

WINCHESTER CITY COUNCIL URGENT DECISION RECORD

Officer Completing the Form: Geoff Coe

Chief Executive: Laura Taylor

Subject: HM Courts and Tribunals Service - Licence to Occupy rooms in Winchester Guildhall

Details of Decision: Please provide a brief explanation as to what decision was made. This should be done in easy to understand, non-technical language - as this wording will appear on the website for the public to read. Also please remember all staff will be able to see this document.

The approval of a 9 month licence granted to Her Majesty's Courts and Tribunal Service (HMCTS) to occupy rooms and halls on the ground and first floor of the Guildhall for a "Nightingale Court" with effect from 19 October 2020 to 30 June 2021 at a Licence Fee [REDACTED] plus VAT inclusive of service charge and business rates.

Type of Decision: (please tick. see reverse for definitions)

- Urgent Key Decision (Executive) & Not subject to Call-In
- Significant Operational Decision (see section 2B (1) on reverse of this form)
- Other Decisions to be Published (see section 2B (2) on reverse of this form)
- Administrative Decision (see section 3 on reverse of this form)

Reason for the Decision and its urgency: A brief overview of your reasons for taking this course of action.

To accommodate HMCTS need to operate a Nightingale Court in Winchester to deal with backlog of cases caused by the pandemic and to secure income on vacant space, following decision by cabinet on 16.9.2020 that the Guildhall be a "venue only" service for 12 months ref. CAB3256. The licence was originally for a period of 6 months only and therefore within Officer delegation and a Significant Operational Decision. This was very recently extended to 9 months and the increased income moves the decision to being key. The licence needs to be signed today in order for the courts to open as anticipated. The decision is within the Budget and Policy Framework.

Alternative Options Considered & Rejected: All alternative options considered need to be outlined here. Please include detail of any representations received. This will include your response to any alternatives suggested by those making representation and the reasons why these alternatives were rejected.

Not supporting the request may result in the licence not being agreed and would result in extended periods with no significant use or hire of the Guildhall building due to little/no demand as a result of social distancing requirements. A shorter licence has been considered although HMCTS consider there to be a 9 month requirement for this operation.

Supporting Information: If your decision relates to delegated authority derived from a specific Committee resolution, please confirm the name of the Committee, the date of the meeting and paste the resolution into this box.

HMCTS have the right to use the following rooms in the Guildhall between the hours of 8.00 am and 8.00 pm Monday to Friday: Bapsy Hall, Conference Chamber, King Charles Hall, Wintonian Bar, Staff Room and Green Room

WCC reserve rights to use all other accommodation within the Guildhall.

The decision has been made in accordance with provisions in the Constitution for urgent decisions. The requirement for a 9 month licence has been made by HMCTS at very short notice. A delay in the decision would prevent the commencement of important court work well beyond the planned October start date. A full report will be prepared for the next Cabinet and Council meetings.

Declared Officer and/or Member interests: List any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision and, in respect of any declared conflict of interest, any note of dispensation granted by the Monitoring Officer.

None

Decision Taker (name): This needs to be the specific Officer or Portfolio Holder who holds the delegation within the constitution/or referred to by a Committee

Decision Taker (Signature):

Date: 13/10/20

Laura Taylor

Call In dates (if applicable) and Implementation date:

Exemption?

Commencement of call in: (date)

Not subject to "call in" due to urgency of decision

Open

Last date for call in: (date)	<i>n/a</i>	<input type="checkbox"/> Part Exempt. Please expand
Planned Implementation Date:	13/10/20	<input type="checkbox"/> Exempt. Please expand

Notes for report authors.

1. Why record officer decisions?

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require local authorities to produce a written statement of an executive decision made by an officer as soon as is reasonably practicable after the decision is taken (see Paragraph 13). This written statement must include the information requested in the questions of the pro forma on the previous page.

2. What sort of decisions are there?

A. **Key decisions.** A key decision is defined by Regulation 8 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 as being an executive decision which is likely:

- i. To result in the local authority incurring expenditure, which is or the making of savings which are significant having regard to the local authority's budget for the service or function to which the decision relates; **(For Winchester City Council, the financial limit above which a decision is regarded as significant is £250,000 per year), or;**
- ii. To be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules, Access to Information Procedure Rules (Part 4) and the Officer Scheme of Delegation (Part 3) of this Constitution.

B. **Non-Key Decisions.** Officers will usually take non-key executive decisions. A non-key decision is an executive decision that does not meet either criterion of a key decision as laid out above. These decisions are divided into significant operational decisions and administrative decisions.

1. **Significant Operational (Non-Key) Decisions.** This is a decision in relation to a Council or executive function which is not a key decision and results in one of the following:

- i. Revenue expenditure or making savings (including the receipt or loss of income) between £100,000 and £250,000 per year;
- ii. Capital expenditure (i.e. if they involve entering into new commitments and/or making savings) and/or contract awards of between £100,000 and £250,000
- iii. When, in the opinion of the Chief Executive, the Section 151 Officer or Monitoring Officer, a published record of the decision is required to provide openness and transparency.
- iv. A significant decision should be recorded in order to comply with Regulation 13 (Recording of executive decisions made by individuals) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (No. 2089).

2. **"Other" Decision.** Regulation 7 of the Openness of Local Government Bodies Regulation 2014 requires a written record to be produced as soon as reasonably practicable after an officer has made a decision under delegation which a) grants a permission or licence or b) affects the rights of an individual.

3. **Administrative Decision:** *(these do not require recording on this form unless one or more of the following applies)*

- i. There is a financial implication;
- ii. It is in conflict with the Budget and Policy Framework or other approved policies approved by full Council; and
- iii. It raises new issues of policy.

C. Which officer decisions need to be recorded on this form?

Officers need to record:

- 1) any key decision, i.e., decisions that have a significant effect on 2 or more divisions, or have a cost/saving of £250,000 or more. (see 2A above)
- 2) any Significant Operational Decisions. (see 2B (1) above)
- 3) "Other" officer decisions regarding the granting of a permission or licence or that affect the rights of an individual (see 2B (2) above)
- 4) Administrative decisions for which there is a financial implication.

4) What are the relevant Deadlines?

The decision needs to be published by Democratic Services on the Councils website as soon as practicable of it being taken.

5) Who needs to sign off the Request Form?

If you are sure an officer decision needs to be recorded, please complete the attached officer decision form. Once completed, please ensure that it is approved by the relevant Director. Once approved, the form should be forwarded to Democratic Services for adding to the Council's website where it can be viewed by members of the public on the decisions page.