

**AGENDA MANAGEMENT SHEET**

**Name of Committee**

**Council**

**Date of Committee**

**9 May 2006**

**Report Title**

**Monitoring of Decisions under the Urgency and Call-In procedure**

**Summary**

Standing Orders set out the procedure for urgent decisions. This includes a monitoring process whereby urgent decisions are reported to Council and whereby the operation of the urgency and call-in procedures are monitored annually.

This report advises the Council of urgent decisions taken since the end of February 2005 and reported to Council on 15 March 2005 and monitors the use of the urgency and call-in arrangements since February 2005.

**For further information please contact:**

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No.

**Would the recommended decision be contrary to the Budget and Policy Framework?**

**Background papers**

Consent to Urgent Decision Notices

**CONSULTATION ALREADY UNDERTAKEN:-**

Details to be specified

- Other Committees  .....
- Local Member(s)  Not applicable
- Other Elected Members  .....
- Cabinet Member  .....
- Chief Executive  .....
- Legal  Sarah Duxbury
- Finance  .....
- Other Chief Officers  .....

District Councils  .....

Health  .....

Police  .....

Other Bodies/Individuals  .....

***FINAL DECISION YES***

**Council – 9 May 2006**

**Monitoring of Decisions taken under the Urgency and Call-In procedures**

**Report of the Strategic Director of Performance and Development**

**Recommendation**

That the report be noted.

**1. Introduction.**

This report summarises decisions taken under the urgency procedure since the last report on urgency items to Council. The report also contains an annual monitor of the use of both the urgency procedures and the call-in procedures.

**2.0 Procedure for decisions taken under the Urgency Procedure**

Standing Order 16 sets out the procedure for consideration of issues requiring urgent decision and where any delay likely to be caused by call-in would seriously prejudice the Council's or the public's interest.

This procedure requires the consent of the Chair of the relevant Overview and Scrutiny (or in his/her absence the Chair of Council, or in his/her absence the Vice-Chair of Council).

The consent is given on the basis that:

- (i) the decision proposed is reasonable in all the circumstances; and
- (ii) the decision should be treated as an urgent matter; and
- (iii) where the proposed decision is contrary to or not wholly in accordance with the Policy Framework or Budget it is not practicable to convene a quorate meeting of the full Council.

The Constitution requires that decisions taken under the urgency procedure are reported to Council. Paragraph 2.2 below summarises urgent decisions taken in accordance with this procedure since the last report to the Council in March 2005.

### **3.0 Decisions Taken under the Urgency Procedure**

#### **3.1 Property Issues – Justice Centres/Magistrates' Courts Cabinet 17 March 2005**

This exempt (non-public) issue was concerned with the criminal justice centres and land issues and sought agreement to the use of receipts from the disposal of property. The report also dealt with the transfer of land from the County Council to the Department for Constitutional Affairs (DCA).

The report was urgent as the deadline set by the Lord Chancellor's Department for drafting the agreement to transfer sites to the DCA was 15 March. The DCA had been made aware that a report was being presented to Cabinet on 17 March with a view to getting an agreement submitted at this point, but any further delay (such as that created by call-in) would mean that an agreement would not be made.

The Cabinet agreed to the application of proceeds from the sale of Atherstone and Stratford Magistrates Court to the justice centre project, agreed to the transfer of various property interests to support the project and noted the implications of the Courts Act 2003 in relation to the distribution of sale/insurance proceeds under the partnership agreement. (A full record of the decision is set out in the exempt minutes of the meeting).

#### **3.2 Eastern Shires Purchasing Organisation (ESPO) Consortium Membership Agreement Cabinet – 28 April 2005.**

This exempt (non-public) report requested amendments to the consortium membership agreement to enable ESPO to purchase new premises, required due to the expansion of its business.

This decision was urgent as the contracts with the developer needed to be signed by 30 April to ensure ESPO could relocate its main stores during Easter period 2006.

The Cabinet on 28 April agreed to revisions to the consortium membership agreement to facilitate the purchase of new premises for ESPO.

#### **3.3 Procurement of Energy for Street Lights Cabinet 26 May 2005.**

This item was brought to Cabinet under the urgency procedures as it was necessary to extend the contract for the supply of energy for street lights with immediate effect. The Cabinet ratified the action of the Director of Planning, Transport and Economic Strategy in accepting a price for energy for a 24 month period.

3.4 Talisman Square Development, Kenilworth  
Cabinet – 21 July 2005.

This exempt (non-public) item sought authorisation for the Acting Chief Executive to make decisions in relation to the development of this site. The delegation of authority was necessary as decisions were needed before the next meeting of Cabinet on 8 September and delay could prejudice the development.

The Cabinet on 21 July approved authorisation of the Acting Chief Executive to make any necessary decisions in relation to the Talisman Square Development in consultation with the political group Leaders, Corporate Services Cabinet portfolio holder and Chair of the Corporate Services Overview and Scrutiny Committee. (A further exempt report on this subject has been considered by Cabinet, and was subject to a call-in as referred to at section 4 below.

3.5 Response on Proposed Governance Arrangements for the Regional Control Centre (Fire)  
County Fire Officer – 20 October 2005.

The Office of the Deputy Prime Minister (ODPM) had provided the West Midlands Regional Management Board (RMB) with details for governance arrangements for the Regional Control Centre, including the establishment of a local authority company. The Council had been invited to support a response proposed by the RMB but the deadline for response was 20 October and gave insufficient time for report to either Cabinet or Council.

It was agreed that the County Fire Officer respond. The response acknowledged that the ODPM decision that a local authority company model would be adopted but pointed out that there was still a need for meaningful consultation on the arrangements around the implementation of the model.

3.6 Review of Decriminalisation of Parking Enforcement in Stratford on Avon and Stratford Park and Ride  
Cabinet – 20 October 2005.

This issue, which was reported to Cabinet on 6 October 2005, was the subject of call-in (see section 4 below) but the report back to Cabinet on 20 October 2005 was accepted as an urgent item in view of the need for timely introduction of the decriminalisation amendments and the park and ride scheme. The Cabinet then agreed as follows:

- (1) Those streets in Stratford-upon-Avon with pay and display the 50 pence charge for 40 minutes and the free 20 minute period be abolished and replaced with a 30 minute period charged at 20 pence, and that on- street charges on Sundays in Stratford-upon-Avon be abolished before 12 noon, but only if Stratford-on-Avon District Council agree to a similar arrangement in their off-street car parks in keeping with the partnership agreement between Warwickshire County Council and Stratford-on-Avon District Council and the agreed principles

underpinning decriminalisation of parking enforcement in Warwickshire,

- (2) That management of the park and ride car park and the provision of the park and ride bus services should be let as a combined contract to Johnsons (Henley) Ltd., adequate revenue support arising from the previous recommendation having been accepted by Cabinet.

3.7 Children's Centres Development – Increase in capital costs  
Cabinet – 20 October 2005.

The Cabinet was advised of the increased costs in the development of the Children's Centres. This was accepted as urgent as it was necessary to place orders for work as soon as the tendering process was completed, to enable building work to take place by 31 March 2006, and to avoid financial penalties from the Sure Start Unit.

The Cabinet agreed that officers proceed with placing orders for work to be undertaken and that the cost of the development projects included in the capital programme for 2005/06 be increased as outlined in the report.

3.8 The Avon Valley School, Rugby  
Cabinet – 12 January 2006.

This was an exempt (non-public) item concerning the terms of a contract. It was necessary to let the contract immediately (in advance of Council budget fixing on 7 February) to avoid incurring additional costs in construction and prolonging the period and costs of hiring temporary classrooms at the school.

The Cabinet agreed the proposal, as set out in the exempt minutes.

3.9 Annual Monitor of the Use of the Urgency Procedure

There have been 8 instances of use of the consent to urgency procedure over the last year (since the end of February 2005).

This shows an increase on the 6 in 2004/05 but not as high as previous years (10 in 2003/04, 11 in 2002/03).

## **4.0 Decisions subject to the call-in procedure**

Standing Orders 11-13 set out the procedure for call-in whereby executive decisions made by Cabinet, Area Committees and officers may be 'called-in' by Members for consideration by the relevant overview and scrutiny committee. The following documents the use of call-in since the end of February 2005.

#### 4.1 Review of Decriminalisation of Parking Enforcement in Stratford-on-Avon District and Stratford Park and Ride

The Cabinet on 6 October had been asked to agree either of two options relating to charges for parking in streets in Stratford-upon-Avon and to agree to management of the park and ride facility.

The following decisions were made by Cabinet on 6 October:

- “1. That in those streets in Stratford-on-Avon with pay and display the 50 pence charge for 40 minutes and the free 20 minute period be abolished and replaced with a 30 minute period free of charge and that on-street charges on a Sunday in Stratford-on-Avon be abolished before 12 noon.”
- “2. That the management of the park and ride car park and the provision of the park and ride bus services should be let as a combined contract to Johnsons (Henley) Ltd”.

These decisions were called- in by the Chair of the Environment Overview and Scrutiny Committee on the basis that ‘the decisions were against the agreed principles of decriminalisation, will scupper park and ride in Stratford and undermine decriminalisation across Warwickshire’.

A special meeting of the Environment Overview and Scrutiny Committee was held on 18 October 2005 and recommended as follows:

- (1) That those streets in Stratford-upon-Avon with pay and display the 50 pence charge for 40 minutes and the free 20 minute period be abolished and replaced with a 30 minute period charged at 20 pence and that on-street charges on Sundays in Stratford-upon-Avon be abolished before 12 noon but only if Stratford-on-Avon District Council agree to a similar arrangement between Warwickshire County Council and Stratford-on-Avon District Council and the agreed principles underpinning decriminalisation of parking enforcement in Warwickshire.
- (2) The management of the park and ride car park and the provision of the park and ride bus services should be let as a combined contract to Johnsons (Henley) Ltd., subject to adequate revenue support arising from the previous recommendation being accepted by Cabinet.

These recommendations were put to the Cabinet on 20 October (in conjunction with the urgency procedure) and were agreed.

#### 4.2 Talisman Square Development, Kenilworth

The issue of the development at Talisman Square had been considered by Cabinet on 17 November and a decision taken not to contribute to the development costs.

Councillors Nina Knapman, Chris Davis, Jerry Roodhouse and David Booth called-in this decision for consideration by the Corporate Services Overview and Scrutiny Committee on the basis that the decision 'failed to –

1. demonstrate a commitment to the much needed regeneration of Kenilworth,
2. work in partnership with Warwick District Council
3. foster a long term working relationship with Warwick District Council

The Corporate Services Overview and Scrutiny Committee considered the issue at a meeting on 29 November 2005, including whether the Cabinet had made the correct decision having taken account all factors, and concluded that no action be taken. The decision of Cabinet was therefore unchanged.

#### 4.3 Street Light Advertising Contract

The Cabinet on 8 December 2005 considered an exempt (non-public) report on the award of a contract for advertising on street light columns. The recommendation was for the award of a seven-year contract for maintenance, installation and advertising on up to 225 street columns. Councillor Ken Browne, Chair of the Environment Overview and Scrutiny Committee, called in the decision citing the following reason:

“That there was not sufficient information provided to ascertain whether letting such a contract would be robust and whether the option selected would in any event provide best value.”

The issue was considered by the Environment Overview and Scrutiny Committee on 19 December who, in turn, referred the item to Council, with recommendations, including a recommendation that the contract not be entered into.

A special meeting of the Council was held on 5 January. A proposal moved by Councillor Bob Stevens and that included a recommendation to enter the contract, was lost. Councillor Ken Browne moved the recommendations from the Overview and Scrutiny Committee, which included a recommendation to not enter a contract, and these were agreed. (A full record of the voting is set out in the minutes of the meeting).

The recommendations were then put to Cabinet on 12 January and Cabinet agreed that no contract be signed for advertising on street light columns in Warwickshire.

#### 4.4 Annual Monitor of Call-In

There have been three instances of call-in since the end of February 2005. This is an increase on 2004/05 when there were two. The trend is for low use of call-in. There were two during 2003/2004 and six during 2002/2003.



## **5.0 Conclusion**

The number of requests for consent to urgent decisions and the low use of call-in suggests that there is no need to review these procedures.

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28 April 2006