

Council**23 May 2017****Annual Monitoring Report of the use of the Urgency and Call-in Procedures****Recommendation**

That Council notes the report.

1.0 Introduction

The use of the Council's call-in and urgency procedures are monitored annually in accordance with Standing Order 19.1 in the Council's constitution. This report summarises the decisions taken under urgency and use of call-in during the 2016/17 municipal year.

2.0 Procedure for decisions taken under the Urgency Procedure

2.1 Standing Order 16 sets out the procedure for consideration of issues requiring an 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 Committee (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 cannot reasonably be deferred; and
- (b) the decision should be treated as a matter of urgency; 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.

3.0 Decisions Taken Under the Urgency Procedure since May 2016**3.1 S278 Highway Improvement Scheme at B4642 Coventry Road/ Site Access, Cawston-Increase in Capital Programme Allocation Portfolio Holder for Finance and Property – 16 September**

The B4642 Coventry Road, Cawston roundabout scheme had been included in the 2016/17 Capital Programme at an estimated cost of £650,000. Only one of seven suppliers in the framework contract submitted a quotation which exceeded the estimated cost but was assessed as valid and accepted by the

developer (who would be providing 100% of the funding for the scheme). The Council's standing orders require that any bids that exceed the original estimate by 10% or more for major contracts between £1m and £3m require approval by the relevant portfolio holder before it is awarded. The Portfolio Holder for Finance and Property gave his approval increase the capital programme provision for the scheme to £1.45m and approved the award of the contract.

The decision was urgent as the highways works were needed to facilitate access to a housing development site. It was also one of three separate developer funded S278 highway improvements. Delaying the contract award would have also delayed the consequent works, the third of which has a pre-commencement condition. The Chair of the Resources and Fire & Rescue Overview and Scrutiny Committee, therefore gave his approval to this being an urgent decision and for call-in to not apply in this case.

3.2 Consultation on an Early Years National Funding Formula Portfolio Holder for Education and Learning 19 September

The Department for Education issued a consultation document on 11 August regarding proposed changes to the way that 3 and 4 year old entitlements to childcare are funding. The document was complex and the deadline for the response was 22 September.

The Chair of the Children and Young People Overview and Scrutiny Committee gave his approval to this being an urgent decision as the timescale meant that it was not possible to do the necessary analysis and prepare a response until close to the submission deadline.

3.3 Addition to the Capital Programme – Refurbishment Works to the Saltway Centre Portfolio Holder for Finance and Property – 16 December 2016

In 2012 the County Council took a ten year lease agreement with Stratford District Council to use the ground floor of Elizabeth House and moved around 140 staff into the building. The Saltway Centre in Stratford upon Avon has been identified as a more appropriate site (in terms of parking, opening hours meeting space and smaller workstation requirement) and would save the council £150,000 per annum. The Portfolio Holder for Finance and Property agreed that the refurbishment of the Saltway (at approximately £483,400 including fees), should be added to the 2016/17 Capital Programme.

The Chair of the Resources and Fire & Rescue Overview and Scrutiny Committee agreed that the decision was urgent due to the need to take advantage of a break in the lease. The works needed to commence immediately in order to complete in time to meet the lease break date and avoid any future costs of occupation of the accommodation.

3.4 Warwickshire Early Years Funding Formula 2017/18 Leader – 24 February 2017

The Department for Education released details of the new Early Years National Funding Formula on 1 December 2016 and from that moment on work was underway to understand what options there were for a local formula for Warwickshire using the flexibilities allowed. The authority was required to undertake consultation and this ran from 16 January for three weeks. There followed a modelling of formula options and analysis of consultation responses. A member seminar was also held. The deadline for notifying schools and early year settings of 2017/18 budgets was 28 February.

The Leader on 24 February formally agreed the Early Years Funding Formula for 2017/18, the allocation of additional funding for maintained nursery schools, the allocation of £615 per child who meets eligibility criteria for the Disability Access Fund and the retention of the current methodology for allocating the local SEN Inclusion Fund.

The Chair of the Children and Young People Overview and Scrutiny Committee gave his approval in January to this being an urgent decision in view of the tight timetable and the need for the decision to take immediate effect and to meet the statutory requirement to notify settings of their budgets by 28 February.

3.5 Domestic Violence and Abuse Bids for Funding Portfolio Holder for Community Safety – 1 March 2017

The Portfolio Holder for Community Safety gave retrospective approval for the submission of a bid of £99,000 (in partnership with Refuge) for funding from the DCLG Domestic Violence and Abuse Accommodation Fund. Portfolio holder approval had not been sought in time for the bid submission due to an officer oversight. The Portfolio Holder also approved the submission of a bid for £600,000 over three years for funding from the Home Office Violence Against Women and Girls Transformation Fund. The deadline for this bid was 1 March.

The Chair of the Resources and Fire & Rescue Overview and Scrutiny Committee gave approval to the decision being taken under the urgency procedure in view of the deadlines for the bid submissions.

3.6 House Project Hub Cabinet – 21 March 2017

Cabinet agreed on 21 March that Warwickshire County Council take the lead responsibility for the Innovation Funded Phase 2 House Project Hub and become a partner in delivering a Local “House Project”. Stoke City Council had previously developed the project, which is a company run by young people in and leaving care which puts them in charge of their own homes with holistic support to achieve successful independence.

Warwickshire signed a Memorandum of Understanding in June 2016 with Stoke City Council to be one of five Local Authorities that would participate in Phase 2 of the project which will see if the model was replicable in other LA

situations. A Business Case put forward for Innovation Funding under Phase 2 was successful but Stoke City Council decided they no longer had capacity to pursue the lead authority role. Warwickshire County Council was asked to take on the lead role - a request also supported by the Department for Education which agreed the Innovation Funding.

The Chair of the Children and Young People Overview and Scrutiny Committee agreed that the decision was urgent in view of the requirement to notify the Department of Education of a lead authority by the week commencing 20 March or the funding would be re-deployed.

3.7 Bid to Department for Transport of Local Highways Maintenance Challenge Funding Portfolio Holder for Transport and Planning – 29 March 2017

The Portfolio Holder for Transport and Planning approved the submission of a bid to the Department for Transport, Local Highways Maintenance Challenge Fund. The funding will be used to improve highway drainage in seven locations across the County. The schemes have a total value of £1.95 million and if the bid is successful the 20% contribution will be funded from existing Highway Maintenance budgets.

The Government announced £75 million which Councils could bid for in a statement on 13 January 2017. Guidance for Councils was sent out on 1 March 2017 with a deadline of the 31 March 2017 for all final bids.

Warwickshire County Council expressed an interest in applying for funding on 3 February 2017. The guidance for the funding was sent to all Councils 1 March 2017 with a deadline of submission of 31 March 2017.

The Chair of the Communities Overview and Scrutiny Committee agreed that the decision to submit the bid was urgent in view of the deadline for its submission.

3.8 Special Educational Needs Capital Provision Portfolio Holder for Finance and Property – 7 April 2017

Cabinet agreed the Education and Learning Capital Programme at its meeting on 9 March. The report also set out the available capital basic need funding but omitted to seek approval for permission to allocate the £250,000 Basic Need Funding to assist in the provision for special needs at 3-4 sites across the County. The Portfolio Holder for Finance and Property was therefore asked to redress this omission and agreed the allocation of Basic Need capital funding for the addition of SEND facilities.

The Chair of the Resources & Fire and Rescue Overview and Scrutiny Committee agreed that this was an urgent decision in view of the need to continue with discussions to put in place the provision.

3.9 Retrospective approval for grant application related to the development of community businesses
Portfolio Holder for Adult Social Care and Portfolio Holder for Health
Joint Decision – 7 April 2017

The Portfolio Holder for Adult Social Care and the Portfolio Holder for Health gave retrospective agreement to the successful application to Community Catalysts and Power to Change to host an officer to develop community-led businesses. The focus of the activity will be working with communities to establish community businesses that will support health and social care needs in the broadest context. Portfolio holder approval had not been sought in time for the bid submission due to an officer oversight.

The Chair of the Adult Social Care and Health Overview and Scrutiny Committee agreed that the decision be taken under the urgency procedure in order that the activity could proceed and not be delayed.

3.10 Child in Need Exceptional Payment (Exempt Item)
Portfolio Holder for Health – 7 April 2017

The Portfolio Holder for Health agreed the payment in relation to the care of a child. The Chair of the Adult Social Care and Health Overview and Scrutiny Committee agreed that the decision was urgent to avoid delay in payment.

3.11 Children’s Commissioning Funding Bids
Portfolio Holder for Health – 21 April 2017

The Portfolio Holder for Health agreed to the submission of two bids for funding. The first was a bid (to a maximum of £1,491,360 over the 5 years of the project) to the Life Chances Fund for Bright Residential for Children which is a tool for commissioning children’s residential placements. The second was a West Midlands Regional bid to the Innovation Fund to deliver the recommendations of the Narey report (an independent review of children’s care) which will introduce a new regional framework, pilot for a fair funding tool between CCGs and councils for children looked after and new innovations in care models.

The Chair of the Adult Social Care and Health Overview and Scrutiny Committee agreed that the decision was urgent in view of the need to submit the bids before the deadline of 27 April 2017.

4.0 Annual Monitor of the Use of the Urgency Procedure

There have been eleven instances of use of the consent to urgency procedure over the last year. This is an increase on the figures for 2016/15 and is the highest number of the last eleven years of reporting as illustrated below.

06/7	07/8	08/9	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17
4	3	2	5	1	3	6	8	6	6	11

At least three of the decisions were due to officers being unaware of the requirement for portfolio holder approval. Instructions have been issued to avoid this happening again.

5.0 Decisions subject to the call-in procedure

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

The call-in procedure has been used on one occasion as set out below

5.1 Call-in from Adult Social Care and Health Overview and Scrutiny regarding the proposal to close Warwickshire Employment Support Team (WEST)

The Portfolio Holder for Adult Social Care took the decision to approve the commencement of a public consultation on the proposed closure of the Warwickshire Employment Support Team (WEST) on 3 June 2016.

The decision was called in by the Chair of the Adult Social Care and Health Overview and Scrutiny and was supported by four Councillors. The notice gave the following reasons for call in:

'Decommissioning this service will have major adverse effects on a group of vulnerable individuals and may lead to higher costs elsewhere. Overview and Scrutiny should be given the opportunity to examine all other alternatives and understand full implications.'

The Adult Social Care and Health Overview and Scrutiny Committee considered the issue at a meeting on 21 June 2016 and referred the matter to Council who recommended that the Portfolio Holder should check the decision accorded with the One Organisational Plan to prioritise the most vulnerable and that there be full consultation on other options available. The Portfolio Holder for Adult Social Care agreed to public consultation whilst continuing to explore alternative sources of funding. Cabinet on 8 December deferred the issue.

6.0 Annual Monitor of the use of Call-In

The following shows that the number of call-ins has remained low over the last eleven years, with the exception of 2015/16.

06/7	07/8	08/9	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17
1	1	3	4	2	1	1	2	2	6	1

7.0 Conclusion

The use of the urgency procedure has increased but part of the increase has been due to tight timetables set by Government departments and also due to a lack of understanding from some officers regarding the need to obtain approval for submission of bids. Instructions have been issued to avoid this happening in future and officers will continue to be reminded of the need to ensure they plan ahead for formal decisions where these are required.

There has been just one call-in, an indication that call-in is not being used to cause unnecessary delay or frustration of the decision making process. The only issue is that the second call-in to Council can sometimes raise public expectation that Council can override Cabinet or the Portfolio Holder and make a decision itself. This can lead to confusion or frustration that an item has then to be referred back to the original decision maker for a decision.

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