

Details of key decisions taken in 2023-24 under urgency provisions and call-in waivers

The Constitution specifies procedures and timescales that have to be followed where the Executive, a committee of the Executive, a lead councillor, or an officer is taking a Key Decision. A Key Decision is defined in the Council's Constitution as being an executive decision which is likely to:

- result in expenditure or savings of at least £200,000; or
- have a significant impact on two or more wards within the Borough.

Local authorities are legally required to publicise Key Decisions a minimum of 28 clear days prior to the decision being taken. As is common practice, the Constitution makes provision for decisions to be taken, as a matter of urgency, where it is impracticable to give the requisite notice. The general exception rule (Access to Information Procedure Rule 15) allows Key Decisions to be taken within the 28-day period, provided that the Chair of the OSC has been informed by notice of the decision to be taken, the Council has made publicly available a copy of that notice, and five clear days have elapsed since the publication of that notice.

In cases where a Key Decision is required to be taken even sooner and it is impracticable to wait for the five clear days required under general exception provisions, then the special urgency rule (Access to Information Procedure Rule 16) can be applied. In such instances, the decision may only be made if the decision-maker has obtained the agreement of the Chair of the OSC that the decision is urgent and cannot be reasonably deferred.

Furthermore, the Constitution states (in O&S Procedure Rule 16 (h)) that any matter designated by the Joint Chief Executive to be urgent shall not, if the Leader / Executive or individual decision-taker and the Chair of the OSC agree, be subject to the call-in procedure, but shall be determined by the Leader/ Executive, lead councillor or officer immediately. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The table below sets out details of the three key decisions taken in 2023-24 under the general exception provisions and one under the special urgency provisions and confirms that call-in waivers were not requested.

Executive meeting / decision-taker	Item of business	Decision taken	Reasons for decision	Chair of O&S informed under General Exception provision of Access to Information Procedure Rule 15	Chair of O&S agreement obtained under Special Urgency provision of Access to Information Procedure Rule 16	Chair of O&S agreed to waive call-in
22 June 2023, Executive, Minute EX8 refers	Supplementary Estimate for funds in respect of potential appeal against Member overturned item and Appeal against non-determination.	Approve an initial supplementary budget of £350,000 to the Wisley Appeal and for the initial work to prepare for the North Street appeal.	To enable a robust defence of the appeal against non-determination of the Wisley appeal and to do the initial work to prepare for the North Street appeal.	Yes		Not requested
5 October 2023, Executive, Minute EX27 refers	Financial Recovery Plan - October Update Report.	Discontinuation of the Parish Councils Concurrent Functions Grants scheme from 1 April 2024.	To enable the Council to protect the current level of reserves and to set a balanced budget and a robust Medium-Term Financial Plan	Yes		Not requested

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30 October 2023, Strategic Director – Community and Wellbeing, Minute CO70 refers	Termination of two housing maintenance contracts.	<p>To terminate two high value housing maintenance contracts in accordance with the Public Contract Regulations 2015.</p> <p>The Council terminated the contracts as any variation to them would require a new procurement exercise to be conducted.</p>	Due to a continuing and extensive investigation into their management, early termination of these contracts is necessary as soon as possible to ensure compliance with relevant legislation and to exercise control over the current position.		Yes	Not requested

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		The Leader reported this to full Council on 5 December 2023.				
29 February 2024, Joint Strategic Director – Place	Option Agreement with Blackwell Park Limited in respect of purchase of Council-owned land.	(Subject to consideration of any objections to the Council’s notice of its intention to dispose of open space land pursuant to s123(2A) of the Local Government Act 1972 which closes on 7 March 2024.)	Selling the land to Blackwell Park Ltd will allow them to proceed with the development of a strategic site, allocated within the Local Plan, A26 Blackwell Farm. This meets the priorities set by the Council and supports delivery of the Local Plan.	Yes		Not requested

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		<p>To enter into an Option Agreement on 8 March 2024 with Blackwell Park Limited providing the option for them to purchase a small parcel of Council-owned land necessary to enable development on Blackwell Park. If the option is exercised then subject to the terms and conditions of the</p>	<p>An Option Agreement provides Blackwell Park Ltd with certainty about the sale of the land and enables the Council to benefit from an immediate financial return.</p> <p>An option fee is paid to the Council on completion of the Option Agreement and then, if the option is exercised, the Council will receive a further payment (minus the</p>			

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		Option Agreement the Council will transfer the land to Blackwell Park Ltd, for a further price, and an Overage Agreement will also be entered in to so that the Council can benefit from any additional financial gain as a result of the sale.	amount already paid for the option) which is the higher of: 1. a set minimum value; or 2. a percentage of the development valuation. It has been assessed that this deal represents best value for the Council in accordance with s123 of the Local Government Act 1972 and therefore it is a good use of the Council's assets to make a financial return			

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			and support the Local Plan.			