

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

19 JULY 2017

**REPORT OF SENIOR
MANAGEMENT TEAM**

CABINET DECISION

Cabinet Member for Regeneration and Housing – Cllr Nigel Cooke

USE OF SPECIAL URGENCY - ACQUISITION OF EMPLOYMENT LAND AT BELASIS BUSINESS PARK

1. Summary

This report advises Cabinet of a key decision for the acquisition of employment land at Belasis Business Park taken by chief officers under the special urgency provisions contained within the Constitution.

2. Recommendations

1. That the report be noted.
2. That the use of special urgency be reported to Council.

3. Reasons for the Recommendation(s)/Decision(s)

To update members and comply with the requirement report on the use of the special urgency procedure.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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BUSINESS PARK**

SUMMARY

This report advises Cabinet of a key decision for the acquisition of employment land at Belasis Business Park taken by chief officers under the special urgency provisions contained within the Constitution.

RECOMMENDATIONS

1. That the report be noted.
2. That the use of special urgency be reported to Council.

DETAIL

1. Details of the decision taken are set out in the delegated decision record at **Appendix 1**.
2. The Council's Constitution contains provisions regarding notices and the publication of key decisions. These provisions include the ability for a decision to be called-in for scrutiny by the Executive Scrutiny Committee.
3. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 ("the Regulations") provide that a key decision may only be made where notice of the decision has been published and made available for public inspection at least 28 clear days before the key decision is made.
4. For reasons of urgency, compliance with the notice provisions in the Regulations is not always possible. Within the Constitution and in accordance with the Regulations a key decision may still be taken where it is impracticable to give 28 clear days' notice, but subject to (i) the proper officer providing written notice to the Chair of the Executive Scrutiny Committee about the subject matter of the decision and making the written notice available for public inspection at the offices of the Council and on its website and (ii) only after five clear days have elapsed from when the written notice was made available for public inspection. This is the general exception procedure.
5. Extraordinarily, when the date by which a key decision must be made is impracticable within the general exception and making the decision is "urgent and cannot reasonably be deferred", the decision can still be made, but only if the Leader and/or Deputy Leader have been consulted where the decision is to be taken by the Chief Executive and/or Chief Officers and if approval has been obtained from the Chair of the Executive Scrutiny Committee. This is the special urgency procedure. When the special urgency procedure is used, as is the case here, the call-in provisions are waived and the matter is in addition required to be reported to a meeting of the full Council. The notice to the Chair of Executive Scrutiny is attached at **Appendix 2**.

6. In addition and in accordance with function 53, of the scheme of delegation it was determined that the matter was of such urgency that it was not practicable to refer the matter to the Cabinet for determination and therefore the decision could be taken by a chief officer. This was however determined only after first consulting with the Leader, Chief Executive, Monitoring Officer and the Director of HR, Legal and Communications.

COMMUNITY IMPACT IMPLICATIONS

7. The decision does not seek approval for a new policy, strategy or change to service delivery.

FINANCIAL, LEGAL AND RISK IMPLICATIONS

8. Details of the financial, legal and risk implications are set out in full within **Appendix 1**.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

Policy Principles:

- **Protecting the vulnerable through targeted intervention** – this project has no direct impact on this policy principle
- **Promoting equality of opportunity through targeted intervention** – opportunities for employment and investment in the borough will be safeguarded.
- **Developing strong and healthy communities** – this project has no direct impact on this policy principle
- **Creating economic prosperity** – The acquisition will play a key role in supporting aspiration for economic growth in the borough through the safeguarding of strategically important employment land for future use

CORPORATE PARENTING IMPLICATIONS

There are no corporate parenting implications,

CONSULTATION INCLUDING WARD/COUNCILLORS

Leader and Deputy Leader of the Council, Cabinet Member for Regeneration and Transport, Ward councillors for Billingham East, Councillor Evaline Cunningham and Councillor Mick Stoker

Name of Contact Officer: Garry Cummings
Post Title: Director of Finance & Business Services
Telephone No. 01642 527011
Email Address: garry.cummings@stockton.gov.uk

Background Papers

Ward(s) and Ward Councillors:

Councillor Evaline Cunningham and Councillor Mick Stoker

Property

Implications for SBC assets and capital programme covered in body of the report.