

COUNCIL	DATE 29 June 2022	ITEM NO 14
TITLE Decisions on Executive Functions taken under Urgency Procedures	WARDS All	
CHIEF OFFICER Chief Executive	CABINET MEMBER Leader of the Council	
DECISION CLASSIFICATION Information report	IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING? This report is for noting only	

1. **Decision Required**

Council is requested to;

- 1.1 Note the decisions taken under urgency procedures at Section 4 of the report.

2. **Links to the Royal Greenwich high level objectives**

- 2.1 This report relates to the Council's agreed high level objectives as follows:

- A Strong Vibrant and Well-run Borough

3. **Purpose of Report and Executive Summary**

- 3.1 Part 4, Schedule B (Overview and Scrutiny Procedure Rules) Procedure Rule Para B10 (a) states that the call-in procedure in the Overview and Scrutiny Procedure Rules does not apply where the decision being taken is urgent. A decision is urgent if any delay likely to be caused by the call in process would prejudice the Council's or the public interest. The Chief Executive or his/her nominee must agree both that the decision proposed is reasonable and to it being treated as a matter of urgency. Decisions taken as a matter of urgency under this paragraph must be reported to the next available meeting of the Council, together with the reasons for urgency.

4. **Decisions taken under urgency procedures**

- 4.1 The Director of Regeneration, Enterprise and Skills on 22 February 2022 took a decision that was classified as urgent and was not available for call in, as detailed below:

Title:

Consider application for Charlton Neighbourhood Forum and Area Designation

Decision:

1. Approved the designation of the Charlton (London) Neighbourhood Forum.

2. Approved an amended boundary for the Charlton (London) Neighbourhood Area.

Reasons for Urgency:

The Neighbourhood Planning (General) (Amendment) Regulations 2015 prescribe time limits for the determination of a neighbourhood area application. The prescribed date by which a decision must be made is 13 weeks from the date immediately following that on which the application is first publicised. The neighbourhood area application which is the subject of this report was publicised on 24th November 2021, and the prescribed date is therefore 24th February 2022. If this deadline is not met, the Council as the local planning authority must designate the Forum and all of the Neighbourhood Area applied for.

Accordingly, if the decisions recommended by this report would not be exempted from call in; there is a risk that the decisions could be called in and in that situation the neighbourhood area application would not be determined before the prescribed date. It follows from this that the outcome of such a call in would necessarily result in both the Neighbourhood Forum and the Neighbourhood Area being approved by default as applied for, thereby prejudicing the Council's ability to exercise its decision-making powers in respect of the application

In line with the above, there are clear grounds for urgency to make the decisions recommended in this report and it would not be prudent, nor practical or in the public / taxpayer's interest to wait for either:

- 28 days' notice to be given for a key decision; and
- call in to expire.

For the reasons set out above, the Deputy Chief Executive has agreed both that the decisions proposed are reasonable and are to be treated as a matter of urgency because any delay likely to be caused by the call-in process would prejudice the Council's ability to exercise its decision-making powers, and in this way would be prejudicial to the public interest.

The Chair of Overview and Scrutiny Committee has been informed in accordance with D15 of the Overview and Scrutiny Procedure Rules.

- 4.2 The Cabinet Member for Environment, Sustainability and Transport on 24 February 2022 took a decision that was classified as urgent and was not available for call in, as detailed below:

Title:

West Greenwich Low Traffic Neighbourhood experimental scheme

Decision:

1. Noted and considered the information provided in the main 'West Greenwich Low Traffic Neighbourhood experimental scheme report ("the Main Report") and the addendum report ("the Addendum Report") about the operation of the West Greenwich Low Traffic Neighbourhood (LTN) experimental scheme, the results of the engagement exercise until 18th February 2022, and the options set out for its future.
2. Approved the removal of the West Greenwich LTN (and the return of the streets to how they were before the trial) by allowing the existing Experimental Traffic Regulation Order (ETRO) to expire on 25th February 2022; and to authorise Council officers to begin the process of developing an alternative LTN traffic scheme for West Greenwich (Option 3 in the Main Report)
3. Noted that the figures quoted in the Addendum Report supersede all other figures previously used.

Reasons for Urgency:

The West Greenwich traffic reduction scheme was implemented under an Experimental Traffic Regulation Order (ETRO) which was made on 25th August 2020. Traffic Regulation Orders (TROs) are legal documents that enable a local highway authority to prohibit, restrict or reduce the use of a road by traffic.

An ETRO can stay in force for up to a maximum of 18 months while the effects are monitored and assessed, this period ends and the ETRO expires on 25th February 2022. The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 allow for the modification of experimental traffic orders, no more than 12 months after the order was made otherwise the option to make the order permanent is lost. Informed by the results of the consultation undertaken at that point, in August 2021, the Cabinet Member for Environment, Sustainability and Transport took a decision to amend the ETRO.

If the Council wishes to convert the ETRO into a permanent TMO at the end of the experimental period, it will be necessary to take a decision on the West Greenwich experimental scheme after the consultation closes on 18th February 2022 and before the ETRO expires on 25th February 2022.

The Council, therefore, needs to consider now whether to make the experimental scheme permanent.

For the reasons set out above, there are clear grounds for urgency, and it would not be prudent, nor in the public / taxpayer's interests to wait for call in to expire.

For the reasons set out above and in accordance with paragraph B10 of the Overview and Scrutiny Procedure Rules in the Constitution, the Chief Executive has agreed both that the decision proposed is reasonable and is to be treated as a matter of urgency because any delay likely to be caused by the call-in process would prejudice the public interest.

- 4.3 The Cabinet Member for Environment, Sustainability and Transport on 23 March 2022 took a decision that was classified as urgent and was not available for call in, as detailed below

Title:

Strategic Cycle Route - Greenwich to Woolwich

Decision:

- I. Noted and agreed the decision to advertise and make an Experimental Traffic Order for the amended Greenwich to Woolwich strategic cycle route scheme.

2. Delegated authority to the Director of Communities, Environment and Central to consider any representations or objections received from statutory consultation bodies before the order is made.
3. Noted and agreed the proposed changes to the Greenwich to Woolwich cycle route scheme, agreeing construction of the scheme to be undertaken by Transport for London.
4. Noted and agreed the proposed change to the operating hours of the bus lanes on the Anchor and Hope Lane to Woolwich Ferry section of the route, from 24-hour operation to 07:00 – 19:00. Noting that the impact of this change, particularly on buses, will be monitored closely with TfL and further amendment may need to be considered in-line with the Scheme of Delegation set out in the constitution, if issues arise.
5. Noted and agreed the proposed monitoring for the experimental period.

Reasons for Urgency:

The Greenwich to Woolwich Scheme was implemented as part of the London Streetspace Plan under a series of Temporary Traffic Regulation Orders (TTROs), covering the three different sections of the route. The first of the TTROs was made on 2nd September 2020. Traffic Regulation Orders (TROs) are legal documents that enable a local highway authority to prohibit, restrict or reduce the use of a road by traffic.

A TTRO can stay in force for up to a maximum of 18 months. This period ends and the first TTRO expires on 1st March 2022.

If the Council wishes to retain the scheme with amendments it will be necessary to make a new TRO once the existing TTRO expires. It is proposed to create an Experimental Traffic Regulation Order for this purpose and to allow an experiment of the measures to be put in place. The Royal Borough is legally required to give Notice in the local press of the making of the changes under a new TRO. The new experimental TRO will take effect after the existing TTRO has expired.

The consultation undertaken received a significant response, as outlined in Section 9. The process of thoroughly considering these responses and developing the alternative scheme presented here in collaboration with TfL, prevented this decision from being made before now.

The Council, therefore, needs to consider now whether to proceed with making amendments to the scheme under a new TRO.

For the reasons set out above, there are clear grounds for urgency, and it would not be prudent, nor in the public / taxpayer's interests to wait for call in to expire.

For the reasons set out above and in accordance with paragraph B10 of the Overview and Scrutiny Procedure Rules in the Constitution, the Chief Executive has agreed both that the decision proposed is reasonable and is to be treated as a matter of urgency because any delay likely to be caused by the call-in process would prejudice the public interest.

- 4.4 The Cabinet Member for Environment, Sustainability and Transport on 23 March 2022 took a decision that was classified as urgent and was not available for call in, as detailed below

Title:

East Greenwich (Peninsula) Low Traffic Neighbourhood experimental scheme

Decision:

1. Noted the information provided in the report about the operation of the Peninsula Low Traffic Neighbourhood (LTN) experimental scheme, the outcome of the engagement exercise, and the options set out for its future and their potential impacts.
2. Agreed to implement the preferred option, Option 1, to make permanent the traffic management measures introduced as part of the Peninsula LTN. To convert where possible hard closures with an ANPR camera in response to feedback received from residents and emergency services.
3. Agreed that the Director of Communities, Environment and Central begin the process of making the requisite order.

Reasons for Urgency:

The Peninsula traffic reduction scheme was implemented under an Experimental Traffic Regulation Order (ETRO) which was made on 24th September 2020. Traffic Regulation Orders (TROs) are legal documents that enable a local highway authority to prohibit, restrict or reduce the use of a road by traffic.

An ETRO can stay in force for up to a maximum of 18 months while the effects are monitored and assessed, this period ends and the ETRO expires on 24th March 2022. The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 allow for the modification of experimental traffic orders, no more than 12 months after the order was made if the right to make the order permanent before it expires is to be retained.

If the Council wishes to retain the ability to convert the ETRO into a permanent TMO at the end of the experimental period it will be necessary to take a decision on the Peninsula experimental scheme before the ETRO expires on 24th March 2022.

The Council, therefore, needs to consider now whether to make the experimental scheme permanent.

For the reasons set out above, there are clear grounds for urgency, and it would not be prudent, nor in the public / taxpayer's interests to wait for:

- 5 clear days notice to be given before the decision is taken; or
- call in to expire.

For the reasons set out above and in accordance with paragraph B10 of the Overview and Scrutiny Procedure Rules in the Constitution, the Chief Executive has agreed both that the decision proposed is reasonable and is to be treated as a matter of urgency because any delay likely to be caused by the call-in process would prejudice the public interest.

Given that the decision is urgent and cannot be reasonably deferred, the agreement of the Chair of Overview and Scrutiny has been obtained under paragraph D16 of the Overview and Scrutiny Procedure Rules in the Constitution that the decision be taken without giving the notice referred to above.

4.5 The Leader of the Council on 28 March 2022 took a decision that was classified as urgent and was not available for call in, as detailed below

Title:

Support for Energy Bills Council Tax Rebate 2022/23

Decision:

- I. Agreed to implement the administration and payment of a £150 non-repayable Council Tax rebate for households in England in Council Tax

bands A to D (known as the Council Tax Rebate) as described in paragraphs 5.1-5.22 of the report.

2. Agreed to implement and administer the discretionary funding received from the Government for local authorities to support households who are in need but are not eligible for the Council Tax Rebate, known as the Discretionary Fund, as described in paragraphs 6.1–6.9 of the report.
3. Agreed to delegate to the Director of Finance in consultation with the Lead Member of Finance and Resources our local Discretionary Fund policy to best make use of this funding.
4. Noted that the Government has recognised the implementation of the schemes will place an additional burden on local authorities. Following its New Burdens doctrine, the Government will assess the expected reasonable additional costs associated with the implementation of the schemes.

Reasons for Urgency:

The Government has announced a package of support known as the Energy Bills Rebate to help households with rising energy bills in 2022-23.

This includes:

- A £150 non-repayable rebate for households in England in council tax bands A to D, known as the Council Tax Rebate.
- £144 million of discretionary funding for billing authorities to support households who are in need but are not eligible for the Council Tax Rebate, known as the Discretionary Fund.

It is crucial for many local residents that the Royal Borough of Greenwich provides this support to them as soon as possible.

The funding is due to be paid to local authorities by the end of March 2022. Funding for the Council Tax Rebate will be based on the number of eligible properties recorded in the 2021 Council Tax base.

The council is expected to 'pass on' the funding directly as one-off £150 grants to households that are eligible for the Council Tax Rebate or one-off

grants of up to £150 in respect of those households that are supported via the Discretionary Fund Scheme.

The Government expects Council Tax Rebate grants to be awarded by local authorities as soon as practicably possible from April 2022.

In accordance with the Government's New Burdens doctrine the council should receive a grant allocation in respect of reasonable additional costs associated with the implementation of the Council Tax Rebate and the Discretionary Fund.

This report provides details of the Council Tax Rebate and the Discretionary Fund and requests agreement to create and administer the application and payment process for both schemes following the parameters provided by the Government outlined in this report.

The Government has allocated the council £15,111,600 in respect of the Council Tax Rebate scheme and £891,750 in respect of the Discretionary Fund.

Given the ongoing economic difficulties being experienced by many local residents and the expectation upon the Royal Borough to award the Council Tax Rebate and Discretionary Fund from April, there are clear grounds for urgency, and it would not be prudent, nor in the public / taxpayers' interest to wait for either:

- 28 days' notice to be given for a key decision
- 5 clear days' notice to be given before the decision is taken
- call in to expire.

For the reasons set out above, the Chief Executive has agreed both that the decision proposed is reasonable and is to be treated as a matter of urgency because any delay likely to be caused by the call-in process would prejudice the public interest.

Given that the decision is urgent and cannot be reasonably deferred, the agreement of the Chair of Overview and Scrutiny Committee has been obtained under paragraph D16 of the Overview and Scrutiny Procedure Rules in the Constitution that the decision be taken without giving the notice referred to above.

4.6 The Director of Finance on 29 April 2022 took a decision that was classified as urgent and was not available for call in, as detailed below:

Title:

Support for Energy Bills 2022/23 – Energy Rebate Discretionary Fund

Decision:

1. In consultation with the Cabinet Member for Finance and Resources, approved the Energy Rebate Discretionary Scheme as set out in paragraph 6.2 of this report, which includes the arrangements for residents who live in a dwelling in Council Tax bands E, F, G and H.
2. Agreed to implement and administer the discretionary funding received from the Government for local authorities to support households who are in need but are not eligible for the Council Tax Rebate, known as the Discretionary Fund, as described in paragraphs 5.1 to 5.15 of the report.
3. Noted the restrictions of the Energy Rebate Discretionary Scheme regarding payments and unspent funding that are set out in paragraph 5.3 of this report.
4. In consultation with the Cabinet Member for Finance and Resources to make changes that may be required to the Discretionary Scheme following any review during April 2022 – November 2022.
5. Noted that the Government has recognised the implementation of the scheme will place an additional burden on local authorities. Following its New Burdens doctrine, the Government will assess the expected reasonable additional costs associated with the implementation of the scheme.

Reasons for Urgency:

The Government has announced a package of support known as the Energy Bills Rebate to help households with rising energy bills in 2022-23.

This includes:

- A £150 non-repayable rebate for households in England in council tax bands A to D, known as the Council Tax Rebate.

- £144 million of discretionary funding for billing authorities to support households who are in need but are not eligible for the Council Tax Rebate, known as the Discretionary Fund.

It is crucial for many local residents that the Council provides this support to them as soon as possible.

The funding was paid to local authorities on 30 March 2022.

This report provides details of the RBG Discretionary scheme following the parameters provided by the Government. Unfortunately, the Department for Levelling Up, Housing and Communities (DHLUC) did not finalise their guidance to Local Authorities on the Council Tax Rebate and Discretionary Fund until 23 March 2022.

The Government has allocated the council £891,750 in respect of the Discretionary Fund.

Given the ongoing economic difficulties being experienced by many local residents and the expectation upon the Council to award the Council Tax Rebate and Discretionary Fund from April, there are clear grounds for urgency, and it would not be prudent, nor in the public / taxpayers' interest to wait for either:

- 28 days' notice to be given for a key decision
- call in to expire.

For the reasons set out above, the Chief Executive has agreed both that the decision proposed is reasonable and is to be treated as a matter of urgency because any delay likely to be caused by the call-in process would prejudice the public interest.

Given that the decision is urgent and cannot be reasonably deferred, the Chair of Overview and Scrutiny Committee has been informed under paragraph D15 of the Access to Information Procedure Rules in the Constitution that that it is impracticable to defer the decision until the 28 days' notice referred to above has been given.

5. **Available Options**

5.1 To note the report.

6. **Preferred Option**

6.1 Not applicable. The report is for noting only.

7. **Reasons for Recommendations**

7.1 Not applicable. The report is for noting only.

8. **Consultation Results**

8.1 Not applicable.

9. **Communication and Implementation of the Decision**

9.1 The decision will be published on the Council's website.

10. **Cross-Cutting Issues and Implications**

Issue	Implications	Sign-off
Legal including Human Rights Act	<p>The Local Government Act 2000 makes provision for the discharge of functions by local authorities with executive arrangements.</p> <p>The Constitutional procedures around call-in and urgency are set out in section 3 of the report.</p> <p>Part 3 of the Constitution delegates to the Chief Executive the power to act on behalf of the Leader, Cabinet Member, Cabinet or Chief Officer in respect of any of their functions on a matter which in her opinion is urgent.</p>	John Scarborough, Director of Legal & HR, 21 June 2022
Finance and other resources including procurement implications	There are no financial implications arising from this report.	Damon Cook, Director of Finance 21 June 2022

Equalities	<p>The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.</p> <p>This report as an information report has no impact the Council’s Equality and Equity Charter and the Council’s Equality Objectives 2020-2024.</p>	<p>Veronica Johnson, Head of Corporate and Democratic Services 13 June 2022</p>
Climate change	<p>The decisions recommended in the report have low relevance to or impact on climate change or the Councils carbon reductions commitments.</p>	<p>Veronica Johnson, Head of Corporate Governance & Democratic Services 13 June 2022</p>

11 Background Papers

Decision: [Consider application for Charlton Neighbourhood Forum and Area Designation](#)

Decision: [West Greenwich Low Traffic Neighbourhood experimental scheme](#)

Decision: [Strategic Cycle Route - Greenwich to Woolwich](#)

Decision: [East Greenwich \(Peninsula\) Low Traffic Neighbourhood experimental scheme](#)

Decision: [Support for Energy Bills Council Tax Rebate 2022/23](#)

Decision: [Support for Energy Bills 2022/23 – Energy Rebate Discretionary Fund](#)

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