

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

Report to:	County Council
Date:	11 December 2020
Subject:	Executive Decision – Rule 17 (Special Urgency)

Summary:

The Leader of the Council has made one decision under Rule 17 of the Access to Information Procedure Rules in the Council's Constitution. There is a requirement to report such decisions to the County Council.

Recommendation(s):

That the decision made under Rule 17 of the Access to Information Procedure Rules in the Council's Constitution by the Leader of the Council be noted.

1. Background

- 1.1 Rule 17 of the Access to Information Procedure Rules in the Council's Constitution allows for urgent Key Decisions, which are not included in the Executive's Forward Plan, to be made without giving notice of at least five clear working days. Such decisions may only be made where the decision maker has obtained agreement that the making of the decision is urgent and cannot reasonably be deferred 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.
- 1.2 The Leader is required to submit reports to the Council on the Executive decisions taken under Rule 17 (special urgency). There has been one such decision in the last three months.

- 1.3 A decision on *Commissioning of designated Covid-19 Care Home Beds*, which had not been included on the Forward Plan, was made by the Leader of the Council on 19 November 2020. The report was exempt and not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 1.4 The reason for urgency was published in a notice on the Council's website to the effect that a contract was required urgently for the provision of designated care beds capable of accepting the discharge from hospital of patients being discharged to care home accommodation with a positive test for Covid-19. Delays in discharge place increased pressure on hospitals at a time when they are seeking to deal with increased numbers of patients with Covid-19 alongside the usual winter pressures.
- 1.5 Agreement that the making of the decision was urgent and could not reasonably be deferred was obtained from Councillor C E H Marfleet as Chairman of the Adults and Community Wellbeing Scrutiny Committee.

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.

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 report 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

6. Background Papers

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

This report was written by Cheryl Evans, who can be contacted on 07387 133755 or cheryl.evans@lincolnshire.gov.uk .

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