

CITY OF  
WOLVERHAMPTON  
COUNCIL

## Notice of key decision to be made under General Exception provisions

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

**Date of notice:** 30 October 2020

**To:** Councillor Paul Sweet  
Chair of Scrutiny Board

**From:** Mushtaq Ahmed-Khan  
Lead Lawyer, Governance

An intention to make the following key decision, which is to be considered by the Cabinet (Resources) Panel on 11 November 2020, was not publicised in advance as required by the Regulations.

**Report title:** Renewal of Black Country Car Cruising Injunction (2021)

**Classification:** PRIVATE – exempt from publication under Schedule 12A of the Local Government Act 1972 (as amended), Part 1, Paragraph 5

*The reason(s) for the omission from the forward plan of key decisions and the reason(s) why this decision cannot be delayed until the requisite 28 days have elapsed are:*

### Reasons for Omission from the Forward Plan of Key Decision

1. A considerable amount of work and liaison is required between the Council and its Black Country Borough Partners (Dudley, Sandwell and Walsall Councils) and West Midlands Police in order to collate evidence and make strategic decisions regarding the renewal and operation of the Black Country Car Injunction.
2. Considerable evidence has to be obtained from a variety of sources including lead officers, local residents and businesses and reviewed by officers prior to submitting any papers for the consideration of Councillors. Unlike the previous application to renew the Injunction, this proposed application involves a proposed variation of the Injunction.
3. All of the additional work, coupled with the effect of the inevitable diversion of resources in all the councils concerned and West Midlands Police in response to the Covid-19 pandemic, has resulted in a slight delay (that is less than twenty eight days from

*This notice must be provided to the Chair of the Scrutiny Board and to the appropriate democratic support officer at least five clear working days in advance of the relevant Executive meeting.*

submission of papers to the requisite Cabinet (Resources) Panel meeting) before officers were sure a strong, thorough and reasoned prima facie case for renewal (and potential variation) of the Injunction could be brought to the attention of Councillors.

4. Those involved in the strategic decision-making regarding the operation of the Injunction across the Council, its Black Country Partners and West Midlands Police are extremely concerned that any strategic action needs to be carefully considered, well-evidenced and thoroughly reasoned before being taken, as the wide-ranging effect of the Injunction and the consequences for those found in breach of the Injunction is well-recognised.

#### **Reasons Why This Decision Cannot be Delayed Until the Requisite 28 Days Have Elapsed**

5. A decision to consider whether the proposed renewal of the Black Country Car Cruising Injunction (and proposed variation) is in the interests of the City of Wolverhampton and the decision whether to authorise the Director of Governance and Councillor with the Governance Portfolio to authorise the issue of proceedings for renewal and variation of the Injunction thereafter, must be made on 11 November 2020. Thus, if a decision is made to pursue an application to renew (and variation) of the Injunction, the Director and Councillor's authorisation for issuing proceedings needs to be given by the end of November 2020.
6. The Black Country Car Cruising Injunction expires at 23:59 on 31 January 2021. Any application to Court must be issued by no later than early December 2020. Issuing proceedings after this date risks the Court being unable to list a hearing prior to 31 January 2021 due to the inevitable disruption of the Christmas period and the pressure on the Courts owing to the backlog of cases resulting from the Covid-19 pandemic. There is a risk, therefore, that if a decision is made that renewal (and variation) of the injunction is in the Council's interest and such application not issued by early December 2020, the Council and its Black Country Partners (Dudley, Sandwell and Walsall Councils) would lose the protection of the Black Country Car Cruising Injunction due to the expiry of said Injunction. At the time of writing, control of this is in the Council's gift.