

## Council

19 May 2015

### Annual Monitoring Report of the use of the Urgency Procedure and Call-in.

#### Recommendation

That Council notes the report.

#### 1.0 Introduction

This report summarises the decisions taken under the urgency procedure during the municipal year May 2014 to May 2015 and monitors the use of the procedure and the use of call-in during the same period.

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

- 2.1 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.
- 2.2 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).
- 2.3 The consent is given on the basis that:
- (a) the decision proposed is reasonable in all the circumstances; and
  - (b) the decision should be treated as an urgent matter; and
  - (c) 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.
- 2.4 The Constitution requires that decisions taken under the urgency procedure are reported to Council. Section 3 below summarises urgent decisions taken in accordance with this procedure since May 2014.

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

### **3.1 Response to Government Discussion Paper on Administration of Business Rates – Cabinet 5 June 2014.**

Government published a paper on 10 April 2014 seeking views across five areas pertaining to business rates: how property is valued; how often property is valued; how business rate bills are set; how business rates are collected and how information about ratepayers and business rates is used.

The Chair of the Corporate Services Overview and Scrutiny Committee gave consent for the item to be considered as urgent given the tight timescale.

### **3.2 Addition to Capital Programme to support the provision of the Universal Infant Free School Meals Programme- Deputy Leader Decision, 13 June 2014**

Funding was made available from April 2014 to support the roll out of Universal Infant Free School Meals. Following an extensive survey, assessment and application process, the cost of the programme and need for additional financial support was only established at the end of May. In accordance with the Council's policy, the funding had to be added to the Capital Programme before expenditure could be incurred and this approval was required quickly so that orders for equipment and works could be made to meet the September deadline. The Deputy Leader agreed to the addition of £1.025m of ring fenced grant to the Capital Programme and also agreed to allocate £47,828 of funding of previously approved resources to support the programme.

The Chair of the Corporate Services Overview and Scrutiny Committee agreed that this item be accepted under the urgency procedure given the need to order equipment and works as soon as possible and for the September deadline.

### **3.3 Response to Government Consultation on Combined Authorities and Economic Prosperity Boards – Leader Decision, 23 June 2014**

Government consultation was published on 30 April 2014 on proposed changes to the Local Democracy, Economic Development and Construction Act 2009 relating to combined authorities and economic prosperity boards. The Consultation deadline was 24 June 2014. The Leader agreed a response on 23 June.

The Chair of the Communities Overview and Scrutiny Committee agreed that the decision be taken under the urgency procedure given the timescale for response.

### **3.4 Delegated Approval for entering contracts in relation to the extension of coverage of superfast broadband – Leader Decision, 1 October 2014**

The Council on 1 July 2014 agreed to the use of £3.610 of the Capital Growth Fund to extend the coverage of superfast broadband across Warwickshire on a match-funding basis with BDUK, subject to the funding allocated being reduced on a £ to £ basis if any other bids for external funding are successful. The Council also supported the targeting of investment, through the procurement process, to encourage the development of business use in areas which do not have satisfactory broadband coverage. It was then necessary to get agreement to give specific delegated approval to the Strategic Director for Resources to take all necessary steps and enter any contracts that were required.

The Chair of Council gave consent to the urgency procedure as BDUK had made a request to bring forward the procurement to the week beginning 29 September.

### **3.5 Payment under Section 17 of the Children Act 1989 – Cabinet Portfolio Holder for Health Decision, 19 December 2014**

This decision was reported to Council on 24 March and details can be viewed in the exempt report to that meeting.

The Chair of the Children and Young People Overview and Scrutiny Committee agreed to the use of the urgency procedure to enable financial support to be provided as soon as possible.

### **3.6 Land at Europa Way, Warwick – Cabinet 17 March 2015**

Cabinet on 17 March considered an exempt report regarding the disposal of land at Europa Way, Warwick.

The Chair of the Corporate Services Overview and Scrutiny Committee consented to the use of the urgency procedure for the reasons set out in the exempt report.

## **4.0 Annual Monitor of the Use of the Urgency Procedure**

4.1 There have been six instances of use of the consent to urgency procedure over the last year compared to eight in 2013/14 and remains lower than when the urgency provision was first introduced and as illustrated below.

02/3	03/4	04/5	05/6	06/7	07/8	08/9	09/10	10/11	11/12	12/13	13/14	14/15
11	10	6	10	4	3	2	5	1	3	6	8	6

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

5.1 Standing Orders 11-13 set out the procedure for call-in whereby executive decisions made by Cabinet, Portfolio Holders and decisions by officers may be 'called-in' by members for consideration by the relevant overview and scrutiny committee.

5.2 The call-in procedure has been used on two occasions as set out below.

## **6.0 Call-Ins during 2014/15**

### **6.1 Disposal of the former Bath Place Community Venture Building and No.2 Bath Place, Leamington Spa (Exempt item) – Cabinet Decision, 8 May 2014**

Cabinet considered options for the disposal of the former Bath Place Community Venture Building at its meeting on 8 May 2014 and agreed that the site is transferred to HB Community Solutions Living Ltd for the development of a specialist housing with care housing scheme.

The decision was called-in by the Chair of the Corporate Services Overview and Scrutiny Committee on the basis that there was concern around the protocols and whether every interested party had been given the same information. The Corporate Services Overview and Scrutiny Committee considered the issue at a meeting on 2 June and chose to refer the issue to Council who considered it on 10 June.

Council returned the decision on the disposal of the former Bath Place Community Venture building to Cabinet with the request that Cabinet consider a number of points (set out in the exempt minutes) including review of the Community Asset Protocol.

Cabinet considered the recommendations from Council on 22 June but decided to confirm its original decision.

### **6.2 Domiciliary Care Commissioning Proposal**

Cabinet on 19 February agreed an option for the One Organisational Plan savings target for Domiciliary Care services and to proceed with a procurement process for the provision of domiciliary care services. (The item was exempt and the full decision is set out in the exempt minutes of the meeting).

The item was called-in by four councillors on the basis of a lack of information about the quality of the packages to be tendered and insufficient information about customer consultation. The Adult Social Care and Health Overview and Scrutiny Committee considered the issue on 4 March 2015 and concluded that no further action be taken in relation to the recommendations agreed by the Cabinet so the decision taken by Cabinet could be implemented.

The Committee did, however, ask Cabinet to ‘provide a clear and transparent report to the Adult Social Care and Health Overview and Scrutiny Committee setting out the full details of the tender and procurement process for a new domiciliary care contract’. Councillor Jose Compton, Portfolio Holder for Adult Social Care, gave her assurance that this would be provided.

The Committee also agreed to establish a Task and Finish Group to oversee the redesign of the Domiciliary Care Framework in order to ensure quality of care remains a focus.

## 7.0 Annual Monitor of the use of Call-In

In summary the number of call-ins has remained at a low level as indicated by the figures below:

02/3	03/4	04/5	05/6	06/7	07/8	08/9	09/10	10/11	11/12	12/13	13/14	14/15
6	2	1	4	1	1	3	4	2	1	1	2	2

## 8.0 Conclusion

The number of requests for consent to urgent decisions and use of call-in are low and do not indicate a need to review procedures in themselves. It may be possible to reduce the incidence of both through improved timetabling of items where this is possible and can be reasonably foreseen.

## Background Papers

Call-in and Consent to Urgency notices

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