urgency Provisions – Overview and Scrutiny Panel (Performance and Customers) - 6 June 2016:

<http://applications.huntingdonshire.gov.uk/moderngov/ieListDocuments.aspx?CId=10225&MId=6130>

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