

## **COUNCIL**

**21 FEBRUARY 2013**

### **SPECIAL URGENCY DECISIONS**

Portfolio Holder: Councillor Rodney Chambers, Leader

Report from: Neil Davies, Chief Executive

Author: Perry Holmes, Monitoring Officer

#### **Summary**

This report details a decision taken by the Cabinet under the special urgency provisions contained within the Constitution.

#### **1. Budget and Policy Framework**

1.1 The Constitution requires that these decisions are reported to Council.

#### **2. Background**

2.1 The Constitution allows for Cabinet to consider urgent reports on occasions where the taking of the decisions cannot be reasonably deferred. This requires the agreement of the Chairman of the relevant Overview and Scrutiny Committee, in accordance with rule 16 of chapter 4, part 2 of the Constitution (access to information rules). Such matters must be reported to Council following the use of rule 16, in accordance with section 17.3 of the access to information rules. In summary, this relates to those occasions when it is necessary for Cabinet to consider items which have not been included on the Forward Plan and the Cabinet agenda itself.

2.2 The Constitution also allows for the call-in provisions to be waived where a decision is considered urgent, in that any delay caused by the call-in would seriously prejudice the Council's or public's interest. This requires the agreement of the Chairman of the relevant Overview and Scrutiny Committee and for the matter to be reported to the next available meeting of the Council, in accordance with rule 16.11 of chapter 4, part 5 of the Constitution (overview and scrutiny rules).

2.3 A summary of the recent use of these provisions is set out in the following section.

### **3 Gateway 3 Contract Award: Outsourcing of Linked Service Centres – Nelson Court and Robert Bean Lodge**

- 3.1 On 13 February 2013, the Cabinet considered a report which set out the background and proposals for the award of a contract in respect of the outsourcing of Nelson Court and Robert Bean Lodge Linked Service Centres. A copy of the report is available via the Council's website:  
(<http://democracy.medway.gov.uk/ielssueDetails.aspx?Ild=10120&Opt=3> ).
- 3.2 The Cabinet approved the procurement contract award to the Agincare Group. The Cabinet also agreed to delegate authority to the Assistant Director, Adult Social Care, in consultation with the Portfolio Holders for Finance and Adult Services, Assistant Director of Legal and Corporate Services and the Chief Finance Officer, to finalise the arrangements to ensure effective mobilisation of the service. The Cabinet agreed that these decisions are considered urgent and therefore should not be subject to call-in.
- 3.3 Additionally, the Cabinet is recommended to Full Council that it delegate authority to the Assistant Director, Adult Social Care, in consultation with the Portfolio Holders for Finance and Adult Services, Assistant Director of Legal and Corporate Services and the Chief Finance Officer, to dispose of the Nelson Court and Robert Bean Lodge properties (see report elsewhere on this agenda).
- 3.4 In line with rule 16.11 of Chapter 4, Part 5 of the Constitution, call-in could be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interests. This was considered to be an urgent item because of the need to prevent any further delay so that this procurement exercise could be concluded providing certainty for both the residents and staff of both of the services.
- 3.5 It was noted that the Chairman of the Health and Adult Social Care Overview and Scrutiny Committee had agreed to waive call-in on this report on the basis that this matter was reasonable in all the circumstances and to it being treated as a matter of urgency (in accordance with rule 16.11 of Chapter 4, Part 5 of the Constitution).
- 3.6 The Health and Adult Social Care Overview and Scrutiny Committee was notified, via email and letter, when agreement to use these provisions was given on 6 February 2013.

### **4. Financial, legal and risk implications**

- 4.1 The requirement to report decisions taken under the various urgency provisions is set out within the Constitution. Details of the financial,

legal and risk implications are set out in full within the relevant Cabinet report.

## **5. Recommendation**

5.1 That the report be noted.

### **Lead officer contact**

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### **Background papers**

None