

AGENDA ITEM 10

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
MEETING OF THE COUNCIL – 1 FEBRUARY 2023
URGENT KEY DECISIONS TAKEN SINCE 01 NOVEMBER 2022
REPORT BY THE LEADER OF THE COUNCIL**

Part 4, Article 1.34 of the Constitution allows for key decisions to be taken when publication of the intention to make a key decision is impracticable (General Exception) provided the Chair of the Overview and Scrutiny Committee is given notification and Part 4, Article 1.36 of the Constitution allows for key decisions to be taken without giving the prescribed notice (Special Urgency) provided that the prior agreement of the Chair of the Overview and Scrutiny Committee is obtained. The Leader of the Council is required to report quarterly to the Council on how often the urgency procedure is used and to give details in each case. The urgent decisions taken since 01 November 2022, are set out in the table below. Members of the Council are asked to note these decisions; further details can be made available on request.

Urgent Key Decisions

Subject - Forward Plan reference	Decision taken by and date	Decision taken and Reason for Urgency
Statutory Agreements relating to the New Homes Developments at Acklam Road and Silchester Road, W10 06365/23/H/AB	Cllr Kim Taylor-Smith, 02 December 2022	Decision taken: To agree the Council, enter the BAPA as proposed by Network Rail for Acklam Road, part of which commits the Council to an uncapped indemnity, to agree the Council enter into the full terms of the agreement under s104 agreement of the Water Industry Act 1991 (s104 Agreement) relating to sewers at Acklam Road with Thames Water Utilities Limited part of which also commits the Council to an uncapped indemnity in the event of damage and or death resulting from construction works at the project, and agree the Council enter the licence for alteration and tenancy agreement with TTL Properties Limited (TTL) for Silchester Road, part of which also commits the Council to an uncapped indemnity in the event of damage and or death resulting from construction works at the project, Report: https://www.rbkc.gov.uk/howwegovern/keydecisions/decision.aspx?DecisionID=6365

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Subject - Forward Plan reference	Decision taken by and date	Decision taken and Reason for Urgency
		Reason for Special Urgency: It was not possible to give the full statutory 28 days public notice on the Forward Plan. With two projects already in contract and works progressing, there are significant risks to the Council if it does not approve the terms of these agreements in a short timeframe.
Extended support for primary aged children facing hardship 06378/23/S/A	Cllr Catherine Faulks, 29 December 2022	<p>Decision taken: To approve a total of £243,479 to enable schools to develop a flexible increased offer of support to primary aged pupils facing hardship. This will be funded from General Fund reserves and approve an additional £10,000 as contingency to allow for fluctuations in pupil Numbers.</p> <p>Report: https://www.rbkc.gov.uk/howwegovern/keydecisions/decision.aspx?DecisionID=6378</p> <p>Reason for Special Urgency: It was not possible to give the full statutory 28 days public notice on the Forward Plan. The reason for urgency is the context of the cost-of-living crisis and the fact that families need urgent support. Schools urgently need to access the funding and make arrangements to implement offers of support.</p>
The Council's Contribution to the London Boroughs Grants Scheme 06385/23/K/A	The Leadership Team, 19 January 2023	<p>Decision taken: To agree the overall level of expenditure for the London Boroughs Grants Scheme of £6.686m in 2023/24; To agree the Council's contribution to the London Boroughs Grants Scheme for 2023/24 of £116,189.</p> <p>Report: https://www.rbkc.gov.uk/howwegovern/keydecisions/decision.aspx?DecisionID=6385</p> <p>Reason for Special Urgency: It was not possible to give the full statutory 28 days public notice on the Forward Plan because the deadline for response to London Councils is 20 January 2023.</p>

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Settlement of Civil Claims 06400/23/K/AB	The Leadership Team, 19 January 2023	<p>Decision taken: To approve the Council entering into a global settlement agreement, as described in the exempt appendix, which will provide full and final settlement of those claims in the current alternative dispute resolution process; to approve the Council entering into an apportionment agreement, as set out in the exempt appendix; to delegate authority to the Chief Executive following consultation with the Leader of the Council and following advice from the Monitoring Officer and Executive Director of Resources to agree and sign off the detailed terms of the settlement agreement and an apportionment agreement between defendants in the alternative dispute resolution process; and to give approval for the Executive Director of Resources to seek a capitalisation direction for the Council from the Secretary of State for Levelling Up, Housing and Communities (DLUHC) to help cover the cost of resolving all claims that have been lodged.</p> <p>Report: https://www.rbkc.gov.uk/howwegovern/keydecisions/decision.aspx?DecisionID=6400</p> <p>Reason for Special Urgency: It was not possible to give the full statutory 28 days public notice on the Forward Plan because the Council needed to take this decision on an urgent basis to ensure that the settlement agreement can be finalised within the next three weeks.</p>

FOR INFORMATION

**Cllr Elizabeth Campbell
Leader of the Council**

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