

## **COUNCIL**

**4 MARCH 2010**

### **SPECIAL URGENCY DECISIONS**

Portfolio Holder: Councillor Rodney Chambers, Leader

Report from: Neil Davies, Chief Executive

Author: Deborah Upton, Monitoring Officer

#### **Summary**

This report details decisions 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 forward plan sets out the key decisions that are expected to be taken over the next four months. It is not a definitive list but is intended to provide an indication of those decisions the Cabinet will consider in the coming period.

2.2 If a matter has not been included on the forward plan, and it is not possible to satisfy the general exemption provision of rule 15 of the access to information rules, the Constitution allows for the decision to be taken in accordance with the provisions of rule 16 (special urgency). The Chairman of the relevant Overview and Scrutiny Committee needs to agree that the decision cannot be reasonably deferred and a report has to be presented to Council.

2.3 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 also 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.

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

### **3. Outcome of Consultation on the Future of Delce Infant and Delce Junior Schooled**

- 3.1 On 26 January 2010 the Cabinet considered a report setting out details of the recommendation from the Children and Adults Overview and Scrutiny Committee that the Cabinet reconsider its decision to amalgamate Delce Infants and Delce Junior Schools.
- 3.2 The report gave details of the Committee's consideration of this matter, at the meeting held on 19 January 2010, and was accompanied by a copy of the original Cabinet report from December 2009.
- 3.3 Following their consideration of this matter the Cabinet agreed to amalgamate Delce Infant School and Delce Junior School, on the existing school sites, in September 2012, thereby confirming decision number 219/2009.
- 3.4 The Cabinet had accepted this as an urgent item due to the parental and public interest and to provide certainty over the future of the schools. As the matter had not been included on the forward plan, and it was not possible to satisfy the general exemption provision of rule 15 of the access to information rules, the Chairman of the Children and Adults Overview and Scrutiny Committee (in accordance with Rule 16 of Chapter 4, Part 2 of the Constitution) had agreed that the decision be taken as a matter of urgency.

### **4. Capital and Revenue Budgets 2010/2011**

- 4.1 On 16 February 2010 the Cabinet considered proposals for the capital and revenue budgets for 2010/2011. The report included the proposed Housing Revenue Account (HRA) budget and associated capital programme for 2010/2011, including increases in rent and service charges from April 2010. An addendum report updated Members on the outcome of discussions at the Employment Matters Committee, the Schools Forum and MeRGe concerning the 2010/2011 budget. In addition, the addendum report set out some amendments required to the appendices in the original report.
- 4.2 In relation to the Schools Forum meeting on 11 February the Cabinet was advised that the Forum had determined not to support the Council's request to increase the Central Expenditure Limit (CEL) in respect of the recovery of deficit balances from closing schools as part of the Academy creation programme. The addendum report set out the impact of this decision and recommended, as the Council was unable to override that decision, that the Secretary of State for Children, Schools and Families be requested to determine that such an increase is permitted.
- 4.3 The Cabinet authorised the Chief Executive to request that the Secretary of State for Children, Schools and Families varies the level of

the Central Expenditure Limit to accommodate the planned £700,000 addition for the recovery of costs arising from schools closures (decision number 22/2010).

- 4.4 To enable the Council to set a budget for 2010/2011 within the required timescale the Cabinet also considered that this decision was urgent and should therefore not be subject to call-in. It was considered that the call-in provisions needed to be waived due to the impact that this would have on council finances and the urgent need to obtain a decision from the Secretary of State, ideally before the Council budget meeting on the 25 February 2010. It was noted that the Chairmen of both Business Support and Children and Adults Overview and Scrutiny Committees had agreed to call-in being waived on this matter (in accordance with rule 16.11 of Chapter 4, Part 5 of the Constitution).
- 4.5 The Business Support and Children and Adults Overview and Scrutiny Committees had been notified, via email, when agreement to use of these provisions was given.

## **5. Financial, legal and risk implications**

- 5.1 There are no financial, legal or risk implications arising from this report. The requirement to report decisions taken under the various urgency provisions is set out within the Constitution.

## **6. Recommendation**

- 6.1 That the report be noted.

### **Lead officer contact**

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### **Background papers**

“Call in: Outcome of Consultation on the Future of Delce Infant and Delce Junior Schools” Report and Record of Decisions - Cabinet 16 February 2010

“Capital and Revenue Budgets 2010/2011” report and “Capital and Revenue Budgets 2010/2011 Addendum Report” Report and Record of Decisions - Cabinet 16 February 2010

Cabinet reports and decisions can be accessed via the Council's website at: - <http://www.medway.gov.uk/cabinetdecisions.htm>