

<b>SUBJECT:</b>	<b>CALL IN AND URGENCY</b>
<b>MEETING:</b>	<b>COUNCIL 16 MAY 19</b>
<b>DATE OF REPORT:</b>	<b>8 MAY 19</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>ALL</b>

## 1. PURPOSE

- 1.1 This report follows the decision by Cabinet to deal with an urgent matter on 6 Mar 19, thus waiving the option of call in, and triggering the constitutional requirement to submit a report to Council thereafter.

## 2. RECOMMENDATIONS

- 2.1 Council is requested to note this report.

## 3. KEY ISSUES

- 3.1 On 11 March 2019 Monmouthshire County Council purchased Newport Leisure Park for £21m as part of its Asset Investment Policy.
- 3.2 The Investment Committee dealt with the proposal throughout and in the final stages it was necessary to seek Cabinet approval as the cost exceed the Investment Committee's delegated authority to spend no more than 20% of the fund's value (£10m) on any one transaction.
- 3.3 The commercial sensitivity of the purchase was such that the matter was exempt from publication in accordance with Local Government Act, Schedule 12A, Part 4: *Information relating to the financial or business affairs of any particular person (including the authority holding that information)*. It was also subject to a non-disclosure agreement with the seller and thus subject to considerable penalty following any disclosure of the details.
- 3.4 Once all relevant due diligence had been completed the dates for the exchange of contracts and completion were set by mutual agreement to best ensure the success of the deal. The proximity of these dates meant that to allow the standard period for a call in as per Article 14 of the Select Committee procedure Rules (page D42 of the Constitution), would have meant breaching the agreed exchange and completion dates and jeopardised the investment.
- 3.5 The decision to seek Cabinet approval to treat the matter as urgent was mitigated by the due diligence work of the Investment Committee, itself a cross-party committee established by the Council and not by the Executive.
- 3.6 In considering the commercial sensitivity and the time pressure, balanced against the mitigating work carried out by the Investment Committee, the conclusion was that the delay that the call-in process would require would have seriously prejudiced the Council's interests. The agreement of the Head of Paid Service of the Council was sought and his consideration was that the proposal was reasonable in all the circumstances.
- 3.7 Cabinet approved the request that the matter be treated as urgent.

**4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING)**

4.1 Given the nature of this report no implications have been identified.

**5. OPTIONS APPRAISAL**

5.1 The report is to note only and is mandated by the constitution. Do nothing was not an option.

**6. RESOURCE IMPLICATIONS:**

6.1 Nil

**7. CONSULTEES:**

There has been no formal consultation on this report as it is mandated by the Constitution though the Monitoring Officer has been consulted.

**8. AUTHOR:**

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