

COUNCIL

18 OCTOBER 2012

SPECIAL URGENCY DECISIONS

Portfolio Holder: Councillor Rodney Chambers, Leader

Report from: Neil Davies, Chief Executive

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Summary

This report details a decision taken by the Deputy Leader under the executive side (Cabinet) 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/Leader (or, on this occasion, the Deputy Leader, in the absence of the Leader) 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 HR Matter

- 3.1 On 23 August 2012, the Deputy Leader agreed a proposal to settle a claim against the Council. A copy of the decision is available via the Council's website:
(<http://democracy.medway.gov.uk/ieListDocuments.aspx?CIId=115&MIId=2681&Ver=4>).
- 3.2 The Deputy Leader authorised the payment set out in paragraph 3.2 of the exempt report (decision no.115/2012). The Deputy Leader agreed that this decision was considered urgent and therefore should not be subject to call-in (decision no. 116/2012).
- 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. The exempt report was presented to the Deputy Leader as an urgent item because of the limited timeframe to settle the claim. As such it was not possible to consider this item at the next Cabinet meeting (4 September 2012).
- 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 and rule 16 of Chapter 4, Part 2 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 23 August 2012.
- 3.6 Subsequent to the Deputy Leader's decision on 23 August 2012, the claim was settled as outlined in the exempt report.

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 report.

5. Recommendation

- 5.1 That the report be noted.

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Background papers

None