

COUNCIL

23 APRIL 2015

SPECIAL URGENCY DECISIONS

Portfolio Holder: Councillor Rodney Chambers OBE, 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 decisions taken by the Cabinet under special urgency decisions are reported to Council for information.

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 Section 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) 2012 and Rule 17 of chapter 4, part 2 of the Constitution (access to information rules). Such matters must be reported to Council following the use of Rule 17, in accordance with section 18.3 of the Access to Information Rules.

2.2 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 nor the main Cabinet agenda itself.

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

3. Section 75 Agreement with NHS England for Commissioning HIV Services

3.1 On 14 April 2015, the Cabinet considered a report which presented details of a proposal to agree to entering into a section 75 agreement

with NHS England for the commissioning of HIV services. A copy of the report is available via the Council's website:
<http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?Ild=14675>

- 3.2 The Cabinet agreed to accept the report as an urgent item because the next Cabinet meeting was not scheduled to take place until mid June. Delaying the approval of the Section 75 agreement until then would cause a delay in the tender process for the commissioning of an integrated sexual health service, which in turn would leave the new premises for the delivery of these services unoccupied at the Council's expense.
- 3.3 A revised Forward Plan had been published in accordance with both Section 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) 2012 and Rule 17 (Special Urgency) of the Access to Information Rules as set out in the Constitution. The Chairman of the Health and Adult Social Care Overview and Scrutiny Committee had agreed that the proposed decision was urgent and could not reasonably be deferred for the reasons set out above.
- 3.4 The Health and Adult Social Care Overview and Scrutiny Committee was notified, via email, when agreement to use these provisions was given on 13 April 2015.
- 3.5 The Cabinet agreed that the Director of Public Health, in consultation with the Assistant Director, Legal and Corporate Services and the Portfolio Holder for Adult Services, be given delegated authority to negotiate the terms of the agreement and enter into it on behalf of the Council (decision no. 77/2015).

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 The Council is asked to note this report.

Lead officer contact

Perry Holmes, Monitoring Officer

Telephone: (01634) 332133 Email: perry.holmes@medway.gov.uk

Background papers

None