

Report to the Council

Committee: Cabinet

Date: 18 May 2006

Portfolio Holder: Councillor J Knapman

Item: 12

1. GENERAL EXCEPTION NOTICES FOR KEY DECISIONS AND WAIVING OF CALL-IN PROCEDURE

Recommending:

- (1) That the decisions taken on 6 April and 3 May 2006 relating to the Waste Management Contract as exceptions to the key decisions requirements be noted;
 - (2) That the setting aside of the call-in procedure in relation to the decisions taken on 6 April and 3 May 2006 relating to the Waste Management Contract be noted;
 - (3) That no review be undertaken at this time in relation to the exception to the key decision requirements or the setting aside of the call-in arrangements.
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Forward Plan

1. Paragraphs 16 and 17 of the Access to Information Procedure Rules in the Council's Constitution provide a general exception in relation to an urgent matter, which is likely to be a key decision and has not been included in the Forward Plan.
2. Paragraph 18.3 of the Procedure Rules provides for the submission of quarterly reports to the Council on executive decisions taken in such circumstances in the preceding three months.
3. Two decisions have been taken recently. Both related to the Waste Management Contract. On 6 April 2006, the following decisions were taken:
 - (a) that the contract with South Herts Waste Management be terminated through a negotiated settlement;
 - (b) that a supplementary estimate of £200,000 be sought to meet the costs of a negotiated settlement and the initial costs of service re-provision; and
 - (c) that the actions of officers in undertaking sole negotiations with Cory Environmental Limited in respect of service re-provision be endorsed.
5. On 3 May 2006, the following decision was taken:
 - (a) that the Administrator of South Herts Waste Management be indemnified in respect of staff costs for the period from 3 May until the novation of the waste management contract.

Call-in Procedure

6. Paragraph 21 of the Council's Overview and Scrutiny Rules in the Council's Constitution provides for the setting aside of the call-in procedure in relation to urgent matters. The paragraph also provides for these provisions to be monitored annually with a report submitted to Council with proposals for review, if necessary.
7. The decisions summarised in paragraphs 4 and 5 above both included the setting aside of the call-in procedure as it was considered that any delay in making these decisions would be likely to seriously prejudice the Council's or the public interest.

Review

8. Having regard to the exceptional circumstances of the two decisions, it is suggested that there is no need to review the procedures.