

### Report of Urgent Action

- 1 Under regulation 19 of the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the County Council is required to receive a report from the Leader on any decisions taken under regulation 11. These are key decisions which were not in the Forward Plan and which needed to be taken with less than five clear days' notice. Such urgent decisions can only be taken with the agreement of the relevant Select Committee Chairman. Key decisions taken with less than five clear days' notice which are in the Forward Plan are reported via the Executive Decision Database.
- 2 Such action is avoided wherever possible as it circumvents the normal mechanism for publication of decisions and ensuring that members have the opportunity to comment before decisions are taken.
- 3 However, on occasions this is not possible and the County Council is asked to note the following decisions which have been taken by the Director of Law and Assurance with the agreement of the Cabinet Member for Environment and the Chairman of the Environment, Communities and Fire Select Committee and the Cabinet Member for Adults and Health and the Chairman of the Health and Adult Social Care Select Committee respectively.

### Westhampnett Solar Farm

- 4 In 2014 the County Council entered into a three-year contract with Carillion Energy Services to deliver a programme of energy efficiency and renewable energy projects across Sussex. In 2016 it was agreed to extend the contract for three years (until 2020) as per the break clause. In February 2017 the Leader approved the installation of installation of a solar farm and energy storage system in Westhampnett, Chichester (Westhampnett Solar Farm Proposal (LDR20(16/17) refers), with Carillion appointed as principal contractor and overall project managers for the project.
- 5 On 25 January 2018, Carillion Energy Services was declared insolvent and PWC were appointed as insolvency practitioners. Westhampnett Solar Farm was under construction at the time of insolvency and therefore a decision was required on whether to bring the project to completion and, if so, through what arrangements.
- 6 The Director of Law and Assurance, in consultation with the Cabinet Member for Environment, and with the agreement of the Chairman of the Environment, Communities and Fire Select Committee, therefore used his delegated powers under Standing Order 61(3) to:
  - (1) Authorise the Executive Director Economy, Infrastructure and Environment to appoint Arun Construction as Principal Contractor to complete the Westhampnett Solar Farm project; and
  - (2) Approve a revised capital and revenue expenditure to enable completion of the project.

- 7 The decision was urgent because the work on site needs to continue as soon as possible to allow for the project to be completed without adverse impact upon the assets on site, the timeline for completion and the benefits which are available from completion, including the readiness of the new principal contractor to deploy resources.

Exempt: paragraph 3, Financial or business affairs of any person (including the authority)

### **Award of contracts for Specialist Health Services for people with Learning Disabilities and Autism**

- 8 This decision concerned the outcome of a procurement process commencing in December 2017 (decision report [AH2\(17/18\)](#) refers) which led to a recommendation for award of a contract or contracts for the provision of specialist health services for people with Learning Disabilities and Autism. Four existing County Council contracts were in scope for this procurement process - current contracts for services end on 30 June 2018 and have a combined current value of £3.68m per annum.
- 9 An urgent decision was required in order to allow the required mobilisation period of the contracts to start in a timely way. The Director of Law and Assurance, in consultation with the Cabinet Member for Adults and Health and with the agreement of the Chairman of the Health and Adult Social Care Select Committee, therefore used his delegated powers under Standing Order 61(3) to approve the award of new contracts to commence on 1 July 2018 for a period of three years with the option to extend for up to four further years, up to a maximum term of seven years.
- 10 This decision should have been included in the Forward Plan for March 2018. However, notice of the decision was omitted from the Forward Plan in error and it was not possible to not wait for the usual 28-day statutory period to elapse before the decision was taken.

**Louise Goldsmith**  
Leader

**Contact:** Helen Kenny, 033022 22532