

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

15 July 2014

Report of the Chief Executive

Part 1- Public

Matters For Information

1 URGENCY PROVISIONS

The constitution requires a report to be submitted to Council whenever the urgency provisions under Budget and Policy Framework Procedure Rule 4 and Overview and Scrutiny Procedure Rule 15(i) are invoked. This report outlines where these provisions have been invoked in respect of land charges property searches litigation.

1.1 Background

- 1.1.1 At the meeting of the Cabinet on 25 June 2014 consideration was given to a recommendation for approval of proposed terms of settlement with claimants in ongoing litigation involving the Borough Council in connection with fees for local land charge searches. The deadline for approval of the settlement terms was 1 July 2014.
- 1.1.2 Since the decision would not be within the Council's budget framework and would normally be determined by the full Council, it was decided to invoke the urgency provisions under Budget and Policy Framework Procedure Rule 4 so that the Cabinet could take the decision as any delay would prejudice the chances of settlement. It was also necessary to set aside the normal call-in procedure as permitted by Overview and Scrutiny Procedure Rule 15(i). This provides that the call-in procedure shall not apply where the delay would seriously prejudice the Council's or the public's interest.
- 1.1.3 In order that the decision to approve the recommended terms of settlement could be taken by the Cabinet and implemented immediately it was resolved, with the concurrence of the Chairman of the Overview and Scrutiny Committee and Group Leaders as appropriate, that the urgency provisions within Rule 4 of the Budget and Policy Framework Rules and Overview and Scrutiny Procedure Rule 15(i) be invoked (Decision No D140086CAB).

1.2 Legal Implications

- 1.2.1 Under the Council's Constitution Budget and Policy Framework Procedure Rule 4 provides that when urgent decisions outside the budget or policy framework are taken, a report explaining the decision and the reason for urgency shall be submitted to the next appropriate meeting of the Council. Likewise, Overview and Scrutiny Procedure Rule 15(i) provides that executive decisions taken as a matter of urgency must be reported to the next appropriate meeting of the Council together with the reasons for urgency.

1.3 Financial and Value for Money Considerations

- 1.3.1 As set out in the report of the Director of Central Services and Monitoring Officer (contains exempt information).

1.4 Risk Assessment

- 1.4.1 As set out in the report of the Director of Central Services and Monitoring Officer (contains exempt information).

Background papers:

contact: Claire Fox

Nil

Julie Beilby
Chief Executive