

## LONDON BOROUGH OF HARROW

<b>Meeting:</b>	Council
<b>Date:</b>	23 October 2003
<b>Subject:</b>	Use of Special Urgency Procedure
<b>Key decision:</b>	No
<b>Responsible Chief Officer:</b>	Borough Solicitor
<b>Relevant Portfolio Holder:</b>	Leader of the Council
<b>Status:</b>	Public
<b>Ward:</b>	All
<b>Enclosures:</b>	N/a

### 1. **Summary/ Reason for urgency (if applicable)**

- 1.1 The purpose of this report is to advise Council, in accordance with paragraph 17.3 of the Access to Information Procedure Rules, of the use of the Special Urgency Procedure. The Leader used the Special Urgency Procedure to enable consideration of one key decision.

### 2. **Recommendations (for decision by Council)**

- 2.1 **That the use of the Special Urgency Procedure in relation to the following report be noted:-  
Education PFI (Special Schools).**

**REASON:** The Leader considered the above report and subsequently made resolutions. In accordance with paragraph 17.3 of the Access to Information Procedure Rules there is a requirement to report the use of the Special Urgency procedure to Council.

### 3. **Consultation with Ward Councillors**

- 3.1 N/A

### 4. **Policy Context (including Relevant Previous Decisions)**

- 4.1 Portfolio Holder Decision (Ref 74/02) – 16 December 2002. Reported to Cabinet On 14 January 2003 and Council on 23 January 2003.

5. **Relevance to Corporate Priorities**

5.1 N/A in the context of this report.

6. **Background Information and options considered**

6.1 The Forward Plan of Key decisions is prepared by the Borough Solicitor to cover a period of four months, beginning with the first day of any month and is published at least 14 days before the start of the period covered. If a matter that is likely to be a key decision has not been included in the Forward Plan and Rule 15 (General Exception) of the Access to Information Procedure Rules cannot be followed, the decision can only be taken if the agreement of the Chair of the Overview and Scrutiny Committee that the decision cannot be reasonably deferred is obtained.

The Executive Director (People First) was of the view that the key decision on the Education PFI (Special Schools) could not await the 15 July Cabinet because it would unduly and prejudicially delay the project. The Leader following consultation with the Portfolio Holder for Education and Lifelong Learning therefore took the decision under paragraphs 16 and 23 of the Access to Information Procedure Rules and Executive Procedure Rules respectively.

6.2 Set out below are the reasons for the key decision made on the Education PFI (Special Schools):-

<u>Report (Ref. No.)</u>	<u>Special Circumstances/ Grounds for Urgency</u>	<u>Reason for Decision</u>
Education PFI (Special Schools) (Ref: 006/03)	To allow officers to confirm negotiation positions with the contractor to continue progressing towards contract close at the end of July.	The Council appointed the Preferred Bidder in December 2002. Negotiations were very well advanced and financial close was required by end of July 2003. Authority for officers to sign the Project Agreement on behalf of the Council and to complete the negotiations was requested via Executive Action. Member decisions on outstanding key issues were required urgently to confirm the Council's position within the Project Agreement.

It was therefore necessary to make use of the special urgency procedure.

6.3 In accordance with Rule 16 (Special Urgency) of the Access to Information Procedure Rules to enable key decisions to be taken on the matters outlined in paragraph 6.2 above, the agreement of the Chair of the Overview and Scrutiny Committee was sought and obtained. In accordance with paragraph 17.3 of the Access to Information Procedure Rules there is a requirement to report the use of the Special Urgency procedure to Council.

7. **Consultation**

7.1 N/A

8. **Finance Observations**

8.1 None.

9. **Legal Observations**

9.1 Included in the report.

10. **Conclusion**

10.1 Members are requested to note the use of the special urgency procedure in relation to the reports detailed in paragraph 6.2 above.

11. **Background Papers**

11.1 Decision Notice  
Education PFI - Report of the Executive Director (People First) (Part II)  
The Council's Constitution

Any person wishing to inspect the background papers should telephone 020 8424 1266.

The Report of the Executive Director (People First) titled 'Education PFI (Special Schools)' is exempt from inspection by the public on the ground that it contains confidential information under the specified paragraph of Part I of Schedule 12 to the Local Government Act 1972.

<u>Item</u>	<u>Paragraph</u>
Education PFI (Special Schools) – Report of the Executive Director (People First)	Exempt by virtue of Paragraph 9 of Part I of the Local Government Act 1972

12. **Author**

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