

LOCAL GOVERNMENT ACT 2000

**REGISTER OF URGENT
DECISIONS OF THE EXECUTIVE**

NORTH DEVON COUNCIL CONSTITUTION
– Appendix 12



Reference No: 2014/02

1) SUBJECT: ILFRACOMBE PIER WATER SUPPLY

2) REQUESTED DECISION:

To replace the existing supply network to meet Water Regulation requirements

To provide the balance of funding from the General Contingency Reserve, £14,300.

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:

An inspection of the water supply facilities at Ilfracombe Harbour has found that the supply pipework is in a very poor condition and does not meet statutory regulations. This leaves the Council open to prosecution. South West Water have requested that the supply is upgraded immediately or removed. In a recent case at a harbour in the south of the county the council incurred a fine in the region of £50,000.

4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state if there are sufficient funds within the agreed budget. If there are not sufficient funds, please state how the decision will be financed)

The estimated cost of the work is £32,000. £17,700 will be taken from the existing revenue budget and the balance of £14,300 has been requested to be funded from the contingency reserve.

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

None

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

None

7) A NOTE OF ANY DISPENSATION IF GRANTED:

None

8) THE CONSENT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE WAS OBTAINED ON:

25th March 2014

9) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in rule 10 of appendix 15 (Access to Information Procedural Rules) and the advice of a political advisor):

- None

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Executive Member	Yes	25/3/14
Ward Member(s) (NOTE: Councillor Edmunds was aware of the issue through meetings of the Ilfracombe Harbour Board)		
Chief Executive	Yes	25/3/14
Head of Service (name)		
Legal		
Finance	Yes	25/3/14

11) APPROVED BY DECISION TAKER

Councillor Greenslade - Leader

12) NOT APPROVED BY DECISION TAKER

13) DATE THAT DECISION WAS TAKEN:

25th March 2014.

GUIDANCE NOTES

NOTE: ALL REFERENCES TO SUB-PARAGRAPHS REFER TO APPENDIX 12 OF THE CONSTITUTION

PROCEDURE FOR DECISIONS WHICH MAY BE CONTRARY TO ADOPTED PLANS AND STRATEGIES (INCLUDING THE BUDGET):

1. The Chief Executive must notify the Leader/Deputy Leader/Other Executive Member.
2. The Leader/Deputy Leader/Other Executive Member must approve the use of the procedure and notify the Chief Executive of his approval together with his reasons.
3. The Chief Executive must notify the Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman to seek his determination as to whether the conditions detailed in paragraph 1.1 (b) (i), (iii) or (iv) are satisfied.
4. The Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman, must confirm to the Chief Executive in writing that the proposed decision is urgent and that either of the conditions identified in paragraph 1.1 (b) (iii) or (iv) have been satisfied, the Chief Executive shall advise the Leader, Deputy Leader or other member of the Executive that the decision may be taken by a person or body possessing a relevant power to make such a decision.
5. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).

PROCEDURE FOR DECISIONS WHICH ARE WITHIN THE ADOPTED PLANS AND STRATEGIES (AND CAN NOT BE INCLUDED IN THE FORWARD PLAN):

1. If the Chief Executive considers that the conditions in sub-paragraph 2.1 are satisfied, he must notify the Proper Officer of the need for the decision, the reasons why it was impracticable for it to be included in the Council's Forward Plan, and whether or not the decision is required to be taken within five working days.
2. On receiving the notification, under sub-paragraph 2.3 and where satisfied that no decision is required to be taken for five working days, the Proper Officer shall:
 - (a) notify in writing the Chairman of the Overview and Scrutiny Committee or if there is no such person, each Member of the Overview and Scrutiny Committee, with particulars of the proposed decision, the

reasons for its urgency and the reasons for it being impracticable to include in the Council's Forward Plan;

- (b) make available for public inspection at the Council offices a copy of the written notice given to the Chairman of the Overview and Scrutiny Committee about the decision.

3. Decisions to which sub paragraph 2.4 applies, shall not be made until after five working days have elapsed following publication of the proposed decision under 2.4 (b) of Appendix 12 in the Constitution.

4. Where it appears to the Chief Executive that an urgent decision-

- (a) meets the requirements of sub-paragraph 2.1 of Appendix 12 of the constitution; and
- (b) because of the urgency cannot be deferred for five working days,

he shall seek the agreement and confirmation in writing on both those points from-

- (c) the Proper Officer; and
- (d) the Chairman of the Overview and Scrutiny Committee or in his absence the Chairman of Council or if there is no Chairman the Vice-Chairman of Council;

and the person or body possessing a relevant power to make the decision may proceed to make it only when the necessary agreement and confirmation have been obtained.

5. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).