

Lancashire County Council

Urgency Committee of the Full Council

Minutes of the Meeting held on Monday, 5th August, 2013 at 2.00 pm in The Henry Bolingbroke Room (Formerly Cabinet Room 'D') - County Hall, Preston

Present:

County Councillor Jennifer Mein (Chair)

County Councillors

A Atkinson	G Driver
D Borrow	M Green
M Brindle	Mrs L Oades
Mrs S Charles	N Penney
D Clifford	M Perks
C Dereli	S Serridge

In Attendance for Item 6 were:

Judith Barnes	Solicitor, DAC Beachcroft LLP
Simon Lambert	Solicitor, DAC Beachcroft LLP
Ruth Lowry	Chief Internal Auditor
Philip Halsall	Chief Executive

1. Apologies

There were no apologies.

2. Disclosure of Pecuniary and Non Interests

There were no interests declared.

3. Minutes of Previous Meeting held on 19 June 2013

Resolved: That the minutes of the meeting on 19 June 2013 be confirmed as a correct record and signed by the Chair.

4. Urgent Business

Before proceeding to the business of the Committee, the Monitoring Officer was asked to clarify the reason for urgency in the matter, and therefore the necessity of calling the Urgency Committee.

The Monitoring Officer confirmed that, in accordance with the Terms of Reference of the Committee, the matter under consideration required a decision by the Full Council which could not await its next meeting.

An item of Urgent Business was then presented, with the consent of the Chair in accordance with Standing Order 22. The Committee were asked to approve an amendment to the terms of reference of the Urgency Committee to remove the requirement that two members of the Committee should be Chairs of the Overview and Scrutiny committees. To this end, it was proposed to delete all words after "Cabinet" in the section of the terms of reference that currently read:

"The Committee comprises thirteen County Councillors of whom no more than two shall be members of the Cabinet and of whom two shall be Chairs of Overview and Scrutiny Committees"

It was noted that the existing provision was non-statutory.

The item was considered by the Chair to be urgent on the basis that two Scrutiny Chairs who were members of the committee had been replaced at short notice for this meeting, and that therefore the business of the committee could not proceed without the suggested amendment.

Resolved: That the terms of reference in relation to the composition of the committee be amended to read:

"The Committee comprises thirteen County Councillors of whom no more than two shall be members of the Cabinet"

5. Exclusion of Press and Public

Resolved: The Committee agreed that, under Section 100A(4) of the Local Government Act, 1972, the public should be excluded from the meeting during consideration of the following item of business on the grounds that there would be a likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972.

6. Procurement of Fleet Services - Independent Review

The Chair requested Judith Barnes, Solicitor with DAC Beachcroft, present the outcome of her independent review of the process leading up to the decision taken by the former Leader of the Council on 26 April 2013 on the procurement of Fleet Services. The Committee had been presented with a summary of the report for consideration, including the chronology, which Ms Barnes outlined in detail.

The Council's Chief Executive attended from the start of the meeting until 3.15. He asked a number of questions and made representations to the Committee before it made any decision. The Chief Executive left prior to any decisions being made by the Committee.

The Committee discussed the report and following a request from members the Chair agreed an adjournment to allow members to read the full version of the report.

Ms Barnes then took the Committee through the full report highlighting key issues and responding to questions.

Simon Lambert, Employment Solicitor with DAC Beachcroft, provided advice to the Committee on the employment law issues arising from the report.

On considering the report, the discussion and the advice, the Chair of the Committee proposed the following resolution which was seconded:

1. That the Chief Executive's conduct in relation to the procurement process for letting the contract for Fleet Services be the subject of a disciplinary investigation and the matter be referred to the Employment Committee for that purpose,
2. That in order to facilitate the disciplinary investigation the Chief Executive be suspended on full pay with immediate effect,
3. That during the period of suspension the Deputy County Secretary & Solicitor (or in his absence his nominee) act as contact officer,
4. That the Monitoring Officer be requested to identify and agree with the Chief Executive an appropriate Designated Independent Person in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (or in default of agreement to refer the matter to the Secretary of State for him to make an appointment),
5. To appoint Jo Turton, Executive Director for the Environment, as Interim Chief Executive and Head of the Paid Service.

An amendment was moved and seconded, as follows:

"That the Committee agree to ask the Council's external Auditor to carry out a full investigation into the process leading up to the decision of the Leader of the Council on 26 April 2013"

Whilst the Chair considered that the amendment did not comply with Standing Orders in that it negated the original proposal the amendment was put to the vote but was lost.

The original motion was then put to the vote, and carried

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5. To appoint Jo Turton, Executive Director for the Environment, as Interim Chief Executive and Head of the Paid Service.

I M Fisher
County Secretary and Solicitor

County Hall
Preston