

COUNTY COUNCIL

Meeting date: 23 June 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 28 April 2022, there have been 2 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 to WONDE Ltd up to a maximum value of £4.000m to 31st March 2023. This decision needed to be implemented before the half term holidays so vulnerable families could take advantage of the voucher scheme during the half term holidays. The resource and value for money implications were considered as part of the urgent decision.
- 5.2 Decision 2 set out in Appendix 1 is in relation to the modification of the existing Framework Agreement for the Provision of Day Services in order to extend it for 10 months to 31st March 2023 to enable call off contracts to be awarded up to the value of £2.300m. It was impractical to defer the decision until it could be included in the next Forward Plan as the current contract expired on 1st June 2022. Without a framework agreement in place the County Council would have been unable to provide these valuable services. 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
June 2022

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

Jackie Currie, Professional Lead – Democratic Services
Email jackie.currie@cumbria.gov.uk Tel 07919 056193

Schedule of Decisions Taken

Date of Decision	Subject	Decision	Reason	Approval
19 May 2022	Award of Food & Utilities Vouchers Contract	That the Executive Director agrees the award of contract to WONDE Ltd for a maximum value of £4m from 23 May 2022 to 31 March 2023	This decision needed to be implemented before the half term holidays so vulnerable families could take advantage of the voucher scheme during the half term holidays.	Rule 16
31 May 2022	Modification and Extension of the Framework Agreement for the Provision of Day Services	That the Executive Director - People agrees to modify the existing Framework Agreement for the Provision of Day Services in order to extend it for 10 months to cover the period from 1 June 2022 to 31 March 2023 to enable call off contracts to be awarded up to the value of £2,300,000	It was impractical to defer the decision until it could be included in the next Forward Plan as the current contract ran out on 1 June 2022. Without a framework agreement in place the County Council would have been unable to provide these valuable services.	Rule 16