**­­­GENERAL EXCEPTION/ SPECIAL URGENCY**

**DECISION NOTICE**

The Local Authorities (Executive Arrangements) (Meetings and Access to Information)

(England) Regulations 2012

Local Authorities are legally required to publicise key decisions to their forward plans a minimum of 28 clear days prior to the decision being taken. The Council publishes its forward plan on the Council’s website.

*General Exception*

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 rules allows key decision to be taken within the 28 day period, providing the Chair of the Policy and Performance Scrutiny Panel or Chair of the Audit and Resources Committee 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.

*Special Urgency*

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, the special urgency rules 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 Policy and Performance Scrutiny Panel or Chair of the Audit and Resources Committee, that the decision is urgent and cannot reasonably be deferred. The call-in procedure shall not apply where a decision is considered urgent.

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| **Date** | 24 October 2023 |
| **Decision Type:** | Key decision – expenditure >£50,000 |
| **Details of Decision:** | Special Urgency Decision Notice – to Purchase a Commercial Unit at The Precinct – Chandler’s Ford |
| **Reason for urgency:** | 1. Delay until the meeting of Cabinet may cause the vendor to withdraw 2. Purchase of the property will ensure the property can be purchased using the Local Authority Housing Fund |
| **Reason for Decision:** | In February 2023, Cabinet approved the Memorandum of Understanding (MOU) with the Department for Levelling Up, Housing and Communities (DLUHC) regarding the administration and delivery of the Local Authority Housing Fund (LAHF) 2022-24. DLUHC allocated grant funding of £1,332,042 to the Council who agreed in principle to deliver nine properties for households that meet eligibility criteria.  The Council wishes to purchase 25a The Precinct under the Local Authority Housing Fund (LAHF) Funding Programme. The property is a mix of residential above, which forms a two-bedroom maisonette flat, and the ground floor is a retail unit. The Council already owns flats in the development.  Both units are owned by the same person who has tied freehold i.e., if the Council wishes to purchase just the flat, it needs to seek the landlord splitting the titles before it can commence the conveyancing process. The freeholder does not want to split the titles. The opportunity to purchase both commercial and residential property in the Precinct is financially viable, appropriate due diligence has been carried out by the Asset Management Team and approval to proceed was given by the Investment Board.  As set out the in the Constitution, the use of special urgency powers will retrospectively be reported to Cabinet for noting and approval. |
| **Decision made by:** | Councillor Keith House, Leader of the Council  James Strachan, Chief Executive – 24 October 2023 |
| **Consultation with:** | Investment Board  Officers – Asset Managers, Legal Services, Financial Services, Project Management  Deputy Leader  Chair of Audit and Resources Committee |
| **Declaration of Disclosable Pecuniary Interest:** | None |
| **To be retrospectively reported to:** | Cabinet – 23 May 2024 |

*A key decision is defined in the* [*Council’s Constitution*](https://www.eastleigh.gov.uk/media/13795/364478-the-constitution-of-the-council-update-december-2023.pdf) *as one which is likely to:*

1. *to result in the Council incurring expenditure or making savings which amount to either £50,000 or 20% (whichever is the larger) of the gross expenditure budget for the service or general function to which the decision relates; or*
2. *to be significant in terms of its effect on communities living or working in an area comprising two or more wards within the Borough of Eastleigh.*

*Paragraph (i) above shall not apply:*

1. *if the expenditure or savings are part of a programme already approved; or*
2. *if it is a decision taken by the Corporate Director (CFO) (or statutory Chief Financial Officer) in accordance with the approved Treasury Management Policy.*

*A decision-taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in part 4 of the Constitution.*

***General Exception***

*If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 17 (special urgency), the decision may still be taken:*

* 1. *where the Monitoring Officer has informed the chairperson of the relevant overview and scrutiny panel or, if there is no such person, each member of the relevant overview and scrutiny panel by notice in writing, of the matter about which the decision is to be made;*
  2. *where the proper officer has made available at Eastleigh House for inspection by the public and published on the Council’s website a copy of the notice given pursuant to sub-paragraph (a); and*
  3. *after five clear working days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).*

*As soon as reasonably practicable after the proper officer has complied with the above they must:*

* 1. *make available at the offices of the relevant local authority a notice setting out the reasons why compliance with Rule 13 is impracticable; and*
  2. *publish that notice on the Council’s website.*

***Special Urgency***

*If by virtue of the date by which a decision must be taken Rule 16 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of a relevant Scrutiny Panel that the taking of the decision cannot be reasonably deferred. If there is no Chair of a relevant Scrutiny Panel, or if the Chair of the relevant Scrutiny Panel is unable to act, then the agreement of the Mayor, or in their absence the Deputy Mayor will suffice.*

*As soon as is reasonably practicable after the decision taker has obtained the agreement, as above, that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must –*

* 1. *Publish a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred; and*
  2. *publish that notice on the Council’s website.*