

WYRE FOREST DISTRICT COUNCIL

COUNCIL

WEDNESDAY 19TH SEPTEMBER, 2007

**Urgent Decisions Made Outside the Budget and Policy Framework
Council Tax Discount arising from Summer Floods**

OPEN	
COMMUNITY STRATEGY THEME	N/A
CORPORATE PLAN THEME	This report is required by the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000
KEY PRIORITY	See above
CABINET MEMBER	Councillor John Campion
RESPONSIBLE OFFICER	Walter Delin Chief Executive Caroline Newlands Head of Legal and Democratic Services
CONTACT OFFICER	Walter Delin Chief Executive Caroline Newlands Head of Legal and Democratic Services
APPENDICES	Extract from Council's Constitution

1. PURPOSE OF REPORT

- 1.1 To report the urgent decision in respect of Council Tax Discount made by the Leader of the Council pursuant to Rule 6 of the Budget and Policy Framework Procedure Rules Part 4 of the Council's Constitution
- 1.2 The item is not to be the subject of debate by Council. However, Councillors may ask technical or factual questions as to the reason(s) for urgency.

2. RECOMMENDATION

The Council is asked to DECIDE:

- 2.1 **The urgent decision taken by the Leader of the Council on 6th August 2007 and endorsed by Cabinet at its meeting on 20th August 2007 be noted.**

Reason: To comply with this Council's Constitution

3. BACKGROUND

- 3.1 In order to facilitate the decision-making process the Council's Constitution contains various provisions to enable urgent decisions to be taken by the Cabinet at short

notice. These provisions statutory rules in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and relate to:

(a) The Forward Plan

If a matter has not been included on the forward plan and it had not been possible to make it available to the public three days before the decision is taken, the Constitution allows for the decision to be taken in accordance with the provisions of 'Special Urgency' (Rule 15 of the Overview and Scrutiny Rules).

(b) Urgent Decisions Outside the Budget or Policy Framework

Cabinet may make decisions that are outside of the budget or policy framework agreed by Council, if the decision is a matter of urgency (Rule 6 of the Budget and Policy Framework Procedure rules). **See Appendix**

(c) Call-in

The call-in provisions within the Constitution do not apply where a decision is considered urgent, in that any delay caused by the call-in process would seriously prejudice the Council's or public's interest. (Rule 12 of the Overview and Scrutiny Rules).

- 3.2 Consistent across all three areas is that the Chairman of the relevant Overview and Scrutiny Committee must have been consulted and agreed to the proposed course of action and that a report, concerning the decision is presented to Council for information.

4. DECISION

- 4.1 On 6th August 2007 the Leader of the Council took the following decision :

A local Council Tax discount be created to be used in the event where a dwelling is damaged by floods and the occupier does not vacate the dwelling but continues to reside in the unaffected parts. The discount to be 100% of the Council Tax due on that property but the duration of the discount to be limited to three months on any one occasion.

The decision was considered urgent because of the need to act quickly to provide some relief from council tax to residents who decide to remain in their homes while repairs are carried out to any rooms which have been left unusable by floodwaters from the summer floods

- 4.2 The Leader of the Council confirmed that as the proposed decision to be taken was an urgent one and outside of the budget or policy framework (new category of Council tax discount), the provisions of Budget and Policy Procedure Rule 6 applied.
- 4.3 Given that it was not practical to call an urgent quorate meeting of the Council, due to the urgency of the proposed decision, the Chairman of the Community and

Regeneration Overview and Scrutiny Committee, Councillor Mrs Oborski, had agreed to this decision being taken as a matter of urgency in order that any agreed council tax discount could be implemented immediately.

- 4.4 Group Leaders at a meeting on 6th August 2007 signified their agreement. The Cabinet at its meeting on 20th August 2007 has also endorsed the decision.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising from this report. The requirement to report decisions taken under the various urgency provisions is set out within the Constitution.

6. LEGAL & POLICY IMPLICATIONS

- 6.1 In accordance with the procedure, a report would be made to the next normal meeting of Council being held on 17th September 2007, explaining the decision, the reasons for it and why the decision was treated as a matter of urgency. The issues contained within this report have, in accordance with the Constitution, to be considered by Council.

- 6.2 This report has been considered by the Head of Legal and Democratic Services for legal implications in accordance with the Council's approved procedures. There are no issues which she considers needs to be brought to the specific attention of Members, other than those highlighted in the report.

7. RISK MANAGEMENT

- 7.1 There are no risk management issues associated with this report. The requirement to report decisions taken under the various urgency provisions is set out within the Constitution.

8. CONCLUSION

- 8.1 The Council has complied with the Access to Information Procedure Rules in all uses of the Urgency rules.

9. CONSULTEES

- 9.1 Chairman of the Community and Regeneration Overview and Scrutiny Committee
9.2 Group Leaders
9.3 CMT

10. BACKGROUND PAPERS

- 10.1 Cabinet Report 20th August 2007

Extract from Council's Constitution

Urgent decisions outside the budget or policy framework

- (a) The Cabinet, an individual member of the Cabinet or officers, may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - i) if it is not practical to convene a quorate meeting of the full Council; and
 - ii) if the Chairman of the Cabinet Scrutiny Committee or a relevant Policy Panel agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the Cabinet Scrutiny Committee or relevant Policy Panels' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Cabinet Scrutiny Committee or relevant Policy Panel, the consent of the Chairman of the Council, or in his absence, the Vice-Chairman of the Council will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.