URGENT CABINET DECISION

B16 EXECUTIVE URGENCY PROCEDURE

(a) Urgent executive decisions which cannot be delayed until the next meeting of the executive or executive committee (as the case may be) may be taken by the relevant Chief Officer after consultation with the following:
- Leader
- a Deputy Leader
- Relevant portfolio holder (if any) or any other Cabinet member if there is no relevant portfolio holder in respect of the decision in question
- The Mayor, pursuant to Rule C15 of the Overview and Scrutiny Procedure Rules [i.e. to agree that it is exempt from call-in].
- Plus one of the following:
  - the Chief Executive; or
  - the Executive Director (Resources) (in the absence of the Chief Executive, or if the Chief Executive is the decision taker); or
  - the Monitoring Officer (in the absence of the Chief Executive or Executive Director (Resources), or if one is absent and the other is the decision taker).

(b) In the absence of the Leader, Deputy Leader or portfolio holder (if any) the consent of another Cabinet member will be required.

(c) The urgent decision, the reason for it and the reason for the use of the urgency procedure must be reported to the next meeting of the executive or executive committee (as the case may be).

HBC Constitution, Executive Procedure Rules

Subject: Hyndburn Used Furniture Store (HUFS).

Report Author: Steve Riley - Head of Community Services

Background:
HUFS are a charitable organisation based in Hyndburn that collect second-hand white goods, furniture and other electric items direct from domestic properties. After repairing or recycling, the items are sold at affordable prices to low income households within the Borough who may otherwise not be able to afford these items if new. All income from the sale of these items goes to covering the annual running costs.

A previous Urgent Cabinet Decision gave approval to release a portion of the payments due to HUFS early. Releasing a percentage of the final payments early allowed HUFS to proceed with the necessary HR procedures to help in their restructuring with a view to reducing their cost base for 2016/17.

The Urgent Cabinet Decision authorised a first payment of £3,000 immediately following the approval of the report and second payment of £7,500 on the signing of the new grant agreement.
At the time of the previous decision it was assumed the agreement with HUFS would be on a 'Grant' type basis. However, Legal advice has confirmed they are providing a service to the Council so the agreement would need to be on a Service Level Agreement (SLA).

**Reason for Urgency:**
The previous report was based on an assumption that there would be a Grant to HUFS and therefore the payments made would not be subject to the Council’s Contract Procedure Rules.

The £7,500 early payment is still outstanding. If this payment is not provided quickly it will mean HUFS cannot implement the necessary cost savings in time for 2016/17. This may result in HUFS no longer being able to provide certain bulky items to the low income families within the Borough.

**Recommendation:**
Agree to waive the Council’s Contract Procedure Rules in respect of tendering the service provided by HUFS and enter into a SLA with HUFS for the collection and re-use/recycle of bulky goods to cover the period up to 31 March 2018. This will align an agreement with HUFS until the end of Cost Share payments and a likely a change in service provision.

**Date of Decision (when finally approved):** 3rd December 2015

**Signatures of Members and Officers:**

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