

COUNCIL

25 NOVEMBER 2014

REPORT OF LEADER OF THE COUNCIL

A.2 EXECUTIVE DECISIONS TAKEN AS A MATTER OF URGENCY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To notify Members of Executive Decisions taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 16 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency).

EXECUTIVE SUMMARY

In accordance with the requirements of Rule 17.4 of the Access to Information Procedure Rules and Rule 16(i) of the Overview and Scrutiny Procedure Rules, this report notifies Members of Executive Decisions taken in the circumstances set out in Rule 16 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules.

RECOMMENDATION

That the contents of the report be noted.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

The "Special Urgency" procedure in Rule 16 of the Access to Information Procedure Rules provides that where a key decision which has not been included in the Forward Plan and cannot be reasonably deferred to allow the procedure in Rule 15 (General Exception) of those procedure rules to be followed, it may still be taken with the agreement of the Chairman of the relevant overview and scrutiny committee, or failing him/her, the Chairman or Vice-Chairman of the Council.

Rule 16(i) of the Overview and Scrutiny Procedure Rules provides that the "call-in" procedure will not apply to a decision if the Chairman, or failing him the Vice-Chairman, of the relevant overview and scrutiny committee agrees both that the decision is reasonable in all the circumstances and that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

DECISIONS TAKEN AS A MATTER OF URGENCY

(1) Extension of Careline Service

On 27 August 2014, in view of the urgency of the issue concerned and in accordance with Rule 16 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, the Housing, Benefits and Revenues Portfolio Holder (Councillor P B Honeywood) sought and subsequently obtained the Chairman of the

Service Development and Delivery Committee's (Councillor Challinor) consent that his decision relating to the extension of the Careline service should be taken under the Special Urgency Procedure and be exempt from the call-in procedure.

The Housing, Benefits and Revenues Portfolio Holder's decision was for the Council to enter into a contract with Provide Community Interest Company to provide their local community alarm system.

Members may be aware that Carecall, offered by Provide CIC (NHS), has approximately 3,800 service users and was formally supported by the Careline business unit of Basildon District Council. Tendring District Council's Careline service entered into discussions with Provide CIC (as they were not entirely satisfied with the service being provided by Basildon Telecare service) and agreed, in principle, to monitor their local community alarm service out of hours for an initial contract period of 24 months with the opportunity to extend for a further 12 months.

It was felt that any delay likely to be caused by the call-in process and by not being allowed to use the special urgency process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

"A decision was sought on urgency grounds because after protracted and complex technology difficulties, which were finally resolved, Provide CIC gave notice to Basildon District Council under their current service contract prior to this Council taking a formal decision to take over the service. Given the positive financial contribution to this Council's revenue income (estimated £40,131 nett) this contract will bring it was decided to implement the system at the termination of the former contract rather than require Provide CIC to negotiate an extension of the former contract, thereby enabling this Council to start the contract off on a "can do" positive note. In addition, there was the danger that vulnerable people would be left in a position whereby they had no out of hours cover in case of an emergency."

(2) Exemption from Procurement Procedure Rules – Printing Arrangements for Elections

On 9 September 2014, in view of the urgency of the issue concerned and in accordance with Rule 16 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, the Finance and Transformation Portfolio Holder (Councillor Goggin) sought and subsequently obtained the Chairman of the Corporate Management Committee's (Councillor Steady) consent that his decision relating to the use of Print UK for printing requirements for all elections and electoral services up to and including the Parliamentary, District and Town and Parish Council Elections in May 2015 should be taken under the Special Urgency Procedure and be exempt from the call-in procedure.

Members may be aware that the Council has for a number of years used Print UK to undertake the printing of poll cards, ballot papers etc. for elections. It was intended to undertake a procurement exercise to secure a print supplier for elections on a fixed term contract. However, the Council found itself faced with by-elections in October 2014 for the Clacton Parliamentary Constituency and the Brightlingsea Division of Essex County Council which would be followed by preparatory work for the Parliamentary, District and Town/Parish Council elections in May 2015. This challenging timetable meant that there was a need to secure a printer urgently to undertake the printing for those elections. It was

therefore decided to delay the work on the procurement exercise until after May 2015.

It was felt that any delay likely to be caused by the call-in process and by not being allowed to use the special urgency process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

"The Council faced by-elections in October for both the Clacton Parliamentary seat and the Essex County Council Brightlingsea seat. Immediately following these elections work would start on preparing for May 2015, when full Parliamentary, District and Town and Parish Council elections will take place. This challenging timetable meant that there was a need to secure a printer urgently to undertake the printing for these elections. It was proposed to continue to use the current printers, Print UK for all elections and electoral services up to and including the parliamentary, District and Town and Parish Council elections in May 2015.

There was neither the time nor resource to secure alternative printers and seeking to change now would only bring additional stress and uncertainty into an already pressurised situation."

(3) Membership of the Essex Non-Domestic Rates Pool for 2015/16

On 24 October 2014, in view of the urgency of the issue concerned and in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, the Finance and Transformation Portfolio Holder (Councillor Goggin) sought and subsequently obtained the Chairman of the Corporate Management Committee's (Councillor Steady) consent that his decision relating to the Council's participation in the Essex Non-Domestic Rates Pool for 2015/16 should be exempt from the call-in procedure.

The Finance and Transformation Portfolio Holder's decision was as follows:

- (a) That Tendring District Council confirms its participation in the Essex non-domestic rates pool for 2015/16 for the purpose of submitting the initial application to the Government by 31 October 2014;
- (b) That Officers continue to work with the other Local Authorities in the Pool to develop the final pooling agreement based on the principle of no Authority being worse off in the Pool than outside of it; and
- (c) That if the currently proposed pooling arrangements are adversely affected by factors such as announcements by the Government, then Officers be requested to withdraw from the Pool at the earliest opportunity if the position for Tendring district Council no longer looks favourable.

It was felt that any delay likely to be caused by the call-in process would have seriously prejudiced the Council's interest for the following reasons:-

"It had not been possible to bring this decision forward any earlier as the financial forecasting and agreement had been subject to on-going development across a number of Essex Authorities.

The deadline to submit the NDR Pooling application to the Government was 31 October 2014. Any application received after that date would not be accepted and there would be no further opportunities to apply to the Government to form a Pool for 2015/16."

BACKGROUND PAPERS

(1) Extension of the Careline service

Letter dated 27 August 2014 from the Housing, Benefits and Revenues Portfolio Holder to the Chairman of the Service Development and Delivery Committee.

Reply from the Chairman of the Service Development and Delivery Committee signifying consent to allow the Housing, Benefits and Revenues Portfolio Holder's decision to be taken under the Special Urgency procedure and to be exempted from call-in.

Report from the Corporate Director (Life Opportunities) to the Housing, Benefits and Revenues Portfolio Holder.

Executive Decision dated 28 August 2014.

(2) Exemption from Procurement Procedure Rules – Printing Arrangements for Elections

Letter dated 9 September 2014 from the Finance and Transformation Portfolio Holder to the Chairman of the Corporate Management Committee.

Reply from the Chairman of the Corporate Management Committee signifying consent to allow the Finance and Transformation Portfolio Holder's decision to be taken under the Special Urgency procedure and to be exempted from call-in.

Report from the Corporate Director (Corporate Services) to the Finance and Transformation Portfolio Holder.

Executive Decision dated 10 September 2014.

(3) Membership of the Essex Non-Domestic Rates Pool for 2015/16

Letter from the Finance and Transformation Portfolio Holder to the Chairman of the Corporate Management Committee.

Reply from the Chairman of the Corporate Management Committee signifying consent to allow the Finance and Transformation Portfolio Holder's decision to be exempted from call-in.

Report from the Corporate Director (Corporate Services) to the Finance and Transformation Portfolio Holder.

Executive Decision dated 24 October 2014.

APPENDICES

None.