

**Committee: Council**

**Date: 3 February 2016**

Wards: All

**Subject: The Use of Special Urgency for a Key Decision – Procurement for Integrated Health Improvement, stop smoking and weight management programme**

**Lead officer:** Paul Evans, Assistant Director Corporate Governance

Lead member: Councillor Stephen Alambritis, Leader of the Council

Contact officer: Chris Pedlow, Senior Democratic Services Officer, (020 8545 3616)

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**Recommendations:**

A. That Council note the taking of an urgent key decision

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**1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

1.1. This report appries Council of the taking of an urgent key decision in accordance with the provisions of Part 4 E, Section 17 of the Council's constitution.

**2 DETAILS**

2.1. *The Constitution makes provision for the taking of an urgent decision i.e.*

Paragraph (c) of Section 17 requires that "Decisions taken as a matter of urgency must be reported to the next available meeting of the Council together with the reason for urgency".

2.2. In accordance with paragraph 17(b) of the constitution the above titled report presented to The Chair of Overview and Scrutiny Commission was brought to the attention of the Chair of Overview and Scrutiny Commission who made the following statement:

*'Having read both reports (public and exempt) that you wish to add to the agenda for Cabinet on 18 January 201, I accept that this decision should not be delayed to a later Cabinet meeting. The reports need to be approved by the Governing Body of Merton CCG on 26 January so that the contract can be awarded in time to start on 1 April 2016. I therefore approve the use of Rule 15 to allow the reports to be included on the agenda for Cabinet on 18 January as a late item.'*

**3 ALTERNATIVE OPTIONS**

3.1. None for the purpose of this report.

**4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. None for the purpose of this report.

**5 TIMETABLE**

5.1. None for the purpose of this report

**6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1. None for the purpose of this report.

**7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. None for the purpose of this report.

**8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1. None for the purpose of this report.

**9 CRIME AND DISORDER IMPLICATIONS**

9.1. None for the purpose of this report.

**10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. None for the purpose of this report.

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

Appendix A - Notice of Decision

**12 BACKGROUND PAPERS**

12.1. None.

**CORPORATE SERVICES DEPARTMENT**

Caroline Holland - Director



**Notice is hereby given that a key decision will be taken by Cabinet at its meeting on 14th September 2015.**

**The Award of a Contract for Temporary Accommodation Services (Hall Place)**

Where a key decision contains exempt information and would be considered in private session a 28 days notice period, prior to the date of that the decision is required. If this notice period has not been given, then the decision can still be taken by the Cabinet, if the provision contained within Rule 18 (Exempt Urgency Procedure) of the Access to Information Procedure Rules Part 4B of the Constitution has been sort.

Also when a matter is a key decision and has not been advertised 28 days prior to the date that the decision is required to be taken, and it has also not been possible to give five clear days notice, then the decision can still be taken Under Delegation if the provisions of Rule 15 (Special Urgency) of the Access to Information Procedure Rules Part 4B of the Constitution can be applied, once agreement, has been obtained by Chair of the Overview and Scrutiny Commission, that the decision cannot reasonably be deferred

Councillor Southgate in his capacity as Chair of the Overview and Scrutiny Commission, has approved the use of Section 15 - Special Urgency, and Section 18 - Exempt Urgency procedures for this decision, and acknowledged that the use of the former procedure exempts the decision from call-in.

The reason for urgency is the need to enter into a contract for temporary accommodation services with Rooms and Studios at Hall Place, Mitcham. Unless this is agreed, the provider has informed Steve Langley it would be his intention to offer the dwelling to another housing authority, which would mean disruption to homeless families and would affect the council's ability to discharge its legal duties towards homeless families.

The item is exempt due to Access to Information Rules, Part 4B section 3: information relating to the financial or business affairs of any particular person (including the authority holding that information).

