

Council

17 May 2016

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 2015 to May 2016 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 2015.

3.0 Decision Taken under the Urgency Procedure since May 2015

3.1 Post 16 Transport Statement 2015/16 – Leader Decision 29 May 2015

Local Authorities have a duty to prepare and publish an annual Transport Policy Statement. Urgent consent was requested in order for the Leader to consider the comments regarding the Council's proposed Post 16 transport arrangements and to then approve the Council's Post 16 Transport Policy Statement and association arrangements for 2015/16.

The Chair of the Children and Young People Overview and Scrutiny Committee gave consent to the decision being urgent given the need to meet the statutory deadline for publication of 31 May 2015. The decision was made on the 29 May 2015 and the arrangements were then published on the Warwickshire County Council website and applied to the 2015/16 academic year.

3.2 Education and Learning (Schools) Capital Programme 2015/16 – Leader Decision 21 August 2015

Cabinet considered the Education and Learning (Schools) Capital Programme at its meeting on 16 July 2015. The report included a proposal to make a contribution of £300,000 to Stratford Girls Grammar School for the expansion of post 16 Education. The recommendation was due to be considered by Council on 24 September 2015 but it was necessary to approve the funding in advance of this meeting; to enable the construction of the new facilities to be completed before the start of the new academic year.

The Chair of Corporate Services Overview and Scrutiny Committee gave consent that the decision was urgent in view of the need to complete construction before the start of term.

3.3 Municipal Bonds Agency – Cabinet – 10 September 2015

In 2014 Cabinet agreed to become a founder member and investor in the Local Government Association's Municipal Bonds Agency. Notification was received that the Agency intended to convert to being a public limited company. This required a decision by the Agency at their Annual General Meeting which was held on 11 September 2015.

The papers regarding the AGM were not received until 21 August 2015 and therefore the earliest opportunity for Cabinet to consider the proposal was at its meeting on 10 September 2015 when Cabinet agreed to support the Municipal Bonds Agency's conversion to a public limited company. The Chair of the Corporate Services Committee gave his consent to this being accepted as an urgent decision as the Council would not be able to vote at the AGM if it had to wait for the expiration of the five clear days call-in.

3.4 Multi Agency Safeguarding Hub (MASH) – Accommodation Works – Deputy Leader Decision (Exempt) - 14 September 2015

At its meeting of the 10th September 2015, Cabinet agreed to commit to the delivery of a MASH at pace so that the MASH could go live from the 1st May 2016.

In order to meet this deadline, funding needed to be agreed and orders placed before the Christmas holidays 2015 so that the works could proceed in the New Year 2016.

The Chair of the Resources and Fire and Rescue Overview and Scrutiny Committee agreed to accept the item as urgent in order to deliver the project to the timescales set by Cabinet.

3.5 Stratford-upon-Avon Railway Station (footbridge) – Deputy Leader Decision (Exempt) - 19 February 2016

The Deputy Leader agreed to an addition to the Capital Programme to cover the possible order by the High Court to make a payment to a contractor who had taken action against the Council. The allocation was agreed pending resolution of the dispute, which is ongoing.

The Chair of the Resources and Fire & Rescue Overview and Scrutiny Committee gave consent that the decision was urgent due to the Court hearing being on 23 February 2016.

3.6 Schools and High Needs Funding Reform: WCC Response to the Government's Consultation Papers

The 2015 Spending Review included announcements on the future direction for schools. On 7 March 2016 the Department for Education followed this up with two consultation papers seeking views on proposals to introduce a national funding formula for schools and also on reforms to the way funding for young people with high level special educational needs is distributed.

Cabinet on 14 April agreed responses to the consultation papers. The Chair of the Children and Young People Overview and Scrutiny Committee agreed to accept the item as urgent given that the responses needed to be submitted by Sunday 17 April.

3.7 Snitterfield Emergency Flood Scheme – urgent item at Council – 24 September 2015

The Council in September approved an increase in the capital programme to facilitate an emergency flood scheme at Snitterfield. The decision was urgent as the funding from the Environment Agency Emergency was due to expire on 31st March 2016 and works needed to commence in the financial year as the

funding would no longer be available. This item did not require the consent to urgency procedure (which applies to Executive decisions only) as it was accepted by the Chair as an urgent for consideration and approval by Council. It is included in this report to give a complete picture of urgent items but not included in the total given at 4.0 below.

4.0 Annual Monitor of the Use of the Urgency Procedure

There have been five instances of use of the consent to urgency procedure over the last year compared to six in 2014/15 and remains lower than when the urgency provision was first introduced, as illustrated below.

02	03	04	05	06	07	08	09	10	11	12	13	14	15
11	10	6	10	4	3	2	5	1	3	6	8	6	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 key executive 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 five occasions as set out below.

6.0 Call-Ins during 2015/16

6.1 Nuneaton Opportunities Centre – Cabinet 11 June 2015

At a Cabinet meeting on 11 June 2015 a decision was made to approve the decommissioning of the Nuneaton Opportunities Centre and to take the necessary steps for closure as set out in the report presented to members.

The decision was called in by the Chair of the Communities Overview and Scrutiny Committee and four Councillors requiring more details of the consultation that had taken place and more specific details of alternative provision. The Communities Overview and Scrutiny Committee considered the issue on 24 June 2015 and referred its concerns to Cabinet with a request that the decision be reconsidered. Cabinet on 10 September confirmed its decision to decommission the Centre.

6.2 Getting West Nuneaton Moving: Bermuda Connection – Portfolio Holder for Transport and Planning Decision 12 June 2015

On 12 June 2015, the Portfolio Holder for Transport and Planning approved the proposal for a consultation on the Bermuda Connection Project.

The decision was called-in by four Councillors on the basis that the consultation had not been made available to other members so that any sensible debate about content could be made and that the 10 consultation venues avoid the areas most impacted by the project. This could lead to later challenges and give the impression that the council is acting unreasonably

The Communities Overview and Scrutiny Committee considered the issue on 24 June 2015 and agreed that no further action be taken.

6.3 Housing Related Support Funding – Cabinet 18 August 2015

Cabinet on 18 August 2015 agreed to proceed with the proposals to re-structure Housing Related Support services to deliver the One Organisational Plan savings target from 2015 to 2018.

The decision was called in by the Chair of the Adult Social Care and Health Overview and Scrutiny Committee and four Councillors on 27 August 2015, on the basis that the Cabinet report failed to provide enough detail and clarification around the assessment process.

The Adult Social Care and Health Overview and Scrutiny Committee considered the call-in on 9 September and agreed to refer the matter to full Council on 24 September 2015 with the recommendation “that given the uncertainties around the level of assessments required and the ability to undertake these in the timescale, Council defers the planned saving of £300,000 in 2015/16 to be found from housing related support budgets and instead uses £300,000 from General Reserves in 2015/16 to balance the Council's budget”. This was agreed by Council

6.4 Home to School Transport (Special Nursery Provision) –Cabinet 8 October 2015

Cabinet on 8 October 2015 agreed changes to the Home to School Transport Policy.

The decision relating to changes to transport to specialist nursery provisions, was called-in by the Chair of the Children and Young People Overview and Scrutiny Committee and four Councillors; on the basis that a review of the nursery provision had not been completed when the Cabinet decision was made. The Children and Young People Overview and Scrutiny Committee on 22 October considered the call in and agreed to refer the matter to Council with four recommendations.

An extraordinary meeting of Council was held on 3 November 2015 to discuss the matter. The Council agreed to recommend that Cabinet defer the proposed savings on transport to specialist nursery provision until after the outcome of the planned review of specialist nursery provision by the Head of Education and Learning carried out and completed within the next 6 months.

Council also set out the issues it wished to be reviewed and agreed that the review be considered by Children and Young People Overview and Scrutiny Committee prior to consideration by Cabinet.

6.5 Nuneaton & Bedworth Off-Street Parking Places Order - Portfolio Holder (Transport and Planning) decision -19 February 2016

The Portfolio Holder (Transport and Planning) gave consent to Nuneaton and Bedworth's proposal to make Nuneaton and Bedworth Off-Street Parking Places Order 2016 and also agreed to write to Nuneaton and Bedworth Borough Council, highlighting Warwickshire County Council's concerns regarding the impact of price increases in off-street car parks.

The Portfolio Holder decision was called in by four Councillors on 25 February 2016 for the reasons set out in full in the call-in notice. In summary the reasons related to the Nuneaton and Bedworth Borough Councils increase in cost to car parking and impact on trade; that The Borough Council's consultation had not been advertised at any car parks or to any businesses; that 50 objections had been received that the Portfolio Holder did not appear to have been made aware of and that the rise had been rushed through the process at Borough Council with undue haste in order to raise income for next year's Budget and Easter weekend events.

The Communities Overview and Scrutiny Committee considered the issue at its meeting on 9 March 2016 and concluded that no further action be taken.

6.6 Stratford to Long Marston Greenway: introduction of car parking charges

Cabinet on 14 April 2016 agreed to the introduction of parking charges at the the Stratford on Avon to Long Marston Greenway with a minimum charge of 50p (rather than £1 as suggested in the report to Cabinet) and also subject to an evaluation six months after implementation of the scheme with regard any impact pricing and impact on displacement parking.

The decision was called in by four councillors on 18 April. The reasons stated for the call-in were a lack of consultation with the wider community, police, Stratford on Avon District Council and dog walkers; the impact of displacement parking on neighbouring areas and that it is unclear what cost there will be to the Council in implementation.

The Communities Overview and Scrutiny Committee considered the call in on 3 May 2016 and agreed to refer the issue to full Council for consideration.

7.0 Annual Monitor of the use of Call-In

The following shows that the number of call-ins during 2015/16 has increased to the highest level – a level not reached since 2002.

02	03	04	05	06	07	08	09	10	11	12	13	14	15/16
6	2	1	4	1	1	3	4	2	1	1	2	2	6

8.0 Conclusion

The number of requests for consent to urgent decisions has remained relatively low. The use of call-in has increased over the last year to the highest it has been since 2002. Some of these may reflect the Council's increasing need to make challenging decisions.

Background Papers

Call-in and Consent to Urgency notices

	Name	Contact Information
Report Author	Janet Purcell	Tel.01926 413716 janetpurcell@warwickshire.gov.uk
Head of Service	Sarah Duxbury	sarahduxbury@warwickshire.gov.uk
Strategic Director	David Carter	davidcarter@warwickshire.gov.uk