

## Report of the Chief Executive

**EXERCISE OF THE CHIEF EXECUTIVE'S URGENCY POWERS**1. Purpose of Report

To ask Cabinet to note the exercise of the Chief Executive's urgency powers under chapter 2 Part 1 of the Council's procedure rules within the constitution.

2. Recommendation

**Cabinet is asked to NOTE the exercise of the Chief Executive's Urgency Powers, including the approval of a budget of £20,000 to commission a refresh of the evidence base for the possible adoption of a Community Infrastructure Levy for Broxtowe, which will be funded directly from General Fund Reserve balances in 2023/24.**

3. Detail

During the pre-election period, there was a requirement to act with urgency to address two situations where decisions had to be made in advance of a scheduled meeting.

The background to the first decision, namely to commission a refresh of the evidence base for the possible adoption of a community infrastructure levy for Broxtowe, at a cost of approximately £20,000, is set out in the appendix. This was agreed following consultation with the leader and deputy leader of the Council. The leader of the opposition as also informed

In the second case the Chief Executive was approached by a leader from the Muslim community in Beeston to exercise discretion to waive the requirement of a double charge for out of Borough residents for burial in the Muslim burial ground in Chilwell, in circumstances where a Muslim visitor from the United states of America died suddenly and unexpectedly whilst on a visit to a relative in the Borough. Islamic custom requires burial to take place within 24 hours, which was insufficient time to repatriate the body. Having consulted with the Leader and Deputy Leader the Chief Executive exercised discretion to waive the double fee, with a single fee being paid instead. The leader of the opposition has also informed.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There was no budgetary provision in place to commission the refresh of the evidence base for the possible adoption of a Community Infrastructure Levy for Broxtowe. Following approval under the Chief Executive's Urgency Powers, the

cost of this revenue development at around £20,000 was added to eth budget and will be funded directly from General Fund Reserve balances in 2023/24.

The amount of burial fee forgone was £2,898 and this will be contained within existing budgets.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

Chapter 2 Part 1 of the Council Procedure Rules in the Council's Constitution states: In consultation with the Leader of the Council and where possible the Leader of the opposition, the Chief Executive has the power to authorise the taking or carrying out of action, notwithstanding anything in the Council's Procedure Rules, Financial Regulations all other delegations, where they consider that circumstances exist that make it expedient or necessary for action to be taken prior to the time when such action could be approved through the normal Council procedures. A report on such action, and the circumstances justifying the exercise of the delegated powers, shall be made to the next meeting of the Council as appropriate

Both items contained within this report are such circumstances having been necessary for the action to be taken prior to the usual approval procedure. In relation to the commissioning of a report regarding the Community Infrastructure Levy (CIL). The legislation governing the development, adoption and administration of a CIL is contained within the Planning Act (2008) and the Community Infrastructure Levy Regulations 2010 (as amended). The associated government National Planning Policy Guidance is also important in guiding this process.

In relation to the waiving of the double charge for out of Borough burials, there is nothing prohibiting the Council from doing this. The Council is able to exercise discretion and as always is expected to act in accordance with the general principle of reasonableness.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

No Comments

7. Union Comments

The Union comments were as follows:

No Comments

8. Climate Change Implications

The comments from the Waste and Climate Change Manager were as follows:

No comments

9. Data Protection Compliance Implications

No comments

10. Equality Impact Assessment

A reasonable flexibility to the current charging policy for burials enabled a Muslim visitor to Broxtowe to be buried in accordance with the customs of their religion which would otherwise not have been possible.

11. Background Papers

Nil