

Appendix 2: Process followed for UD158

The scrutiny of the process followed for Urgent Decision (UD) 158 has been structured according to the relevant section of the [Council's constitution](#): Appendix 2 – Scheme of Delegation to Officers (Date of issue: 13/05/2025, updated 11/08/2025, pdf page number 30-32). The UD in question has been mapped to the steps below:

3. Taking decisions, including urgent non-delegated decisions

3.1. The Chief Executive and Directors are authorised to take decisions on grounds of urgency regarding matters which would otherwise be reserved for determination by a Committee or Council. A matter can be deemed urgent if, in the reasonable opinion of the officer concerned, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the relevant decision-making body in sufficient time to take the decision.

A decision was needed on the 17th December to ensure that contract negotiations regarding the Rainbow Centre could be progressed. The next scheduled meeting of the Strategy and Resources Committee was not until the 27th January 2026.

This matter related to a key element of the contract which needed to be resolved before the formal contract signing process could begin.

The interests of the Council and tax payers related to not having a formal contract in place, which risked contract breakdown and could have resulted in substantial financial losses to the Council through management fee losses, re-tendering of the contract, and maintaining the Centre without an operator, plus uncertainty for the Centre staff. Further delays would also put at jeopardy the operator's time-based investment plans which were a linchpin of their bid to operate the leisure centre, hence the risk of contract failure.

Please note the details of the decision were (and remain) considered commercially sensitive and are restricted. Councillors were able to ask for details of the urgent decision by contacting the Executive Support team.

The officer concerned shall also

i. Advise and seek the views of the Chair and/or Vice Chair of the appropriate Committee at the earliest opportunity.

The Chair was briefed and consulted in advance of producing the urgent decision and then sent the urgent decision form, the final version of which was approved on the 17th December 2025.

ii. Report the matter to the next scheduled meeting of the appropriate Committee; and

UD158 was reported to the Strategy and Resources Committee on Tuesday 27th January 2026.

iii. Ensure all members are advised at the earliest opportunity (via MemberNews currently).

The notification of the Urgent Decision was published on MembersNews on 30th December 2025, including the need for councillors to contact Executive Support for further information. We acknowledge this should have been done sooner but there was a small delay to this as a result of the Christmas break

3.2. In taking any decision, the officer concerned must be satisfied that the following issues have been considered and actions taken where appropriate. All of these issues should be considered at the earliest possible stage:

i. The views of the relevant committee Chair following the application of the consultation criteria set out in paragraph (iii) below.

The Chair was consulted, as noted above.

ii. The implication of any council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision in other areas. In such cases, consultation with officers, relevant committee Chairs and local councillors, where the issue relates to a specific area, should take place.

The matter related to a specific case, which would not impact wider council policies. However, had the urgent decision not have been pursued, and the risks materialised, there would have been an impact on the Council's Health and Wellbeing Strategy as well as its wider finances.

iii. Consultation and the views emanating from that process.

Views from the Council's external legal advisors, leisure consultants, and Head of Property and Regeneration were sought as part of process.

iv. The range of available options.

The alternative option of delaying the decision to the next scheduled Committee meeting would have increased the risks noted above in 3.1 to an unacceptable level.

v. The staffing, financial and legal implications.

Financial and legal implications were considered as noted above and below. There would have been no impact on Council staff, however there were potential risks for Centre staff (and subcontractors) should the contract not have been agreed.

vi. The assessment of any associated risks in accordance with the council's Risk Management Strategy.

Risks were assessed as part of the urgent decision. The key risks have been noted above in 3.1.

vii. The involvement of appropriate statutory officers.

Chief Executive, Section 151 Officer and Monitoring Officer consulted. Note: the Council appointed specialist external legal advisors for this project who were consulted and supported the council on legal matters. The matter was discussed with the Chief Executive at Strategic Leadership Team meetings prior to the decision being taken, and has been confirmed by her in an email to the Audit and Scrutiny Committee, that she, as Proper Officer, made the decision that this matter should be exempt given the commercial sensitivity of the issue, considering the advice provided to her.

viii. The relevance of any regional or national guidance from other relevant bodies.

Not applicable for this matter.

ix. The council's Constitution, its contract and financial procedures and regulations, all relevant guidance, legislation and codes of practice.

The urgent decision process, which emanates from the Scheme of Delegation in the Council's Constitution, was followed as evidenced here.

x. The need to secure Best Value.

The financial implications of the decision were considered, in light of the total contract value and risks of not resolving the matter at this time. Officers' and the Chair's view was that Best Value was best achieved in the circumstances, for the council and residents, by proceeding with this urgent decision.

3.3. In order to assist with the above, arrangements should be made by relevant officers to deal with times of absence, such as holidays. This could, for example, be through a named alternative.

Not applicable in this case.

4. Scrutiny

4.1. For the purposes of Audit and Scrutiny Committee:

i. A report should be presented annually to the Audit & Scrutiny Committee setting out significant delegated decisions taken by officers under delegated powers in the previous year.

Urgent Decision 158 is included in the annual urgent decisions report, which this document is appended to, for the Audit and Scrutiny Committee meeting on 16th July 2026.

ii. Any councillor may request that (with the exception of decisions made by the Planning Committee and licensing hearings) decisions taken by officers under delegated powers are scrutinised by the Audit and Scrutiny Committee.

This report (Appendix 2) was requested by the Committee at their February 2026 meeting.

iii. Any such scrutiny will not make any action taken as a result of the decision invalid. However, the scrutiny body will be able to recommend improvements to the process or a different course of action in future.

This report invites Audit and Scrutiny Committee members to consider and recommend improvements to the urgent decision, bearing in mind the work already undertaken recently by the Chief Executive and previously named members (see the Covering Report).