

CABINET

9 MARCH 2010

CHATHAM DYNAMIC BUS FACILITY

Portfolio Holder: Councillor Rodney Chambers, Leader

Report from/Author: Deborah Upton, Monitoring Officer

Summary

This report informs Members of a decision made by the Leader, using his urgency powers, to amend the delegation to officers, originally made by Cabinet on 24 November 2009.

1. Budget and Policy Framework

1.1 Paragraph 3.2 of part 3 (Responsibility for Cabinet Functions) of Chapter 3 (Responsibility for Functions) of the constitution permits the Leader of the Council to make decisions that are urgently required.

2. Background

2.1 The Cabinet considered a report on the revised proposals for the Chatham Dynamic Bus Facility on 24 November 2009 and made the following decision:

Decision number: **Decision:**

- 194/2009** **The Cabinet agreed that**
- (a) a planning application be submitted for a revised scheme (as described in this report, and as shown in the sketches appended to it)**
 - (b) the loss of existing public open space in the proposed site be advertised in the local press in accordance with s123 (2A) of the Local Government Act 1972 and the Director of Regeneration, Community and Culture be delegated authority, in consultation with the Portfolio Holder for Community Services, to consider any objections and determine whether or not to appropriate the land.**
 - (c) these decisions are considered urgent and therefore should not be subject to call-in.**

- 2.2 A number of objectors raised a concern that the Director of Regeneration, Community and Culture was acting as both the Applicant for the planning permission and also had delegated authority to consider any objections and determine whether or not to appropriate the public open space in question. They felt there may be a perception of a conflict of interest. Whilst officers have advised that they do not consider there to be such a conflict, it was considered appropriate to allay those concerns and for the delegation to be exercised by the Assistant Director (Housing & Corporate Services) who has responsibility for property issues within the Council.
- 2.3 Therefore, and owing to the timescales involved, the Leader, using his urgency powers has made the following decision:
- To delegate authority to the Assistant Director, Housing and Corporate Services in place of the Director of Regeneration Community and Culture.

3. Risk Management

- 3.1 It is not considered that there is any risk in the decision to move the delegation from one senior officer to another.

4. Financial and legal implications

- 4.1 There are no financial implications for this decision.
- 4.2 It was not considered that a decision to amend the delegation from one named officer to another was a key decision (as defined in Article 12.3 of the Constitution). In these circumstances Rules 13-17 of the Access to Information Rules are not applicable.

5. Recommendation

- 5.1 The Cabinet is asked to note the use of the Leader's urgency powers to amend the delegation to from the Director of Regeneration, Community and Culture to the Assistant Director (Housing & Corporate Services).

6. Suggested reasons for decision(s)

- 6.1 To ensure that the objectors do not consider that there is a perception of conflict of interest.

Lead officer contact

Deborah Upton
Monitoring Officer
T: 01634 332133
E: deborah.upton@medway.gov.uk

Background papers

Chatham Dynamic Bus Facility – Revised Scheme: Report and Decisions to Cabinet 24 November 2009