

Report of	Assistant Director of Policy and Corporate	Author	Jonathan Baker ☎ 282207
Title	Decision Made Under Special Urgency Provisions – Axial Way Pumping Station		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report provides Scrutiny Panel members with information relating to a decision taken on 9 October 2018 under special urgency provisions. The decision, Axial Way Pumping Station, was certified as an urgent decision in accordance with the Overview and Scrutiny Procedure Rule 14.

2. Action Required

- 2.1 To note the Axial Way Pumping Station decision that was taken under special urgency provisions.

3. Reason for Scrutiny

- 3.1 As stated within the constitution, decisions taken under special urgency provisions shall be reported to the next meeting of the Scrutiny Panel for information.

4. Background Information

- 4.1 A copy of the Record of Decisions Taken under Delegated Powers form and the Urgency Authorisation form, which is signed by the Monitoring Officer and the Chairman of the Scrutiny Panel, are included as part of the appendices.
- 4.2 A copy of the Part B confidential report is included as Agenda Item 15.
- 4.3 The decision was published on the Colchester Borough Council Committee (CMIS) website on Tuesday 9 October 2018.
https://colchester.cmis.uk.com/colchester/Decisions/tabid/67/ctl/ViewCMIS_DecisionDetails/mid/391/Id/1856/Default.aspx

Appendices

Appendix A - Record of Decisions Taken Under Delegated Powers – Axial Way Pumping Station

Appendix B – Colchester Borough Council Urgency Authorisation

Appendix C – Axial Way Pumping Station – Portfolio Holder Report (CONFIDENTIAL – Listed as Agenda Item 15. Decisions Taken Under Special Urgency Provision).

COLCHESTER BOROUGH COUNCIL

RECORD OF DECISIONS TAKEN UNDER DELEGATED POWERS

Explanatory Note

The Leader of the Council has established Delegation Schemes by which certain decisions may be made by the relevant cabinet member or specific officers.

Cabinet member decisions are subject to review under the Call-in Procedure.

From the date the notice of the decision made is published there are five working days during which any five Councillors may sign a request for the decision to be reviewed (called in) and deliver it to the Proper Officer.

If, at the end of the period, no request has been made, the decision may be implemented. If a valid call- in request has been made, the matter will be referred to the Scrutiny Panel

Part A – To be completed by the appropriate Cabinet Member/Officer

Title of Report

Axial Way Pumping Station

Delegated Power

To oversee the development and implementation of the Council's renewal agenda in relation to the Northern Gateway

Decision Taken

To agree to the financial settlement with the contractor as set out in the report

Key Decision

No

Forward Plan

- N/A

Reasons for the Decision

To protect the Council's financial position and to avoid formal legal proceedings with contractor

Alternative Options

Not to agree a settlement figure and risk formal legal proceedings, this option was discounted as it presents a high level of risk for the Council and could lead to unknown cost and risk.

Conflict of Interest

N/A

Dispensation by Head of Paid Service

N/A

Dispensation by Monitoring Officer

N/A

Approved by Portfolio Holder for Commercial Services

Signature Cllr Nick Barlow

Date 03/10/2018

(**NB** For Key Decisions the report must be made available to the public for five clear days prior to the period for call-in commencing)

Part B – To be completed by the Proper Officer (Democratic Services)

Portfolio Holder Decision Reference Number

Specify Number. COM-001-18

Implementation Date

This decision can be implemented on 09/10/2018

Call-in Procedure

The Decision Notice for this decision was published on the internet and placed in the Members' Room and the Customer Service Centre on 9 October 2018.

This decision has been certified as an urgent decision in accordance with Overview and Scrutiny Procedure Rule 14 and accordingly no call in period applies.

A copy of the urgency authorisation signed by the Monitoring Officer and Chairman of the Scrutiny Panel is published alongside this decision notice.

Signature of Proper Officer Zoe Gentry


The report associated with this decision is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (financial/business affairs of a particular person, including the authority holding information)

COLCHESTER BOROUGH COUNCIL

URGENCY AUTHORISATION

(Decisions that require urgent determination made in accordance with Overview and Scrutiny Procedure Rule 14 are not subject to the call-in procedure).

I hereby certify that the decision indicated below is urgent, that executive action cannot be delayed for the usual five working day period, and it will not be possible to provide five clear days' notice of the decision to be taken.

Signed: 
Proper Officer

Dated: 1st October 2018

Signed: 
Chairman of the Scrutiny Panel

Dated: 8/10/18

TITLE OF REPORT: Axial Way Pumping Station.....

RECORD OF DECISIONS TAKEN UNDER DELEGATED POWERS - REF NO: COM-001-18

OR CABINET MEETING DATE:..... ITEM NO:

PARTICULARS OF MATTER: To agree a financial settlement with the contractor for the new pumping station.

REASONS FOR CONSIDERING THE MATTER TO BE URGENT

To protect the Council's legal and financial position. The matter is urgent because the settlement offer from the contractor is time limited and should the usual process be followed whereby there is a call in period we would not be able to meet the timescales set out in the settlement offer therefore losing the opportunity to settle the matter outside of formal legal proceedings.

NB: Copy of signed form to be circulated to Group Leaders and appropriate Group Spokespersons and placed in the Members' Room.