



## FULL COUNCIL

Wednesday 27 January 2021

### SUMMARY OF URGENT EXECUTIVE DECISIONS

#### EXECUTIVE SUMMARY

This report informs the Council of the urgent decisions made by the Executive, from January 2020 to January 2021, as required by The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2019 (the Regulations), and by paragraph 22.1 of the Access to Information Procedure Rules which are set out in Part 3 of the Council's Constitution.

Is the report Open or Exempt?	Open
<b>Wards Affected:</b>	All Wards in the District
<b>Cabinet Member:</b>	Councillor Steve Gallant Leader of the Council
<b>Supporting Officers:</b>	Hilary Slater Head of Legal & Democratic Services & Monitoring Officer 01394 444336 <a href="mailto:Hilary.slater@eastssuffolk.gov.uk">Hilary.slater@eastssuffolk.gov.uk</a>  Karen Cook Democratic Services Manager 01394 444326 <a href="mailto:Karen.cook@eastssuffolk.gov.uk">Karen.cook@eastssuffolk.gov.uk</a>

## 1 INTRODUCTION

- 1.1 Details of key decisions made by the Executive must be given at least 28 clear day's notice of, in a prescribed form, on the Council's Forward Plan. If it is not possible to give the requisite notice, Regulations 9, 10 and 11 say that those decisions can still be made, if the Chairman of the Scrutiny Committee agrees that they are urgent and cannot reasonably be deferred.
- 1.2 If key decisions are to be made at "private meetings" of the Cabinet, from which the public will be excluded, Regulation 5(6) provides that 28 clear days' notice must be given of that private meeting. If it is not possible to give 28 days' notice of a private meeting, it can still be held, if the Chairman of the Scrutiny Committee agrees that the meeting is urgent and cannot reasonably be deferred.
- 1.3 Section 19 of the Regulations requires that the Executive Leader must submit a report to Full Council, periodically, which contains details of the urgent Executive decisions which have been made. A report submitted for the purposes of Regulation 19 must include particulars of each decision made and a summary of the matters in respect of which each decision was made. The Leader must submit at least one report under Regulation 19 annually to the relevant local authority.
- 1.4 This requirement is reflected in paragraph 22.1 of the Access to Information Procedure Rules which are set out in Part 3 of the Council's Constitution. The report will include details of each decision made and a summary of the matters in respect of which each decision was made.
- 1.5 Within five working days of the date of publication of an Executive decision the decision may be called-in for review of the decision by the Scrutiny Committee. However, the call-in procedure, as set out within the Council's Constitution (Scrutiny Procedure Rules, paragraph 12, Call-in and Urgency) states that the call-in procedure shall not apply where the decision being taken by the Cabinet is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. The Chairman of the Council must agree both the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- 1.6 This report contains a list of urgent decisions made between January 2020 and January 2021, below.

Date of Notice	Type of Decision	Date of Decision	Decision Maker	Matter
7 July 2020	Regs 9, 10 & 11	7 July 2020	Executive	<b>Towns Fund Capital Projects Grant 2020/2021</b> – ESC needed to confirm acceptance and to set out a plan of spend for an advanced Government Towns Fund capital grant of £750,000 for Lowestoft to Government by no later than 14 August 2020. Failure to respond by the required time would have resulted in forfeit of the grant.
30 July 2020	Regs 5(6), 9, 10 & 11	13 August 2020	Executive	<b>Claremont Pier, Lowestoft – Surrender and Renewal of Head Lease</b> - ESC needed to confirm acceptance and to set out a plan of spend for an advanced

				Government Towns Fund capital grant of £750,000 for Lowestoft to Government by no later than 14 August 2020. This confirmation to Government needed to include confirmation by the S151 Officer that spending was in line with the towns fund intervention framework and that the project could be delivered in the current financial year. Failure to respond by the required time would have resulted in forfeit of the grant.
21 August 2020	Regs 9, 10 & 11	1 September 2020	Executive	<b>Felixstowe Business Improvement District</b> - ESC needed to consider a proposal that related to the creation of a Business Improvement District in Felixstowe. The creation of a BID in Felixstowe would act as a key vehicle to enhance the trading environment within the town centre and resort area of the town. Furthermore, it would address the current challenges being experienced within the town centre which had been exacerbated by the Covid pandemic. The reason for urgency was that ESC needed to go out to ballot in mid-October.
Not applicable	ESC Scrutiny Procedure Rules	21 September 2020	Executive	<b>Development Consent Order Process for EDF Energy/Szc Co. Sizewell C New Nuclear Power Station</b> – ESC was a statutory consultee in the DCO process. The Secretary of State for Business, Energy, and Industrial Strategy would make the final decision on the proposals, based on the recommendation of the Examining Authority following an examination process. The final date for the RR to be submitted and received was 30 September 2020.  The RR was a key document for ESC, and one which had emerged taking account of a wide range of views and changing circumstances.

				<p>As part of the consultation and preparation of the emerging RR, it was considered important that all Members of the Council be given the opportunity to comment on it. Ordinarily, such matters would be considered by the Council's Strategic Planning Committee. Given the impact of the application on the whole of the district, the draft RR was considered at an extraordinary meeting of the Council held on 3 September 2020. At this meeting, the draft RR was endorsed, as a work in progress, alongside any updates or revisions to the said document, as detailed in the discussions at the meeting, so that they could be considered by the Deputy Leader and Cabinet Member for Economic Development and the Head of Planning and Coastal Management, and then they could be attached and reported for consideration by Cabinet at its extraordinary meeting on 21 September 2020. Therefore, as full an engagement as possible with all of the Members of the Council was achieved and the views of Council could be included in the finalised version of the RR, which was agreed by Cabinet on 21 September 2020. Due to the urgency referred to above, and in accordance with the Council's Constitution (Scrutiny Procedure Rules) the Chairman of the Council agreed to the Cabinet's decision being exempt from call-in.</p>
23 October 2020	Regs 5(6), 9, 10 & 11	3 November 2020	Executive	<p><b>Parking Services – Off Street Parking Order</b> – ESC needed to consider an exempt key decision report about the East Suffolk Off Street Parking Order which was made and came into force in August 2020. The reason why the decision was urgent and could not reasonably be deferred was that ESC needed to consider variations to the Order and these variations were likely to be significant in their effects on communities</p>

				<p>living or working in two or more wards in the district. ESC wanted to be able to make the variations to the Order as soon as practical, to provide clarity, certainty and accuracy.</p>
<p>23 December 2020</p>	<p>Regs 5(6), 9, 10 &amp; 11 ESC Scrutiny Procedure Rules</p>	<p>5 January 2021</p>	<p>Executive</p>	<p><b>Approval to Enter into Agreements with Landowners Related to the Lowestoft Flood Risk Management Projects</b> - ESC is the Lead Authority for the project and will both own and be responsible for the tidal flood defence assets that will be constructed as a result. The total package of funding for the project is £67M, with £43.5million having been approved by central Government towards the overall costs. However, a condition of the Government's funding is that the works for it must be completed by March 2026. Therefore, the project has had to move at pace to meet the requirements of the funding. it is important that the project be delivered whilst enabling the Port of Lowestoft to remain fully operational, with minimal disruption to it, and the town. This means that there are strict windows of opportunity to deliver key works. With this in mind, there is a tight timetable for the programme of works which are required.</p> <p>To miss this milestone on the project plan would incur slippage in the programme and cost implications. Detailed negotiations with landowners, about these agreements, have been ongoing since July 2020. As is often the case, negotiations can only proceed as fast as the other side to those discussions will allow. However, ESC was looking to conclude these agreements by 8 January 2021, if possible, to prevent an adverse impact on the project's timetable, and for the marine ground investigations to commence on-time. Further</p>

				<p>agreements will also be necessary with a number of landowners to allow for the works to the tidal walls to happen, and again, ESC is looking to complete these by 8 January 2021, if possible.</p> <p>Due to the urgency and in accordance with the Council's Constitution (Scrutiny Procedure Rules) the Chairman of the Council, on 23 December 2020, agreed to the Cabinet's decision being exempt from call-in.</p>
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## **2 HOW DOES THIS RELATE TO THE EAST SUFFOLK STRATEGIC PLAN?**

- 2.1 The Summary of Urgent Executive Decisions report is a legislative requirement, and compliance with it ensures good governance. Also, the report makes clear why a very small number of the Cabinet's decision have been made on an urgent basis. This provides clarity and openness, and the urgent decisions themselves have assisted the Council, directly, to meet its priorities as set out in its Strategic Plan.

## **3 FINANCIAL AND GOVERNANCE IMPLICATIONS**

- 3.1 This report informs Council of the urgent decisions made by the Executive during the period January 2020 to January 2021.

## **4 OTHER KEY ISSUES**

- 4.1 An Equality Impact Assessment has not been completed when preparing this report, as it is a legislative / constitutional requirement to submit the report to Full Council. Equality Impact Assessments were completed for the reports detailed in the table in section 1.6 of this report.

## **5 CONSULTATION**

- 5.1 None.

## **6 OTHER OPTIONS CONSIDERED**

- 6.1 None.

## **7 REASON FOR RECOMMENDATION**

- 7.1 Section 19 of the Regulations requires that the Executive Leader must submit a report to Council periodically, containing details of urgent executive decisions. This is reflected in the Council's Access to Information Rules, also.

### **RECOMMENDATIONS**

That the report detailing urgent Executive decisions made from January 2020 to January 2021 be noted.

**APPENDICES** None.

**BACKGROUND PAPERS** None.