

Record of decisions Leader using Urgency Powers Monday, 21 August 2017

Date of publication: 31 August 2017

Legal Claim Against Medway Council

Background:

This exempt report provided details of legal advice regarding a High Court claim against the Council.

The exempt report noted that the urgency provisions were set out in the Constitution (paragraph 3.2 of Part 3 (Responsibility for Cabinet functions) of Chapter 3 (Responsibility for Functions) of the Constitution.

The Chairman of the Business Support Overview and Scrutiny Committee had agreed that the taking of this decision was urgent and could not be reasonably deferred, in accordance with Rule 17.1 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution). This was there was a deadline for responding to the court papers prior to the next Cabinet and therefore, it was not possible to defer consideration until the next Cabinet meeting which was due to be held on 5 September 2017.

In line with the Overview and Scrutiny rules in 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 Chairman of the Business Support Overview and Scrutiny Committee had agreed that the decisions proposed were reasonable in all the circumstances and to them being treated as a matter of urgency and to waive call-in.

Decision number:

Decision:

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| 86/2017 | The Leader agreed to authorise the Chief Executive in consultation with himself to take the necessary steps to settle the litigation and to take any other necessary steps to mitigate the Council's financial exposure in this matter. |
| 87/2017 | The Leader agreed that this decision is considered urgent and therefore should not be subject to call-in. |

Cabinet, 21 August 2017

Reasons:

To mitigate any increased financial liability for the Council above the extent of the current claim.

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Leader of the Council

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Date

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