

## **COUNCIL**

<b>DATE</b>	26 <sup>th</sup> March 2026
<b>REPORT OF</b>	The Monitoring Officer
<b>SUBJECT</b>	Use of Special Urgency Procedure
<b>STATUS</b>	Open
<b>FORWARD PLAN REF NO.</b>	Not applicable

### **CONTRIBUTION TO OUR AIMS**

Good governance arrangements contribute directly to the achievement of the Council's strategic aims.

### **EXECUTIVE SUMMARY**

A report advising on the use of 'Special Urgency' provisions for the taking of key decisions, as required under legislation.

### **RECOMMENDATIONS**

That the use of Special Urgency provisions as set out in paragraph 1.5 of this report, be noted.

### **REASONS FOR DECISION**

None, as the report is for information only.

## **1. BACKGROUND AND ISSUES**

- 1.1 'Key decisions' are decisions made by any decision-taker in respect of the discharge of executive functions which are likely to
- (a) result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the services or functions to which the decision relates or
  - (b) be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions (informally referred to as wards) in the area of the local authority (see Constitution Part 2 – Article 4 Section 4).
- 1.2 A decision-taker may only take a Key Decision in accordance with the requirements of the Access to Information Procedure Rules (see Constitution Part 2 – Article 3 Appendix 1). Normally at least 28 clear days' public notice is required through publication on the Forward Plan before such a key decision can be taken. It is, however, not always practicable to give such advance public notice on the Forward Plan, and it is not always practicable to give public notice by way of the general exception procedure.

- 1.3 Where this is impracticable and the intended key decision cannot wait for such notice or shorter notice to be given by way of general exception, then the special urgency procedure can be considered under regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. This requires obtaining the prior agreement from the prescribed person that the making of the decision is urgent and cannot reasonably be deferred. Permission is sought from the chair of the appropriate scrutiny panel in such cases. Without such agreement, the making of the intended decision would be delayed.
- 1.4 Under regulation 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 a report is required to be submitted (at least once per year) by the Leader to Full Council containing details of each executive decision taken where the making of the decision was agreed as urgent in accordance with regulation 11. This was previously done via the Leader's Statement at each ordinary meeting of Council. Under changes to the Standing Orders of this Council agreed at the meeting of Council in September 2025, it was agreed that any Special Urgency decisions would be the subject of a separate agenda item.
- 1.5 Since the last ordinary meeting of Council, the following decisions were taken under the special urgency procedure:

Cabinet – 11<sup>th</sup> March 2026:

### **CENTRAL LIBRARY BUILDING ASBESTOS REMOVAL**

Cabinet considered a report from the Leader of the Council and Portfolio Holder for Economy, Regeneration, Devolution and Skills setting out the steps required to allow the majority of the asbestos removal from the Central Library building, including any ancillary works, together with pre-tender cost estimates.

This item was considered under the Special Urgency rules of the Constitution, with the agreement of the Leader and the Chair of the Economy, Culture and Tourism Scrutiny Panel. It was therefore not subject to the call-in procedure. The item was considered urgent due to the pressing need to commence resolution of the asbestos position and key repairs on this asset, in accordance with the urgent concerns expressed by the Libraries Select Committee, endorsed by the Economy Culture and Tourism Scrutiny Panel and ultimately shared by Cabinet

RESOLVED –

1. That the report and appendix and the figures contained therein, be noted.
2. That the commencement of a procurement exercise for removal of the majority of the asbestos containing materials be approved.
3. That authority be delegated to the Director of Environment, Economy

and Infrastructure, in consultation with the Leader of the Council and Portfolio Holders for Culture, Heritage & Visitor Economy and Finance, Resources & Assets, to commence the above procurement and carry out all necessary activities, including award of contract, mobilisation and implementation, together with any other ancillary activity reasonably arising.

4. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to complete and execute all requisite legal documentation in relation to the matters outlined above.

## **DELEGATION ARRANGEMENTS FOR DELIVERY OF LOCAL TRANSPORT FUNCTIONS AND SECTION 101 AGREEMENT**

Cabinet considered a report from the Portfolio Holder for Housing, Infrastructure and Transport seeking approval for the proposed delegation arrangements that will enable the smooth transition of local transport functions from 1 April 2026..

This item was considered under the Special Urgency rules of the Constitution, with the agreement of the Leader and the Mayor (in the absence of the Chair of the Transport, Infrastructure and Strategic Housing Scrutiny Panel). It was therefore not subject to the call-in procedure. The item was considered urgent due to the immediacy of the shift of transport functions by operation of law on 1<sup>st</sup> April 2026 to Greater Lincolnshire Combined County Authority. The decision provided for the re-delegation of such powers back to the constituent councils as an interim measure so as to ensure preparedness and ability to ensure a seamless transition on the fullness of time..

RESOLVED –

1. That the delegation of functions from the Greater Lincolnshire Combined County Authority in relation to transport functions as set out in the Regulations be agreed and a Section 101 agreement be entered into.
2. That authority be delegated to the Director of Economy, Environment and Infrastructure, in consultation with the Portfolio Holder for Housing, Infrastructure and Transport, to settle the heads of terms, and approve the Section 101 agreement and thereafter implement such terms.
3. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to execute documentation arising.

Officer Decision – 11<sup>th</sup> March 2026

## **CLEETHORPES LEVELLING UP FUND – SEA ROAD PROJECT**

The decision is in accordance with the resolutions and delegations (see below) established in relation to Cleethorpes Levelling Up Fund (LUF) Projects of 14<sup>th</sup> June 2023.

This item was considered urgent as the project had encountered delays due to the circumstances surrounding the termination of the previous contract and there was a need to progress the build due to funding profiles and ongoing legal pre-let discussions which were far more likely to come to fruition once contracted.

RESOLVED - That the Director of Economy, Environment and Infrastructure, in consultation with the Leader of the Council, award the contract, appointing LCL as Principal Contractor for the Sea Road project.

## **2 RISKS, OPPORTUNITIES AND EQUALITY ISSUES**

It is a requirement of legislation and the Council's Constitution that this matter be notified to Council.

## **3 OTHER OPTIONS CONSIDERED**

Not applicable.

## **4 REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

These matters are reported to the Council as required by legislation and the Constitution, and to support the continued good governance of the Council.

## **5 FINANCIAL CONSIDERATIONS**

There are no financial considerations to be taken into account as a result of the recommendations within this report.

## **6 CHILDREN AND YOUNG PEOPLE IMPLICATIONS**

There are no direct implications for children and young people arising from the recommendations within this report.

## **7 CLIMATE CHANGE, NATURE RECOVERY AND ENVIRONMENTAL IMPLICATIONS**

There are no climate change or environmental implications arising from the recommendations within this report.

## **8. PUBLIC HEALTH, HEALTH INEQUALITIES AND MARMOT IMPLICATIONS**

There are no public health, health inequalities or Marmot implications arising from the recommendations within this report.

## **9. CONSULTATION WITH SCRUTINY**

Not applicable.

## **10. FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from the recommendations in this report.

**11. LEGAL IMPLICATIONS**

As set out in the main body of the report.

**12. HUMAN RESOURCES IMPLICATIONS**

There are no direct human resources implications arising from the recommendations in this report.

**13. WARD IMPLICATIONS**

All wards are potentially affected.

**14. BACKGROUND PAPERS**

None.

**15. CONTACT OFFICER(S)**

Paul Windley  
Democratic and Scrutiny Team Manager  
Email: paul.windley@nelincs.gov.uk

**SIMON JONES**  
**MONITORING OFFICER**