

Meeting:	Council
Date:	20 January 2005
Subject:	Decisions taken under Urgency Procedure by Portfolio Holders/Leader and Cabinet and Use of Special Urgency Procedure
Responsible Officer:	Chief Executive
Contact Officer:	Daksha Ghelani (Tel: 020 8424 1881 or Ext 2881) daksha.ghelani@harrow.gov.uk
Portfolio Holder:	Strategic Overview and External Affairs/Leader of the Council
Key Decision:	No
Status:	Public (Part I)

Section 1: Summary

Decision Required

1.1 That the urgent decisions taken by the Portfolio Holders and the Leader, as set out at Appendix A to the report, be noted.

REASON: These decisions were regarded as urgent for the reasons set out in Appendix A of this report.

1.2 That the use of the Special Urgency Procedure, detailed in Appendix B of the report, in relation to the following report be noted:-

Alexandra LIFT Project (Ref: PHD 063/04 – Key Decision)

REASON: The Leader or, in his absence, the Deputy Leader, considered the above reports 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.

1.3 That the use of the Urgency Procedure in relation to the following reports to Cabinet, detailed in Appendix A, be noted:-

Proposed Schools' Budget 2005/6

REASON: In accordance with paragraph 23.6 of the Overview and Scrutiny Procedure Rules, decisions taken as a matter of urgency must be reported to the next available meeting of the Council together with the reasons for urgency.

Reason for report

To provide a summary of the urgent decisions taken by the Portfolio Holders, the Leader and Cabinet since the 21 October 2004 meeting of the Council, as required by the Constitution.

Benefits

As per the individual reports to the relevant Portfolio Holder.

Cost of Proposals

As per the individual reports to the relevant Portfolio Holder.

Risks

As per the individual reports to the relevant Portfolio Holder.

Implications if recommendations rejected

This report is for noting only.

Section 2: Report

2.1 Brief History

In accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of the Council's Constitution, any decisions taken as a matter of urgency are required to be reported to the next available meeting of the Council.

This report sets out the details of those decisions taken as a matter of urgency since the Council meeting held on 21 October 2004.

Additionally, in accordance with paragraph 17.3 of the Access to Information Procedure Rules, this report advises that the Leader used the Special Urgency Procedure to enable the consideration of one key decisions.

Paragraph 23 of the Executive Procedure Rules states that the Leader may take urgent Key Decisions under his delegated authority as out in Part 3 of the Constitution.

2.2 Options considered

As per the individual reports to the relevant Portfolio Holder and report to Cabinet.

2.3 Consultation

Where appropriate, Ward Councillors, outside organisations and interested parties were consulted on individual reports considered by the Portfolio Holders.

Where decisions were deemed to be urgent the agreement of the Chair of the Overview and Scrutiny Committee or, in her absence, the Mayor was sought and obtained that the decision would not be subject to the call-in procedure.

2.4 Financial Implications

As per the individual reports to the relevant Portfolio Holder.

2.5 Legal Implications

As per the individual reports to the relevant Portfolio Holder.

2.6 Equalities Impact

As per the individual reports to the relevant Portfolio Holder.

Section 3: Supporting Information/ Background Documents

Supporting Information

Appendices A and B

Background Documents

Officer Reports considered by the Portfolio Holder and Cabinet

Portfolio Holder Decision Notices

Council's Constitution

Any persons wishing to inspect the background papers should telephone 020 8424 1881.

The officer reports considered by the Portfolio Holder / Leader in respect of the items listed below are exempt from inspection by the public on the grounds that they contain confidential information under the specified paragraph of Part I of Schedule 12 to the Local Government Act 1972 (as amended).

Subject

Paragraph

Cannon Garages, Nos. 12 & 13
Ellement Close, Pinner
(Ref: PHD 056/04)

Exempt by virtue of Paragraph 9 of Part 1 of the Schedule 12A of the Local Government Act 1972 (as amended).

Non agricultural activities
(Ref: PHD 060/04)

Exempt by virtue of Paragraph 12 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

W v LBH
(Ref: PHD 061/04)

Exempt by virtue of Paragraph 12 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

Alexandra LIFT Project
(Ref: PHD 063/04 – Key Decision)

Exempt by virtue of Paragraph 9 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

Urgent Decisions

Portfolio Holders and the Leader have taken the following urgent decisions since Council on 21 October 2004: -

Subject	Decision Maker (Portfolio Holder/Leader)	Reason for Urgency
A Property in Canterbury Road, North Harrow (Ref: PHD 052/04)	Planning, Development & Housing	To allow the owner to complete the sale.
Cannon Garages, Nos. 12 & 13 Ellement Close Pinner (Ref: PHD 056/04)	Leader	To authorise variation discovered at a late stage and to complete the sale, which was at an advanced stage.
Canons Park Historic Restoration Scheme (Ref: PHD 057/04)	Leader	In order to sign the contract and to allow work to start on the same.
Non agricultural activities (Ref: PHD 060/04)	Planning Development and Housing	In order to instigate legal action.
W v LBH Ref: PHD 061/04)	Strategic Overview and External Affairs	In order to defend High court hearing on 26/11
Pinner Road, North Harrow - Petition (Ref PHD 062/04)	The Leader	To act, and be seen to act, positively and promptly to address the local Centre's health and vitality problem.
Alexandra LIFT Project (Ref: PHD 063/04 – Key Decision)	The Leader	To meet the deadline for Financial Close planned for 16 December 2004. A delay to Financial Close may impact on the price agreed at Financial Close.
IEG4 (Ref PHD 064/04)	Business Connections and Performance	To ensure that the return is submitted to the ODPM by 20 December 2004.

Cabinet has taken the following urgent decision since Council on 21 October 2004.

Subject	Decision Maker	Reason for Urgency
Proposed Schools' Budget 2005/6	Cabinet	To ensure that the requirement of the Education Act 2002 that the Council notify the Secretary of State for Education of the proposed Schools' Budget by 31 December 2004 was met.

Special Urgency (Key) Decisions

The Forward Plan of Key decisions covers 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 Chair of the Overview and Scrutiny Committee agrees that the decision cannot be reasonably deferred.

The Executive Director (People First) was of the view that the key decisions on the Alexandra LIFT Project could not await the next Cabinet meeting because it would unduly and prejudicially affect the Council's position.

The Leader, or in his absence, the Deputy Leader, therefore took the decisions under paragraphs 16 and 23 of the Access to Information Procedure Rules and Executive Procedure Rules respectively.

The reason for the key decision made on the Alexandra LIFT Project is set out below:-

Report Title (Ref. No.)	Special Circumstances/Grounds for Urgency	Reason for Decision
Alexandra LIFT Project Key Decision (Ref: PHD 063/04 – Key Decision))	To meet the deadline for Financial Close planned for 16 December 2004. A delay may impact on the price agreed.	To enter into the Agreement. To approve the land sale transaction on the basis of revised terms.