

# REPORT FOR DECISION



<b>DECISION OF:</b>	<b>The Council</b>
<b>DATE:</b>	<b>8 July 2020</b>
<b>SUBJECT:</b>	<b>Monitoring of Urgent Items and Exemption of Call-In</b>
<b>REPORT FROM:</b>	<b>The Leader of the Council</b>
<b>CONTACT OFFICER:</b>	<b>Janet Witkowski, Acting Council Solicitor and Monitoring Officer</b>
<b>TYPE OF DECISION:</b>	<b>Non key decision</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain.
<b>SUMMARY:</b>	The report advises Council of Executive Key Decisions that have been taken as urgent items under Rule 18 of the Access to Information Procedure Rules and that have been exempt from call-in, because the decision needed to be implemented as a matter of urgency, since 25 March 2020.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	That Council notes the Executive Key Decisions that have been taken as urgent items and which were exempted from call-in.
<b>IMPLICATIONS:</b>	<b>No implications.</b>
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b>
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	No financial implications.
<b>Equality/Diversity implications:</b>	None.
<b>Considered by Monitoring Officer:</b>	The Council's Constitution requires that Executive Key Decisions that have been taken as urgent items under Rule 18 of the Access to Information Procedure Rules and

	that have been exempt from call-in, be reported within 3 months to a meeting of the Full Council. This reports provides details of those decisions taken since 25 March 2020.
<b>Wards Affected:</b>	All Wards.
<b>Scrutiny Interest:</b>	No.

## 1.0 Monitoring of Urgent Decisions

- 1.1 Under Rule 18 of the Access to Information Procedure Rules, it is reported that the following executive key decisions have been taken as special urgency items and as such have not met the required publication period of 28 days (and less than five days' notice for open items) on the Council's Forward Plan.
- 1.2 An Emergency Powers Group was set up to facilitate the making of urgent decisions where practicable, comprising the Leader, relevant Cabinet members, Chair of Scrutiny Committee ,Leader of the Opposition and other Group Leaders and relevant officers.

(i) **Leader Decision via Emergency Powers Group 26.3.2020 - Progression of five Council owned sites for new housing development**

Decisions Taken:

1. To approve the first phase a package of sites for redevelopment for housing for sale and rent on Council owned sites.
2. To approve that up to £1.5m of funding available for this programme in the 2019/20 capital programme can be used for feasibility works up to contract signing and that further funding requirements will be subject to future reports to Cabinet;
3. To approve that these progress with Wilmot Dixon through the Procurement Hub framework.
4. To support pursuit of bids to Homes England or their Wave partners for funding.
5. That all these sites come back to Cabinet with full financial appraisal consideration before any contractual commitments with a contractor partner or agreements to loan finance are finalised.

The reason why this decision was urgent and could not be reasonably deferred was:-

To enable work to continue on these sites to continue with the target start on site and submission to Homes England for funding in 2020.

(ii) **Leader Decision via Emergency Powers Group 2.4.2020 – commissioning external support to undertaken checks for taxi driver renewals**

Decision Taken:

To waive procurement rules to allow for the Licensing Service during the COVID-19 Pandemic to permit Personnel Checks, an external company, to undertake Disclosure and Barring Service (DBS) checks for "taxi" driver renewals online.

The reason why this decision was urgent and could not be reasonably deferred was:-

To enable an online solution to be implemented so as to ensure the safe working practices for staff in light of Covid-19, and to ensure business continuity so that mandatory DBS checks can be maintained.

(iii) **Leader Decision via Emergency Powers Group 2.4.2020 - Fees and Charges**

Decision taken:

That fees and charges for 2020/21 remain at the 2019/20 for a period of 6 months after which they will be reviewed.

The reason why this decision was urgent and could not be reasonably deferred was:-

Fees and charges across the council are due to increase on 1 April. The decision to apply an inflationary increase was made prior to the COVID-19 crisis. Any decision to freeze fees and charges at their 2019/20 need to be made urgently to avoid bills at a higher level being issued.

(iv) **Leader Decision via Emergency Powers Group 9.4.2020 - Contractual flexibilities and relief available to contracted suppliers providing services to Bury Council in response to Procurement Policy Note 02/2020 issued by UK government**

Decisions taken:

1. To inform contracted providers of services of the Council's position in relation to PPN 02/20 and advise them of the action they need to take in order to access relief.
2. To delegate responsibility for agreeing appropriate relief to Executive Directors.
3. For decisions regarding relief to be reported to the Head of Strategic Procurement and monitored by the S151 Officer.

The reason why this decision was urgent and could not be reasonably deferred was:-

This action is urgently required in order to reduce the risk of market failure and to ensure future continuity of key services.

(v) **Leader Decision via Emergency Powers Group 9.4.2020 - Extension to the Integrated Sexual Health Service contract**

Decision taken:

To extend the contract under Regulation 72 (1)( c) of the PCR2015 for a period of 12 months with Virgin Care Ltd, which is a collaborative contract with Bury, Rochdale and Oldham councils.

The reason why this decision was urgent and could not be reasonably deferred was:-

The contract is due to end on March 31 2021 with no current option to extend. Preparatory work in advance of a tender process had commenced earlier in 2020, and has now been paused. The contract would be extended under Regulation 72 (1)( c) of the PCR2015 for a period of 12 months due to the COVID-19 situation.

(vi) **Leader Decision via Emergency Powers Group 9.4.2020– Support for Adult Social Care Providers during the Covid-19 pandemic**

1. To offer social care providers the following support.

PPE - Where they have had to purchase additional or specific PPE, over and above regular stock, to protect staff and support our customers during this pandemic, we will fund these purchases.

Care Home Block booking of available beds – the Council will pay the full cost of any vacancy held by our Older People’s Residential and Nursing homes. This is aimed at ensuring we maintain capacity within the community sector

Staffing - Where, due to COVID-19, staffing capacity has required them to bring in external agency staff at a cost to their organisation, the Council will pay the difference in cost. The council will contribute to recruitment costs by paying for a DBS costs of £40

Care Home One to one - Where a resident is diagnosed with COVID-19 and due to their presenting needs requires them to bring in additional staff to support them on a one to one or two to one basis, this increase in care will be funded at £16.13p/h.

Care at Home new staff payments - Where they bring any new staff from 1st April 2020, the Council will pay them upfront for the hours they employ them for, regardless of whether they are providing support. For example, if they employ a carer for 30 hours a week, we will pay upfront for those 30 hours. That way they can ensure they have capacity to pick up packages immediately.

Enhanced rate - From 1st April, over the next 3 months (subject to review) the hourly rate will be £17.13.

Commissioned hours – the Council will pay the commissioned hours rather than actual time delivered during this period.

Holding packages – the Council will pay to keep open a customer’s care package for 5 days whilst they are in hospital. Providers should then be able to pick up a customer’s package immediately on discharge.

Additional payments for quick discharges - Where providers start a new customer from hospital or Choices for Living Well on either the same day, or a date requested by the relevant team, they can claim an additional one off payment of £100. Where they start a new customer from hospital or Choices for Living well over the weekend they can claim a payment of £150.

The reason why this decision was urgent and could not be reasonably deferred was:-

To provide offer of support to our Adult Social Care Providers during the Covid-19 Pandemic. They require urgent confirmation of the support we can and will offer to ensure their sustainability and continued support our most vulnerable residents.

(vii) **Leader Decision via Emergency Powers Group 9.4.2020 – Rough Sleeper Provision**

Decision taken

To agree to the use of Fairways Lodge Prestwich to accommodate rough sleepers in Bury.

The reason why this decision was urgent and could not be reasonably deferred was:-

It is a high priority to provide local provision for our Rough sleepers in light of the Covid-19 pandemic to enable them to self-isolate and lockdown to reduce the spread of the virus.

(viii) **Leader Decision via Emergency Powers Group 16.4.2020 - Hardship Support for Individuals and Businesses**

Decisions taken:

1. To note the allocation of £1.888m hardship monies to the council and the criteria on which is to be allocated.
2. To note the forecast expenditure of £1.545m on the funds and the remaining unallocated amount of £0.343m.

3. To agree the proposals to allocate the remaining £0.343k as follows:
  - £100k to the councils existing hardship fund so that is used to provide emergency support to those in crisis;
  - £50k match funding to support the council's proposals to maximise access to the welfare system and take-up of benefits through partnership working with the citizen's advice bureau;
  - £193k to support those in need of additional welfare support – to be allocated throughout the year based subject to the availability of funding.
4. To develop a Service Level Agreement with the Citizens Advice Bureau to work in partnership with the council to support those trying to access the welfare systems and to maximise their benefits and that the solution utilises the one-off monies made available as part of the 2020/21 budget resolution.
5. To note the potential impact on the council tax income of increased eligibility for the Council Tax Support Scheme and that this is currently a financial risk that will need to be managed and monitored throughout the year.
6. To note the existing flexibilities regarding the payment of council tax to support those who are experiencing financial problems;
7. To approve the creation of an 'In Work Poverty Hardship Fund' by utilising a balance of £42,000 carried forward from the 2019/20 financial year from members allowances. Note that subject to approval that details on the criteria of the scheme and access arrangements to come forward.
8. To Note the support to businesses that is currently available and the mechanisms in which Bury businesses are able to access advice and support

The reason why this decision was urgent and could not be reasonably deferred was:-

It provides details of support required for individuals and businesses during the pandemic.

(ix) **Leader Decision via Emergency Powers Group 22.4.2020 – Community Hubs**

Decision taken:

1. The Community Hub Teams do not take a role in proactively contacting residents identified as vulnerable to Covid 19. Proactive case management will instead continue within health and care teams and Housing with referrals to Hubs for support outside of service provision as appropriate and referrals will continue to be taken from the National Shielding Contact Centre.
2. A digital consultation exercise is held to invite wider communities to indicate what support they would like from the Hubs and the help and capacity they can bring.

3. Communication continues around the work of the Hubs including encouraging residents to self-identify and agree to the Council processing their information in order that we may update our records and provide proactive support
4. Community Hubs are developed to provide community infrastructure; manage formal referrals and develop and direct residents to self-help materials
5. A Public Service Partnership hub is established to take a data-led approach to management of issues outside the community and health & care remit
6. A detailed neighbourhood model of governance is developed.

The reason why this decision was urgent and could not be reasonably deferred was:-

A key part of Bury's Covid 19 emergency response has been the establishment of five Community Hubs, to provide the infrastructure to support vulnerable people. The initial priority was to support those clinically vulnerable.

(x) **Leader Decision 23.4.2020 - Strategic Investment**

Decision taken:

Approval of support for a key asset and other recommendations contained in the report of the Joint Chief Finance Officer.

Delegation of authority to the Chief Executive, Council Solicitor and Joint Chief Finance Officer to carry out the necessary actions and activities to give effect to this decision.

The reason why this decision was urgent and could not be reasonably deferred was:-

There is an urgent requirement for the Council to consider support to a key asset in Greater Manchester as a result of the global pandemic COVID-19.

The asset is of strategic economic and financial importance to Bury, GM and the North West and provides a significant number of jobs to local residents. The legal or financial position of the Council or the interests of the Council and/or the residents of Bury would be prejudiced if the matter is not determined before the next scheduled Council meeting where it could be considered.

(xi) **Leader Decision via Emergency Powers Group 26.5.2020 - Distribution of the Infection Prevention Control Grant for Care Homes**

Decision taken:

1. To note Bury's allocation of £2.4m from the recently announced Infection Control Grant for Care Homes;

2. To note the grant conditions and the approve the distribution methodology developed by the Council;
3. To note that a further paper will be produced on the allocation of the remaining 25% of funding

The reason why this decision was urgent and could not be reasonably deferred was:-

To reduce transmission of coronavirus in care homes.

(xii) **Leader Decision via Emergency Powers Group 26.5.2020 - Proposed Process for Dispersion of Discretionary Grant**

Decision taken:

To agrees the approach as detailed in the report to the Emergency Powers Group, including criteria, eligibility and process of payments in order to deliver the Government Top-up to local business grant funds scheme (Discretionary Grant) to eligible applicants

The reason why this decision was urgent and could not be reasonably deferred was:-

Funding needs to be released to business as a matter of urgency.

(xiii) **Leader Decision via Emergency Powers Group 26.5.2020 - Covid 19 pandemic: Bury council Response to Central Government Guidance on Reopening of Schools Date 1st June 2020**

Decision taken:

That approval of the position set out in the letter that was sent to schools on 18th May 2020 advising governing bodies and head teachers that Bury Council's advice is to open schools as soon as they are satisfied it is safe to do so, following individual risk assessments of schools.

The reason why this decision was urgent and could not be reasonably deferred was:-

In order to ensure that children and staff re safe a full risk assessment and appropriate safety procedures should be in place before additional groups of pupils are re-admitted. The full risk assessments to be completed by each school and the measures they may need to implement are unlikely to be completed by 1st June as per government guidance or by the next Cabinet Meeting scheduled for 10 June 2020. We are supporting school leaders with this very important and complex process and are aware that some schools, particularly larger schools, may need additional time to put safety measures in place.

(xiv) **Leader Decision 10.6.2020 -Revision to Discretionary Grant Programme**

Decision taken:

Approve new calculation of Discretionary Grant which is already operational and is time restricted and time limited and cannot be deferred. This will enable the payment of enhanced grants to key market traders in Bury many of whom may not be able to return without this financial support.

The reason why this decision was urgent and could not be reasonably deferred was:-

The decision is urgently required to enable payment of the grants as a matter of urgency to those requiring urgent financial support.

(xv) **Executive Director Decision via Emergency Powers Group 15.6.2020 – Market Rent Concession**

Decision taken:

To approve a further extension of the rent free period to the end of June for Bury Market Traders recommencing trading on 15 June and to the 18 July for traders who can trade from 4 July.

The reason why this decision was urgent and could not be reasonably deferred was:-

The Market reopens on Monday 15 June and an urgent was sought to confirm the extension of the rent free period which ended on 16 May.

(xvi) **Chief Executive Decision via Emergency Powers Group 29.6.2020 - Covid-19 Local Outbreak Plan**

Decision taken:

To approve the Bury Covid-19 Local Outbreak Plan for publication on 30th June 2020.

The reason why this decision was urgent and could not be reasonably deferred was:-

There is a statutory requirement to publish the Local Outbreak Plan by 30<sup>th</sup> June 2020.

(xvii) **Leader Decision via Emergency Powers Group 29.6.2020 - Discretionary Grant Scheme for Businesses – Phase 2**

Decision taken:

That a Phase 2 Discretionary Grant Scheme for Businesses be established to support the following 5 categories of business:

- Organisations servicing the Retail, Hospitality and Leisure sector.

- Retail, Leisure and Hospitality organisations who are marginally over the £51k rateable value threshold.
- Early Years Providers that can demonstrate:
  - Is on Ofsted's Early Years Register
  - Provides care and education for children up to 5 years old
  - Rateable value of over £15,000 up to £51,000
  - Operating within a commercial setting
  - Can demonstrate continued operation i.e. will not close
- Cultural institutions that contribute to town centre footfall and the visitor economy.
- Those organisations that could have applied for Phase 1 but missed the deadline.

The reason why this decision was urgent and could not be reasonably deferred was:-

The Council's Discretionary Grant Scheme for Businesses was launched in June. When the scheme was launched it was envisaged that there may be an opportunity for a further extension (Phase 2) of the scheme however this would be subject to the availability of funding once those applications from eligible businesses for Phase 1 had been processed.

The phase 1 application deadline has been reached. To date 156 grant awards have been made totalling £0.673m. Whilst there are still some applications to be processed, it is estimated that the total amount will not exceed £1m thereby leaving at least c£0.957m available for Phase 2. This report sets out proposals for Phase 2.

The scheme is designed to support small businesses in the borough as they deal with the impact of COVID-19. It is therefore imperative that any additional funding that may be available is agreed and paid out as quickly as possible. The urgency process is needed in order that this can be achieved.

The scheme has been designed to seek to provide assistance to businesses who have not been eligible for other forms of support provide by the Government. Our objective is to secure business survivals, retain the local employment base and provide financial support to enable businesses to return once more normal trading conditions have prevailed.

(xvii) **Leader Decision via Emergency Powers Group 29.6.2020 - Distribution of the remaining 25% Infection Prevention Control Grant to Care at Home (domiciliary care) and Supported Living Providers**

Decisions taken:

1. To note the allocation of £2.4m from the recently announced Infection Control Grant, with 75% already approved and distributed to Care Homes (as set out in xi in the report - Leader Decision via Emergency Powers Group 26.5.2020) ;
2. To note the grant conditions and approve the distribution methodology developed by the Council;

3. To agree Bury's allocation of the remaining 25% of this funding to Care at Home (Domiciliary Care) and Supported Living providers to support infection control and workforce resilience in this sector.

The reason why this decision was urgent and could not be reasonably deferred was:-

To reduce transmission of coronavirus between carers and customers supported in their own homes by Care at Home providers and Supported Living providers and to support workforce resilience in this sector to deal with Covid-19.

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**List of Background Papers:-**

Council Constitution  
Records of Urgent Decisions

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