
Emergency Purchase of Streetscene Vehicles

Reason for the Report

1. To provide a briefing to Scrutiny Members on an emergency decision taken by Cabinet to purchase Refuse Collection Vehicles (RCV's) and Road Gritters.

Background

2. The Committee has responsibility within its Terms of Reference for scrutiny of Finance and Governance matters.
3. The Council's supplier of RCV's and Road Gritters went into administration on 18 December 2019, and it has therefore been necessary for the Cabinet to take an emergency decision to make arrangements that will enable effective provision and continuity of Council street scene services.
4. The report attached at **Appendix A** was considered at an emergency meeting of the Cabinet on 9 January 2019 and the recommendation to authorise the Director of Planning, Transport and Environment in consultation with the Cabinet Member for Clean Streets, Recycling and Environment and the Corporate Director Resources was approved.
5. Legal advice is that the Council's Constitution (Part 3) allows the Cabinet to take urgent decisions which are contrary or not wholly in accordance with the approved budget. In addition, the Rules of Procedure relating to the budget state that urgent decisions

outside the budget or policy framework may be taken if the decision is urgent; and a quorate meeting of the full Council cannot be called in time; and if the chair of a relevant Scrutiny Committee agrees that the decision is urgent.

6. As Chair of the relevant Scrutiny Committee, Councillor David Walker has agreed with the Cabinet Member for Clean Streets, Recycling and Environment, Councillor Michael Michael that the decision is urgent and as such the call-in procedure shall not apply.
7. Following the decision, the Cabinet 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.

Scope of the Scrutiny

8. The Cabinet Member for Clean Streets, Recycling and Environment, Councillor Michael Michael and Director of Planning, Transport and Environment, Andrew Gregory, will attend to fully brief the Committee and answer Members' questions.

Legal Implications

9. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated;

(g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

10. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to:

- I. Note the briefing, the Chairs agreement that the decision is urgent and, as such, the call-in procedure shall not apply.
- II. Note that in accordance with the Council's Constitution a report on this emergency decision will be presented to Full Council on 31 January 2019.
- III. Consider whether it wishes to pass on its observations to inform the report to Full Council.

DAVINA FIORE

Director of Governance and Legal Services

10 January 2019