

# Full Council

12 March 2024



**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 (APR 16) in relation to a decision that was been taken by Cabinet in respect of the Safety Valve Programme Report on the 5 March 2024



## 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.
5. The Constitution also requires that cases where special urgency provisions (APR 16) have been required will be reported to the Full Council for information.
6. This report informs Full Council of the following decision taken under special urgency provisions in March 2024.

### **APR 16 – Safety Valve Programme – 5 March 2024**

#### **Cabinet Decision:**

1. Approved the principles and mitigations (Appendix A1) that will form the basis of the Safety Valve agreement between the Council and the Department for Education including the allocation of general fund resources as approved in the Council's 2024/25 budget on 28 February 2024.
2. Approved, if the DfE accept the proposal, entering into the Safety Valve Agreement between Bristol City Council and the Department for Education.
3. Authorised the Chief Executive, S151 Officer and the Executive Director Children and Education in consultation with the Mayor, Deputy Mayors and Cabinet Members for Children's Services, Education and Equalities and Cabinet member for Finance, Governance, Property and Culture to take all steps required to enter the Safety Valve Agreement and resolve any minor technical issues to the text, which do not materially alter the substance of the Agreement.

4. Endorsed the application for, and subsequent acceptance of, additional DSG funding of £53.0 million in relation to the Safety Valve Programme.
5. Noted the bid for additional High Need Capital Allocation funding of £28.2 million submitted on 5 January 2024 and if successful, a further report will be brought to Cabinet in April to seek approval to accept and spend this funding.
6. Authorised the Director of Education and Skills and Director of Finance, in consultation with Cabinet Member for Children's Services, Education and Equalities to approve revenue funding and to take all steps required to deliver the Safety Valve Programme including procuring and awarding and extending/varying contracts which may be over the key decision threshold.
7. Authorised the Head of Strategic Procurement & Supplier Relations to approve appropriate procurement routes to market where these are not yet fully defined in this report, or if changes to procurement routes are subsequently required.