

COUNCIL:

28 FEBRUARY 2019

**REPORT OF THE DIRECTOR OF PLANNING, TRANSPORT &
ENVIRONMENT**

URGENT DECISION: PURCHASE OF STREETSCENE VEHICLES

Reason for this Report

1. To report for information the Urgent Decision taken by a meeting of the Cabinet on 9 January 2019 in accordance with the Council's Constitution Part 3 Section 2 (2) to purchase Streetscene Vehicles.

Background

2. The Council was offered an opportunity to purchase, at an appropriate market value, a range of Streetscene vehicles (Refuse Collection Vehicles and Road Gritters) that it currently leased under contract from Gulliver's Truck Hire Ltd (GTH) who went into administration on 18 December 2018.
3. The Cabinet at a Special meeting on [9 January 2019](#) received a report seeking approval to purchase these vehicles.

Issues

4. The purchase of the Streetscene vehicles falls outside of the Budget Framework agreed for 2018/19. Ordinarily, such decisions are referred to full Council. However, this was considered by Cabinet to be an exceptional and unforeseen circumstance that required an urgent decision.
5. In view of the practicalities of convening a quorate meeting of the full Council to consider this issue within the timescales required for the Council to secure the vehicles for business continuity purposes, the Cabinet has determined this matter under its powers to "*take a decision which is... contrary to or not wholly in accordance with the Budget approved by Council if the decision is urgent*" (Constitution, Scheme of Delegations, Section 2 paragraph 2).
6. As part of the Cabinet process all Party Group Leaders were advised of the proposal and that Cabinet would be considering this issue.
7. The Monitoring Officer also certified that any delay caused by a Call-in of the decision could seriously prejudice the public interest and Councillor David Walker as Chairperson of the relevant scrutiny was consulted and agreed that the decision was of an urgent nature and was therefore not subject to call in.

Legal Implications

8. This report provides full Council with information in relation to an urgent decision taken by the Cabinet outside of the budgetary framework. The Cabinet is authorised to take urgent decisions which are contrary to, or not wholly in accordance with, the approved budget (under Part 3 of the Constitution, Section 2, paragraph 2), However, the Constitution imposes certain procedural requirements:
 - (i) The Budget and Policy Framework Procedure Rules confirm 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 provided the chair of the relevant Scrutiny Committee agrees that the decision is urgent. Following the decision, the decision taker is required to 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. This is that report.
 - (ii) Under the Scrutiny Procedure Rules, an urgent decision may be exempted from the call-in procedure, provided the Head of Paid Service, the Monitoring Officer or the S151 Officer certifies that any delay likely to be caused by the call-in process could seriously prejudice the Council, or the public interest; and the Chair of the relevant scrutiny committee (or, in his/her absence, the Chair of the Council, or in both their absences, the Vice-Chair of the Council) agrees that the matter is urgent. Urgent decisions which have not been subject to call-in must also be reported for information to the next available meeting of the Council, together with the reasons for urgency. This report also provides that information to full Council.

Financial Implications

9. The decision required that a new budget line be created in the Council's Capital Programme for 2018/19 for the acquisition of vehicles on an invest to save basis. Existing revenue budgets for lease hire costs including maintenance would be utilised as the first priority to repay the acquisition costs. Any vehicles acquired are to be maintained by the Council.

RECOMMENDATION

That Council receives the report for information.

Andrew Gregory
DIRECTOR OF TRANSPORT, PLANNING & ENVIRONMENT
19 February 2019

Background Papers

Cabinet Report & Decision Sheet - 9 January 2019

Appendix 1 Business Case - Exempt from publication pursuant of Par 14 & 21 of Part 4 and Part 5 of the Local Government Act 1972