

# COUNTY COUNCIL

Meeting date: 28 April 2022

From: Leader of the Council

## **URGENCY PROVISIONS**

### **1.0 EXECUTIVE SUMMARY**

**1.1** *This report notifies members of urgent decisions which have been taken in line with the Council's Constitution since the last meeting of the Council.*

### **2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS**

**2.1** *The report contributes to the vision in the Council Plan that the Council works with residents, businesses, communities and other organisations to deliver the best services possible within the available resources and contributes to the Council Plan outcome, that people in Cumbria are healthy and safe.*

### **3.0 RECOMMENDATION**

**3.1** *That members note the report.*

### **4.0 BACKGROUND**

**4.1** This report sets out details of urgent decisions which have been taken since the last meeting of Council and that must be reported to Council under the Constitution.

**4.2** Key Decisions to be taken by Cabinet or an Executive Director must be advertised for at least 28 working days prior to the decision being taken. When this rule cannot be complied with, owing to the urgency of the decision, the County Council's Constitution permits Key Decisions to be taken in the following circumstances:

- Access to Information Procedure Rule 15 – Notice is sent to the Chair of the relevant Scrutiny Advisory Board and is published on the Council's website and at the Council's offices and five working days elapse before the decision is taken; and

- Access to Information Procedure Rule 16 – when it is not possible to give five working days’ notice the approval of the Chair of the relevant Scrutiny Advisory Board is sought and the Notice is published on the website and at the Council offices.
- 4.3 The Chief Executive is empowered under the Scheme of Delegation to Officers (Part 3 – Delegation to Officers, Chief Executive, 6.1 (h)) to take urgent decisions where delay would seriously prejudice the Council’s or the public interest to the extent that it is appropriate to use emergency powers.
- 4.4 Under 1.1 and 1.7 of the Cabinet Procedure Rules the Leader can take decisions which have been delegated to Cabinet.
- 4.5 Decisions of the Cabinet (including decisions taken by the Leader under 1.1 and 1.7 of the Cabinet Procedure Rules), Officer Key Decisions and certain decisions of Local Committees are subject to the rules of Call In. The Call In procedure does not apply where the decision being taken is urgent. There is a process in the Overview and Scrutiny Procedure Rules for exempting decisions from Call In.
- 4.6 Urgent decisions which are taken under Rule 16 or which are otherwise exempt from Call In must be reported to the next available meeting of the Council, with the reasons for urgency identified.
- 4.7 Since the last report to Council on 10 February 2022, there have been 4 urgent decisions taken by Executive Directors. These decisions are set out in Appendix 1 of this report.

## **5.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS**

- 5.1 Decision 1 set out in Appendix 1 is in relation to the award of a contract for mobilisation works on Carlisle Southern Link Road to the value of £1m. Had the decision not been taken urgently there was a risk that a delay would impact on the ability to meet the GDA milestone for completion of the construction works, which would result in substantial cost increases. The resource and value for money implications were considered as part of the urgent decision which included how the £1m would be funded.
- 5.2 Decision 2 set out in Appendix 1 is in relation to the Workforce Recruitment and Retention Fund. An urgent need to distribute £4.534m to support adult social care providers before the end of March in line with DHSC funding conditions. The resource and value for money implications were considered as part of the urgent decision.
- 5.3 Decision 3 set out in Appendix 1 is in relation to the higher financial uplift for Homecare Providers than that contracted. A need to apply the higher rates from the 4 April 2022 meant that the decision needed to be taken urgently. The resource and value for money implications were considered as part of the urgent decision.

5.4 Decision 4 set out in Appendix 1 is in relation to the awarding of a temporary market supplement for Support Workers in Cumbria Care to respond to recruitment and retentions challenges. Had the decision not been taken urgently there was a risk that the Council would not be able to deliver its statutory duties under the Care Act. The resource and value for money implications were considered as part of the urgent decision.

## 6.0 LEGAL IMPLICATIONS

6.1 The legal aspects of this report are set out in the main body of the report.

## 7.0 CONCLUSION

7.1 Members are asked to note the report.

**Catherine A. Parkinson**  
**Interim Chief Legal Officer and Monitoring Officer**  
*April 2022*

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## APPENDICES

### ***Appendix 1 – Schedule of decisions***

Electoral Division(s): All

Executive Decision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No*
Key Decision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No*
If a Key Decision, is the proposal published in the current Forward Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A*
Is the decision exempt from call-in on grounds of urgency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No*
If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A*
Has this matter been considered by Overview and Scrutiny? If so, give details below.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No*
Has an environmental or sustainability impact assessment been undertaken?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A*
Has an equality impact assessment been undertaken?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A*

## **PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS**

***[including Local Committees]***

***None***

**CONSIDERATION BY OVERVIEW AND SCRUTINY**

*Not considered by Overview and Scrutiny*

**BACKGROUND PAPERS**

*No background papers*

**RESPONSIBLE CABINET MEMBER**

*Stewart Young, Leader of the Council*

**REPORT AUTHOR**

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## Schedule of Decisions Taken

Date of Decision	Subject	Decision	Reason	Approval
16 February 2022	Award of Contract for Mobilisation Works on Carlisle Southern Link Road	<p>The Executive Director – Economy and Infrastructure approved a contract with Morgan Sindall to undertake mobilisation works in advance of the main works to enable the delivery of the Carlisle Southern Link Road.</p> <p>The Executive Director approved the decision to add the mobilisation works package up to the value of £1 m to the Stage 1 Detail Design work for the Carlisle Southern Link Road contract between the Council and Morgan Sindall Construction &amp; Infrastructure Limited dated 27<sup>th</sup> April 2021.</p>	<p>It was impractical to defer the decision until it could be included in the next Forward Plan as there was a need to undertake the mobilisation works in advance of the programmed contract start date to achieve the construction programme for the project. Without advance mobilisation the programme could not be met and delays would incur to critical earthworks activities causing an overall project delay of up to 9 months. This would mean that the GDA milestone for construction works practical completion would not be achieved and substantial costs increases would also result.</p> <p>The decision was required to achieve the required timelines whilst retaining flexibility to adapting to future programme changes that may occur.</p>	Rule 16

Date of Decision	Subject	Decision	Reason	Approval
23 March 2022	Workforce Recruitment and Retention Fund	The Executive Director – People approved spending plans for both WRRF2 £3.134m funding and NHS England funding of £1.4m, via North East and North Cumbria (NENC) in order to support adult social care providers and provide market sustainability through recruitment and retention of staff measures, and also noted the implications of these new funding sources on the Councils Market Sustainability Grant Fund, and how this updates previous plans for funding.	It was impractical to defer the decision until it could be included in the next Forward Plan as there was an urgent requirement to distribute the WRRF2 funding before the end of March in line with DHSC conditions.	Rule 16
30 March 2022	Financial Uplift for Homecare Providers	The Executive Director- Economy and Infrastructure approved an annual financial uplift, at a higher rate than the contracted price uplift, to all Framework Providers who delivered Homecare Services on behalf of the Council from Monday 4 April 2022.	It was impractical to defer the decision until it could be included in the next Forward Plan as there was a need to have the higher rate agreed and implemented by 4 April 2022, otherwise there was a significant risk that Independent Homecare Providers would not be paid enough to retain their current staffing levels, and would seek to hand back a number of care packages to the Council. The Council would not have enough care in place to meet its statutory duties.	Rule 16

13 April 2022	Cumbria Care Market Supplement – recruitment and retention	The Executive Director - People awarded a temporary market supplement for Support Workers in Cumbria Care to respond to recruitment and retention challenges and to help the Council meet its care duties and support the social and health care system within Cumbria	It was impractical to defer the decision until it could be included in the next Forward Plan as in order to support the social care market a mechanism was needed to respond to the recruitment and retention challenges to support Cumbria Care.  Without the additional supplement for staff there was a significant risk that the Council would be unable to fulfil its statutory duties under the Care Act.	
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