

Open Report on behalf of Councillor M J Hill OBE, Leader of the Council

Report to:	County Council
Date:	20 May 2016
Subject:	Executive Decision – Rule 17 (Special Urgency)

Summary:

To inform Members of an urgent decision taken by the Executive Councillor Adult Care and Health Services, Children's Services.

Recommendation(s):

That the Council note the report.

1. Background

1.1 Rule 17 of the Access to Information Procedure Rules in the Council's Constitution allows for specially urgent Key Decisions which are not included in the Executive's Forward Plan to be taken without giving the prescribed public notice of five clear working days, and provides that the decision may only be made where the decision maker has obtained agreement from:-

- The Chairman of the relevant Overview and Scrutiny Committee; or
- If there is no such person, or if the Chairman of the relevant Overview and Scrutiny Committee is unable to act, the Chairman of the Council; or
- Where there is no Chairman of either the relevant Overview and Scrutiny Committee or of the Council, the Vice-Chairman of the Council

that the making of the decision is urgent and cannot reasonably be deferred.

1.2 Rule 18.3 states that the Leader is required to submit quarterly reports to the Council on the Executive decisions taken in circumstances as set out in Rule 17 (special urgency) in the preceding three months. The reports must include particulars of each decision taken and a summary of the matters in respect of which those decisions were taken.

- 1.3 There has been one such decision in the last three months.
- 1.4 A report on the Lincolnshire Better Care Fund Submission 2016/17, which had not been included on the Forward Plan was considered by the Executive Councillor for Adult Care and Health Services, Children's Services on Tuesday, 26 April 2016.
- 1.5 The reason for urgency in this instance was that that agreement on the terms of the Better Care Fund Submission was not reached until Friday 22 April 2016, and the requirements of Rule 16 of the Access to Information Procedure Rules could not be met until Monday 25 April 2016. As the final date for the making of the Lincolnshire submission on behalf of the County Council and the Clinical Commissioning Groups was 3 May 2016 this did not allow sufficient time for compliance with the 5 clear working days' notice requirement of Rule 16. A notice was therefore published in accordance with Rule 17.
- 1.6 The matters in respect of which the decision was taken were the submission by the Council and the Clinical Commissioning Groups (CCGs) of a Better Care Fund Submission for 2016/17, the contents of that submission (including in particular the amount provided for the protection of adult social care) and the entering into of various contractual and section 75 partnership arrangements with the CCGs to give effect to the pooling of funds set out in the submission and address the necessary risk share arrangements.
- 1.7 The particulars of the decision are set out in the decision notice attached to this Report, a copy of which all Councillors were provided with together with a link to the County Council's website to view the report and associated appendices at the time of the decision being taken.

2. Conclusion

- 2.1 The Report informs the Council of a decision taken under the special urgency provisions of the Access to Information Procedure Rules of the Constitution taken in the last three months as required by the Constitution.

3. Legal Comments:

Rule 18.3 of the Access to Information Procedure Rules of the Constitution requires the Leader of the Council to submit quarterly reports to the Council on the Executive decisions taken in circumstances as set out in Rule 17 (special urgency) of the Access to Information Procedure Rules in the preceding three months.

4. Resource Comments:

There are no financial implications arising from acceptance of the recommendation in this report. The financial implications relating to the urgent decision itself were covered in the earlier reports relating to that decision.

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

n/a

d) Policy Proofing Actions Required

n/a

7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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