

COUNCIL

26 JULY 2012

SPECIAL URGENCY DECISIONS

Portfolio Holder: Councillor Rodney Chambers, Leader

Report from: Neil Davies, Chief Executive

Author: Perry Holmes, Monitoring Officer

Summary

This report details a decision taken by the Cabinet under the special urgency provisions contained within the Constitution.

1. Budget and Policy Framework

1.1 The Constitution requires that these decisions are reported to Council.

2. Background

2.1 The Constitution allows for Cabinet to consider urgent reports on occasions where the taking of the decisions cannot be reasonably deferred. This requires the agreement of the Chairman of the relevant Overview and Scrutiny Committee, in accordance with rule 16 of chapter 4, part 2 of the Constitution (access to information rules). Such matters must be reported to Council following the use of rule 16, in accordance with section 17.3 of the access to information rules. In summary, this relates to those occasions when it is necessary for Cabinet to consider items which have not been included on the Forward Plan and the Cabinet agenda itself.

2.2 The Constitution also allows for the call-in provisions to be waived where a decision is considered urgent, in that any delay caused by the call-in would seriously prejudice the Council's or public's interest. This requires the agreement of the Chairman of the relevant Overview and Scrutiny Committee and for the matter to be reported to the next available meeting of the Council, in accordance with rule 16.11 of chapter 4, part 5 of the Constitution (overview and scrutiny rules).

2.3 A summary of the recent use of these provisions is set out in the following section.

3 Mercury Abatement and Improvements to Medway Crematorium – Cremator Works

- 3.1 On 12 June 2012, the Cabinet considered a report which set out the background and proposals for an extension to the contract timetable to the above project. A copy of the report is available via the Council's website:
(<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=15734>).
- 3.2 The Cabinet approved an extension of three months for the installation of cremators and abatement equipment at Medway Crematorium (decision no.89/2012). The Cabinet agreed that these decisions are considered urgent and therefore should not be subject to call-in (decision no. 90/2012).
- 3.3 In line with rule 16.11 of Chapter 4, Part 5 of the Constitution, call-in could be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interests. This report was presented to Cabinet as an urgent item because of the requirement to install cremators capable of removing mercury by 31 December and the two (previously) selected contractors must be in receipt of a contract, agreed by the Council, before they could start placing orders with their suppliers. This agreement to extend was time critical and any further delay would mean that this target date would not be achieved.
- 3.4 It was noted that the Chairman of the Business Support Overview and Scrutiny Committee had agreed to waive call-in on this report on the basis that this matter was reasonable in all the circumstances and to it being treated as a matter of urgency (in accordance with rule 16.11 of Chapter 4, Part 5 of the Constitution).
- 3.5 The Business Support Overview and Scrutiny Committee was notified, via email and letter, when agreement to use these provisions was given on 12 June 2012.
- 3.6 Subsequent to the Cabinet decision on 12 June 2012, contracts were signed and all parties are in agreement with the contractual arrangements. Works have now commenced on site.

4. Financial, legal and risk implications

- 4.1 The requirement to report decisions taken under the various urgency provisions is set out within the Constitution. Details of the financial, legal and risk implications are set out in full within the relevant Cabinet report.

5. Recommendation

5.1 That the report be noted.

Lead officer contact

Perry Holmes, Monitoring Officer

Telephone: (01634) 332133 Email: perry.holmes@medway.gov.uk

Background papers

None