

AGENDA ITEM

REPORT TO COUNCIL

21 JUNE 2017

**REPORT OF SENIOR
MANAGEMENT TEAM**

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

SUMMARY

This report advises Council 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.

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

9. 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

10. There are no corporate parenting implications

CONSULTATION INCLUDING WARD/COUNCILLORS

11. 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

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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