

LOCAL GOVERNMENT ACT 2000

REGISTER OF URGENT
DECISIONS OF THE EXECUTIVE

NORTH DEVON COUNCIL CONSTITUTION
– Appendix 12



Reference No: 2014/07

1) SUBJECT: Repair and Renew Grant

2) REQUESTED DECISION: That the Executive Leader recommend to Full Council that delegated powers be given to the Head of Finance to vary the Capital Programme from time to time in order to pay grants from the capital funds under the Repair and Renew grant programme, subject to such grants complying fully with the terms of that programme

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

North Devon Council (NDC) have been requested to sign a Memorandum of Understanding (MoU) which establishes the responsibilities of NDC and Defra and the principles according to which North Devon Council will administer the Repair and Renew grant scheme. The MoU requires that "The Authority will account for the Grants and Authority Costs as a capital expenditure". Therefore grant payments can only be made if they can be included in the capital programme.

To wait for approval from Full Council for the variation of the capital programme, would mean that grant applications could not be processed until after 24th September 2014. Applicants for the grant will be hoping to carry out works during the summer months so that they are ready for autumn and winter 2014/2015.

Therefore it is requested that the authority to vary the capital programme as needed within the confines of the scheme, be delegated to Steve Hearse with immediate effect.

The Government introduced the Repair and Renew flood Grant Scheme to enable those whose homes or businesses were flooded between 1st December 2013 and 31st March 2014 to apply for a government grant through their local authority. The grant will pay for works to properties that will improve their resilience and resistance to flooding in the future – up to the value of £5000 per application.

The scheme is being administered by NDC on behalf of Defra, and grant payments will be reimbursed by Defra. Provisions are also being made for the recovery of administration costs for the scheme.

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 capital programme will be varied as required to cashflow the payment of Repair and Renew grants. The maximum grant payment is £5000 per applicant, and it is not anticipated that we will receive more than 20 applications. It is estimated that we will receive around ten grant applications, some of which will be for less than £5000. There are four dates specified for claims to be made by NDC to Defra (see MoU) so costs incurred can be recovered before the end of the scheme.

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

Nil.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

None.

7) A NOTE OF ANY DISPENSATION IF GRANTED:

Not applicable.

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

17th June 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):

- Memorandum of Understanding issued by Defra

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Executive Member	Yes	12/06/14
Ward Member(s)	N/A	
Chief Executive	Yes	12/06/14
Head of Service (name)	Yes	12/06/14

Legal	Yes	12/06/14
Finance	Yes	12/06/14

11) APPROVED BY DECISION TAKER

Councillor Greenslade - Leader

12) NOT APPROVED BY DECISION TAKER

13) DATE THAT DECISION WAS TAKEN:

17th June 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).