

## **COUNCIL**

**27 APRIL 2017**

### **USE OF URGENCY PROVISIONS**

Portfolio Holder: Councillor Alan Jarrett, Leader  
Report from: Neil Davies, Chief Executive  
Author: Perry Holmes, Chief Legal Officer/Monitoring Officer

#### **Summary**

This report provides details of recent usage of urgency provisions contained within the Constitution.

#### **1. Budget and Policy Framework**

- 1.1 The Council's Constitution provides for a report to be submitted to Council following the usage of urgency provisions contained within the Constitution.

#### **2. Background**

##### **Chief Executive/Directors – urgency powers**

- 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 1/10<sup>th</sup> 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 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency
- 2.3 A summary of the recent use of these provisions is set out in the following section.

### **3. HR Matter**

- 3.1 The Chief Executive consulted with the Leader of the Council, Councillor Jarrett and the Leader of the Labour Group, Councillor Maple, as required by the Constitution. Both agreed with the course of action. Therefore, the Chief Executive made the following decision, using urgency powers on 15 February 2017:

To terminate the employment of a member of staff in the Children and Adults directorate and to pay reasonable costs for settling employment tribunal claims against the Council.

- 3.2 Further details relating to this use of urgency powers are set out in an exempt appendix.

### **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.
- 4.2 Details of any specific financial, legal and risk implications regarding the HR matter are set out in the exempt appendix.

### **5. Recommendation**

- 5.1 That the report be noted.

#### **Lead officer contact**

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#### **Appendices**

Exempt Appendix

#### **Background papers**

None