

Full Council

12 November 2019



Report of: Tim O'Gara, Director – Legal & Democratic Services

Title: **Information Report – Decisions Taken Under Special Urgency Provisions**

Ward: Citywide

RECOMMENDATION

Full Council is asked to note the use of special urgency provisions in the Constitution (APR 16) in relation to a decision that was taken by Cabinet on the 1 October 2019 in respect of a Home Care Contract Extension.



Background / information

1. Statute and the Council's Constitution provide that notification of key decisions that are intended to be taken by the Executive must be published 28 days before the decision is taken, and that the papers in relation to that decision must be published not less than 5 working days before the decision to be taken.
2. There are, however, exceptions in law and the Constitution to these timescales so that shorter notice can be given in certain circumstances.
3. The Constitution provides (Access to Information rules APR15), that if a matter which is likely to be a key decision has not been included in the Forward Plan (to give 28 days' notice), the decision may still be taken if:
 - (a) The decision must be taken by such a date that it is impracticable for it to be deferred until it can be included in the next Forward Plan;
 - (b) The Proper Officer has given notice to the chair and members of a relevant Overview and Scrutiny body in writing, of the matter to which the decision is to be made;
 - (c) The Proper Officer has made copies of that notice available to the public at the offices of the Council; and
 - (d) At least five clear working days have elapsed since the Proper Officer complied with (a) and (b).
4. If an urgent decision needs to be taken and 5 clear working days cannot be given as set out in APR 15 above, APR 16 provides that in cases of special urgency a decision may still be taken if the decision taker obtains the agreement of the chair of a relevant Overview and Scrutiny body that the taking of the decision cannot be reasonably deferred.

Councillor Gollop and Councillor Hiscott gave their agreement on the 26 September 2019.

5. The Constitution also requires that cases where special urgency provisions (APR 16) have been required, this will be reported to the Full Council for information.
6. This report informs Full Council of the following decision taken under special urgency provisions at the cabinet meeting on the 1 October 2019.

APR 16 – Home Care Contract Extension

Decision:

- 1. Cabinet delegated authority to the Service Director for Care and Support Adults in consultation with the Cabinet Member for Adult Social Care to extend 9 home care contracts for a maximum period of 9 months for a total of approx. £2.9million.**