

This report will be made public on 14 February 2023



Report Number **A/22/23**

To: Council
Date: 22 February 2023
Status: Non- Executive Decision
Head of Paid Service: Susan Priest
Responsible Officer: Amandeep Khroud, Assistant Director – Governance, Law and Regulatory Services

SUBJECT: REPORT TO COUNCIL ON A DECISION MADE IN ACCORDANCE WITH THE CONSTITUTION'S CALL-IN AND URGENCY' RULE

SUMMARY: The constitution provides that, when an urgent decision is made by the Cabinet or Cabinet Member, for which any delay in implementation, likely to be caused by the call-in process, would seriously prejudice the Council's or public interest, then the 'Call-in Rules of Procedure', Part 6.3, rules 1-6 do not apply. Decisions, taken as a matter of urgency, must be reported to the next available meeting of the Council, together with the reasons for urgency.

REASONS FOR RECOMMENDATIONS:

This report is recommended to Council, to note for information, in accordance with the constitution, Part 6.3, rule 7.

RECOMMENDATION:

1. To receive and note report **A/22/23**.

1 INTRODUCTION

- 1.1 The constitution (paragraph 7, part 7.3, Call-In Rules of Procedure) provides that, when an urgent decision is made, for which any delay in implementation, likely to be caused by the call-in process, would seriously prejudice the Council's or public interest, then the call-in rules of procedure, Part 6.3, rules 1 to 6, do not apply. Decisions, taken as a matter of urgency, must be reported to the next available meeting of the council, together with the reasons for urgency.
- 1.2 On 23 November 2022, Cabinet considered report C/22/60, which presented the approach by which it is proposed to deliver the education provision for Otterpool Park new garden town development. The report set out the strategic principles which will underpin the approach and the role of the Otterpool Park Education Trust. The report also set out a proposal to make an application for the first primary school at Otterpool Park to be a free school.

The Cabinet resolved:

- 1. That report C/22/60 be received and noted.**
- 2. That the establishment Otterpool Park Education Trust be agreed in retrospect.**
- 3. That Otterpool Park LLP becoming a member and guarantor of Otterpool Park Education Trust be agreed in retrospect.**
- 4. That it be agreed that Otterpool Park Limited Liability Partnership, through the Otterpool Park Education Trust, submit an application to establish the first primary school at Otterpool Park as a free school.**
- 5. That Cabinet be updated once the outcome of the application for a free school is known.**

This decision was taken using General Exception urgency provisions (Part 6.4, Rule 12). It was necessary to take the decision under the constitution's 'Call in and Urgency' rule (Part 6.3, rule 7) because In line with the Otterpool Park LLP Members' Agreement, the decision required Cabinet approval. To meet the deadline of 30 November for the application to the DfE this a matter which requires to be considered by Cabinet at the meeting on 23rd November 2022.

2 LEGAL, FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

2.1 Legal Officer's comments (AK)

There are no legal issues arising from this report.

2.2 Finance Officer's comments (LW)

The financial implications of this report were addressed in cabinet report C/22/60 to which this relates.

2.3 Diversity and Equalities Implications (ST)

There are no diversity and equality implications arising from this report.

3 CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Jemma West
Democratic Services Senior Specialist
Tel: 01303 853 369
E-mail: jemma.west@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None