

COUNCIL

16 OCTOBER 2014

SPECIAL URGENCY DECISIONS

Report from: Neil Davies, Chief Executive

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Summary

This report details a decision made by the Chief Executive under the urgency provisions contained within the Constitution.

1. Budget and Policy Framework

- 1.1 The Council's Constitution requires that a report be submitted to the next available Council meeting where urgent action on Council side functions has been undertaken by the Chief Executive or Directors.

2. Background

- 2.1 Where a proposed decision is a Council side function, the Chief Executive and directors shall have the power to act on behalf of the Council in cases of urgency only where the urgent matter is of such a nature that it may be against the Council's interest to delay and where it is not practicable to obtain the approval of the Council, in accordance with paragraph 4.1 of chapter 3, part 4 of the Constitution (employee delegation scheme). This is subject to consultation with the Leaders of all the groups which comprise at least 1/10th of the membership of the Council (or their nominees) and the provisions for urgent decisions which are contrary to any plan or strategy which has been approved or adopted by the Council or which are contrary to or not wholly in accordance with the budget approved by the Council (set out in Chapter 4, Part 3 of the Constitution).

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

3. Acquisition of Premises in Chatham for Sexual Health Services

- 3.1 On 5 August 2014 the Cabinet considered a report which provided details of a proposal to take a lease of premises in order to relocate

some Contraceptive and Sexual Health (CASH) services to new central Chatham premises and to seek approval to add the scheme to the Capital Programme. A copy of the report is available via the Council's website:

<http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?Ild=13180>

3.2 The Cabinet agreed the following:

3.2.1 The Cabinet agreed to delegate authority to the Assistant Director, Legal and Corporate Services in consultation with the Portfolio Holders for Finance and Adult Services, to take a lease of the premises to locate contraceptive and sexual health (CASH) services in central Chatham.

3.2.2 The Cabinet agreed to recommend to the Chief Executive (using urgency powers (in place of referring this matter to Full Council)) to add the scheme for the refurbishment and moving costs to the capital programme.

3.3 The Chief Executive consulted with the Leader of the Council, Councillor Rodney Chambers OBE on 11 August 2014 and the Leader of the Labour Group, Councillor Maple, on 12 August 2014 as required by the Constitution. Both agreed with the proposed course of action, therefore, the Chief Executive made the following decision, using urgency powers, on 15 August 2014.

3.3.1 That the Chief Executive (using urgency powers (in place of referring this matter to Full Council)) agrees to add the scheme for the refurbishment and moving costs of the relocation of the CASH service to Central Chatham to the capital programme

3.4 Following Cabinet approval to take a lease of premises on 5 August 2014, delegated authority was obtained on 13 August 2014 to take a lease of a property in central Chatham. A draft lease has now been prepared by the Landlord's Solicitor and it is with the Council's Legal team awaiting approval or amendment as required prior to its completion and implementation.

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, as highlighted in paragraph 3.1 of this report.

5. Recommendation

5.1 That the report be noted.

Lead officer contact

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Background papers

Cabinet 5 August 2014 *Acquisition of Premises in Chatham for Sexual Health Services*

<http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?Ild=13180>