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Council

21 June, 2022

**Name of Cabinet Member:**

N/A

**Director Approving Submission of the report:**

Chief Executive

**Ward(s) affected:**

City wide

**Title:**

Exercise of Emergency Functions

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**Is this a key decision?**

N/A

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**Executive Summary:**

This report informs Council of decisions undertaken by the Chief Executive on 31 January, 2022 and on 1 April, 2022 in accordance with the Constitution and following consultation with the Leader of the Council, Councillor G Duggins, to exercise emergency functions as a result of the all-out strike action by Unite union, which were deemed necessary on urgency grounds to ensure the continuous functioning of the waste collection business of the City Council to residents and to minimise pollution to the environment and harm to human health.

**List of Appendices included:**

None

**Background papers:**

A copy of the signed decisions has been published on the Council's website at:  
<https://edemocracy.coventry.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13299>

**Other useful documents**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

Yes – 21 June, 2022

## **Report title: Exercise of Emergency Functions**

### **1. Context (or background)**

- 1.1 Part 2M of the City Council's Constitution provides for the Scheme of Functions delegated to Employees including the Chief Executive/Head of Paid Service.
- 1.2 Paragraph 3.8(a) of Part 2M of the Constitution enables the Chief Executive, following consultation with the Leader, to make decisions required in an emergency.
- 1.3 The Chief Executive was satisfied that the following decisions were required to be taken pursuant to the emergency provision to ensure the continuous function of the waste collection business of the City Council to residents and to minimise pollution to the environment and harm to human health as a consequence of the all-out strike action by Unite union and that, in all cases, the circumstances constituted an emergency:-
  - 1) a) Approval of the direct award of the contract for the provision of waste collection services under Regulation 32 of the Public Contract Regulations 2015 for the initial period commencing on 1 February 2022 to 31 March 2022 to Tom White Waste Ltd
  - b) Delegation of authority to the Director of Law and Governance to negotiate and finalise the terms of the contract with Tom White Waste Limited and to enter into any necessary legal agreements and contract award notice to give effect to recommendation a) above
  - 2) a) Approval of the direct award of the contract for the provision of waste collection services under Regulation 27 of the Public Contract Regulations 2015 for the initial period commencing on 1 April 2022 to 30 September 2022 (with option for two further 6 month extensions)
  - b) Delegation of authority to the Director of Law and Governance to negotiate and finalise the terms of the contract and to enter into any necessary legal agreements and contract award notice to give effect to a) above.
- 1.4 The above decisions, including the reasons for the decisions taken, have been published on the City Council's website.
- 1.5 If appropriate, a further report on matters arising from these decisions will be considered by the relevant Council body.

### **2. Options considered**

- 2.1 The Chief Executive agreed that, in both cases, the circumstances constituted an emergency and was satisfied that the decisions to be taken pursuant to this emergency provision were critical to the Council's ability to put temporary alternative measures in place to ensure the continuous functioning of the waste collection business of the City Council to residents and to minimise pollution to the environment and harm to human health.

### 3. Results of consultation undertaken

- 3.1 In accordance with the Constitution, the exercise of emergency functions was undertaken in consultation with the Leader of the Council, who confirmed his agreement to this course of action. The Leader of the Opposition was informed of the decision taken and all Members of the City Council were also notified.

### 4. Timetable for implementing this decision

- 4.1 In light of the urgent nature of the matters detailed in paragraph 1.3 above, the decisions were implemented immediately.

### 5. Comments from Chief Operating Officer (Section 151 Officer and the Director of Law and Governance

#### Financial implications

Where decisions made involve the making of expenditure, the City Council is maintaining detailed records and forecasts of the financial impacts. Alongside regular financial management activity the financial implications are included within the Council's financial monitoring reports.

#### Legal implications

Part 2M of the City Council's Constitution provides for the Scheme of Functions delegated to Employees, including to the Chief Executive/Head of Paid Service. Paragraph 3.8 of Part 2M enables the Chief Executive, in consultation with the Leader, to make decisions in an emergency.

#### Report author(s):

#### Name and job title:

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#### Directorate:

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Finance: Barry Hastie	Chief Operating Officer (Section 151 Officer)	Finance	25/05/22	26/02/22
Legal: Julie Newman	Director of Law and Governance	Law and Governance	25/05/22	25/05/22
Chief Executive: Martin Reeves	Chief Executive		25/05/22	25/02/22
Members: Councillor G Duggins	Leader of the Council		25/05/22	25/05/22

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[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)