

Notice to the Chairs of the Community & Wellbeing and Resources & Public Realm Scrutiny Committees

Urgent Key Decision form

DECISION DETAILS
Decision Maker: Chief Executive
Decision Title: Bridge Park Mediation
Description of Decision: Mediation to settle litigation between the council and Stonebridge Community Trust (HPCC) Limited & others
When will the Decision be made? This is yet to be determined
Will the accompanying report be: Open <input type="checkbox"/> Part Exempt <input type="checkbox"/> Fully Exempt <input checked="" type="checkbox"/>
Reasons for exemption (if applicable) The report will contain the following category of Information exempt from publication under the Schedule 12A of the Local Government Act 1972, namely paragraph:
TYPE OF URGENCY
Please tick all that apply: <ul style="list-style-type: none"> <input type="checkbox"/> A. The decision is urgent and <u>28 clear days' notice</u> of the decision cannot be given but at least 5 clear days' notice can <input checked="" type="checkbox"/> B. The decision is extremely urgent and even <u>5 clear days' notice</u> of the decision cannot be given <input type="checkbox"/> C. The decision will be made by members at a meeting and <u>28 clear days' notice</u> that the proposed decision may be discussed in private (i.e. the report will contain information <u>exempt from publication</u>) cannot be given <input checked="" type="checkbox"/> D. The decision must be implemented urgently and the <u>5 day call-in period</u> must be <u>dis-applied</u> to allow the decision to take immediate effect.
REASONS FOR URGENCY
If you have selected options A, B or C please explain: <ul style="list-style-type: none"> Why it was not possible to provide the required notice (i.e. why the decision or exemption was not anticipated) The hearing in respect of the litigation will commence on 20 July 2020. This was uncertain until the conclusion of a hearing on 6 July 2020. No date for the mediation, which is intended to take place prior to the hearing commencing, has yet been fixed.

- **Why it is impractical to defer the decision to a later date to allow the appropriate notice to be provided.**
The date of the hearing has been fixed by the court.

If you have selected Option D please explain why the council's interest or the public interest would be seriously prejudiced by the decision not taking immediate effect.

The mediation process requires that the Chief Executive be in a position to reach a binding agreement with the other parties to the litigation.

SIGN-OFF

Director of Legal, HR, Audit & Investigation

Chief Executive

Printed Name: Debra Norman

Printed Name: Carolyn Downs

Signature: *Debra Norman*

Signature: *Carolyn Downs*

THE FOLLOWING SECTION IS TO BE COMPLETED BY GOVERNANCE SERVICES

CHAIR OF SCRUTINY

Notice to: Councillors Kelcher & Ketan Sheth

The Chair is asked to:

Note that an urgent decision will be taken as detailed in the form above.

The decision is deemed urgent because insufficient (less than 28 days) notice of the intention to take the decision was provided on the Forward Plan. However, at least 5 clear days' notice has been provided and therefore the Scrutiny Chair is only required to note that the decision will be taken.

Permit the extremely urgent decision to be taken as detailed in the form above.

The decision is deemed extremely urgent as less than 5 clear days' notice of the intention to take the decision has been provided. The Scrutiny Chair is asked to agree that the decision is urgent and cannot be reasonably deferred for the reasons detailed in the form above.

Permit discussion of exempt information in private relying on Schedule 12A of the Local Government Act 1972

If a report is likely to contain information exempt from publication under schedule 12A of the Local Government Act 1972, then 28 days' notice of this must be provided on the Forward Plan. Where this requirement has not been met, the agreement of the Scrutiny Chair is required before proceeding.

Permit the dis-application of the 5 day call-in period, allowing the decision detailed in the form above to take immediate effect.

A Cabinet decision or a Key Decision cannot be implemented until the 5 day call in period has elapsed and no valid call-in has been received. The call-in protocol can be dis-applied if the council's or the public interest would be seriously prejudiced by the decision not taking immediate effect. The Chief Executive must determine whether a decision is urgent in this regard. The consent of the Scrutiny Chair to the matter being treated as urgent is also required.

SIGN-OFF

Notice sent to Councillors Kelcher & Ketan Sheth on 09/07/20

Chair's approval: Required Not Required

Date approval granted (if applicable): 09/07/20