

COUNCIL

29 JULY 2010

SPECIAL URGENCY DECISIONS

Portfolio Holder: Councillor Rodney Chambers, Leader

Report from: Neil Davies, Chief Executive

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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 Constitution allows for Cabinet to consider urgent reports on occasions where the taking of the decisions cannot be reasonably deferred. This requires the agreement of the Chairman of the relevant Overview and Scrutiny Committee, in accordance with rule 16 of chapter 4, part 2 of the Constitution (access to information rules). Such matters must be reported to Council following the use of rule 16, in accordance with section 17.3 of the access to information rules.

2.2 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 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, in accordance with rule 16.11 of chapter 4, part 5 of the Constitution (overview and scrutiny rules).

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

3 Housing Revenue Account Reform Prospectus

3.1 On 29 June 2010 the Cabinet considered an urgent report detailing the prospectus issued by Government, for reform of the Housing Revenue

Account (HRA) subsidy system, and suggested a response as required by 6 July 2010. A copy of the report is available via the Council's website:

(<http://democracy.medway.gov.uk/mgIssueHistoryHome.aspx?Ild=5012&Opt=0>) or by contacting the Cabinet Office on (01634) 332008/332509.

- 3.2 The Cabinet agreed to delegate authority to the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, to finalise the response on the prospectus on HRA self financing, to be submitted to CLG by 6 July 2010 (decision no. 89/2010).
- 3.3 The Cabinet considered that the decision set out above was urgent and should therefore not be subject to call-in, given the deadline for submitting the response was 6 July 2010.
- 3.4 It was noted that the Mayor, in the absence of the Chairman of the Business Support Overview and Scrutiny Committee, had agreed that the taking of this decision could not be reasonably deferred, in accordance with rule 16 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution).
- 3.5 It was also noted that the Vice-Chairman of the Business Support Overview and Scrutiny Committee, in the absence of the Chairman of the Committee, had agreed to waive call-in (in accordance with rule 16.11 of Chapter 4, Part 5 of the Constitution). The Business Support Overview and Scrutiny Committee was notified, via email and letter, when agreement to use these provisions was given on 25 June 2010.

4. Public Spending Reductions

- 4.1 On 29 June 2010 the Cabinet considered an urgent report detailing the recent announcements made by the Chancellor of the Exchequer in respect of the emergency reductions of £6.2 billion in public spending and the further announcements in the emergency budget presented to Parliament on 22 June 2010. The report asked Cabinet to recommend a number of proposed savings to Council on 29 July (see report at agenda item 11C). A copy of the Cabinet report is available via the Council's website:
(<http://democracy.medway.gov.uk/mgIssueHistoryHome.aspx?Ild=5028>) or by contacting the Cabinet Office on (01634) 332008/332509.
- 4.2 The Cabinet recommended to Full Council to agree the proposals set out in this report and its appendices to redress the budget shortfall and to approve the use of reserves accruing from the underspend in 2009/10 to fund any necessary one-off costs in implementing the changes (decision no. 91/2010).
- 4.3 It was noted that the Mayor, in the absence of the Chairman of the Business Support Overview and Scrutiny Committee, had agreed that the taking of this decision could not be reasonably deferred, in accordance with rule 16 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution). The Business Support

Overview and Scrutiny Committee was notified, via email and letter, when agreement to use these provisions was given on 29 June 2010.

- 4.4 With regards to decision no. 92/2010 (The Cabinet authorised the Directors and Chief Executive to consider and determine all consultation responses received in respect of their Directorates), it has been subsequently clarified that this is a matter for Council to decide, and this is set out in the recommendations on agenda item 11C.

5. Gateway 3 Contract Award: Chatham Dynamic Bus Facility Construction Contract

- 5.1 On 20 July 2010 the Cabinet considered a report which sought approval to delegate the appointment of the contractor for the main works contract for the construction of the Chatham Dynamic Bus Facility to the Assistant Director of Housing and Corporate Services in consultation with the Leader and the Portfolio Holder for Finance. A copy of the Cabinet report is available via the Council's website: (<http://democracy.medway.gov.uk/mgIssueHistoryHome.aspx?IId=4956>) or by contacting the Cabinet Office on (01634) 332008/332509.
- 5.2 The Cabinet agreed to authorise the Assistant Director of Housing and Corporate Services, in consultation with the Leader and the Portfolio Holder for Finance, to enter into a contract with Morgan Sindall for the main works contract for the construction of the Chatham Dynamic Bus Facility within the agreed budget provision (decision no. 107/2010).
- 5.3 The Cabinet considered that the decision set out above was urgent and should therefore not be subject to call-in, as any delay would jeopardise the development programme and the ability for the project to be delivered within the funding period (before March 2011).
- 5.4 It was noted that the Chairman of the Regeneration, Community and Culture Overview and Scrutiny Committee had agreed to waive call-in (in accordance with rule 16.11 of Chapter 4, Part 5 of the Constitution). The Regeneration, Community and Culture Overview and Scrutiny Committee was notified, via email and letter, when agreement to use these provisions was given on 20 July 2010.

6. Gateway 3 Contract Award: Chatham Phase 2 Road Improvements - The Brook Improvements

- 6.1 On 20 July 2010 the Cabinet considered a report which sought approval to delegate the appointment of the contractor for the contract for the Chatham road and public realm improvements at the Brook to Assistant Director of Housing and Corporate Services in consultation with the Leader and the Portfolio Holder for Finance. A copy of the Cabinet report is available via the Council's website: (<http://democracy.medway.gov.uk/mgIssueHistoryHome.aspx?IId=4957>) or by contacting the Cabinet Office on (01634) 332008/332509.

- 6.2 The Cabinet agreed to authorise the Assistant Director, Housing and Corporate Services, in consultation with the Leader and the Portfolio Holder for Finance, to enter into a contract with J Breheny for works to The Brook, as set out in the report (decision no. 109/2010).
- 6.3 The Cabinet considered that the decision set out above was urgent and should therefore not be subject to call-in, as any delay would jeopardise the development programme and the ability for the project to be delivered within the funding period (before March 2011).
- 6.4 It was noted that the Chairman of the Regeneration, Community and Culture Overview and Scrutiny Committee had agreed to waive call-in (in accordance with rule 16.11 of Chapter 4, Part 5 of the Constitution). The Regeneration, Community and Culture Overview and Scrutiny Committee was notified, via email and letter, when agreement to use these provisions was given on 20 July 2010.

7. A228 Stoke Crossing – Project Update

- 7.1 On 20 July 2010 the Cabinet considered an exempt report which sought agreement to the scheme proceeding and that the contract with Birse Civils Ltd being concluded.
- 7.2 The Cabinet noted that previous reference to 'Birse Construction' was incorrect and should have read 'Birse Civils Limited' and agreed that the scheme proceeds and a contract with Birse Civils Limited be concluded (decision no.116/2010).
- 7.3 The Cabinet considered that the decision set out above was urgent and should therefore not be subject to call-in to ensure works can start in August.
- 7.4 It was noted that the Chairman of the Regeneration, Community and Culture Overview and Scrutiny Committee, had agreed that the taking of this decision could not be reasonably deferred, in accordance with rule 16 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution).
- 7.5 It was also noted that the Chairman of the Regeneration, Community and Culture Overview and Scrutiny Committee had agreed to waive call-in (in accordance with rule 16.11 of Chapter 4, Part 5 of the Constitution). The Regeneration, Community and Culture Overview and Scrutiny Committee was notified, via email and letter, when agreement to use these provisions was given on 20 July 2010.

7. Financial, legal and risk implications

- 7.1 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 reports.

8. Recommendation

8.1 That the report be noted.

Lead officer contact

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Background papers

None