

Council**15 May 2018****Annual Monitor of use of the Urgency and Call-in procedures
2017/18****Recommendation**

That the report be noted.

1.0 Introduction

The use of the Council's call-in and urgency procedures are monitored annually in accordance with Standing Order 19.1 of the Council's Constitution. This report summarises the decisions taken under the urgency procedure and the use of call-in during the 2017/18 municipal year.

2.0 Procedure for decisions to be treated as urgent.

- 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.
- 2.4 Group Leaders are advised whenever an urgent decision is proposed and the decision (and any supporting report) is published on the Council's website and all members notified. In addition the Leader is required to report to Council each year on the details of each decision taken under the procedure and the reasons for their urgency.

3.0 Procedure for call-in

- 3.1 Executive decisions (i.e. those taken by Cabinet, Cabinet Portfolio Holder or Officer Key Decisions) can be called- in for consideration by the relevant Overview and Scrutiny Committee. The Chair of the Committee or four members can call in a decision within 5 days of the publication of the decision unless the decision has been subject to the urgency procedure described at

section 2 above. (The procedure for call-in is set out at Standing Order 13.) Call-in delays the implementation of a decision and can have an impact on the speed of decision making in an authority if it is used extensively. The use of call-in has been used on few occasions in Warwickshire (as demonstrated at section 6 below).

4.0 Decisions Taken under the Urgency Procedure since May 2017

4.1 A426 Leicester Road, Rugby- Highway Improvement Scheme Portfolio Holder for Finance and Property - 20 June 2017

On 20 June the Portfolio Holder for Finance and Property gave approval to increase the capital programme provision for this highway improvement scheme from £1.2m to £1.8m, and to award the contract to the supplier who had submitted the most economically advantageous price, subject to the signing of an applicable S278 agreement with the Developer.

The decision was considered to be urgent as the S278 highway improvement works were needed to facilitate access to a new retail park at Elliot's Field on the former Tribune Trading Estate site. A delay in the contract award and the consequent works start date would affect the ability of the Developer to meet its planning consent obligations in time for the programmed opening date of the retail development.

The Chair of the Resources and Fire & Rescue Overview and Scrutiny Committee therefore gave her approval for this to be an urgent decision.

4.2 School Term Dates 2018/19 Portfolio Holder for Education and Learning -7 July 2017

The school term dates for 2018/19 were approved by the Portfolio Holder for Education and Learning on 16 June 2017, which was based on a five week summer break as originally proposed as an option by the West Midlands Regional Group. Following the decision it transpired that none of the West Midlands or neighbouring authorities had decided to adopt this approach.

In addition to this, responses were received outside of the consultation period raising concern about the impact of the agreed Warwickshire term dates. The concern was regarding the reduction of school days prior to the summer break due to the additional week holiday in October half term. Several Head Teachers objected as it was felt the proposed dates would have an adverse impact on pupil's preparation for exams.

The Portfolio Holder for Education and Learning therefore reconsidered the options and rescinded the decision taken on 20 June and agreed to the option that includes a six week summer break.

The Chair of the Children and Young People Overview and Scrutiny Committee agreed to the decision being urgent in view of the need to have all term dates agreed prior to the end of the summer term.

4.3 Warm Homes Fund Bid Portfolio Holder for Adult Social Care & Health -8 September 2017

The Warm and Well in Warwickshire programme offers advice on staying healthy in cold weather and includes information on energy efficiency, fuel debt, grants and benefits available for vulnerable residents, especially those living in fuel poverty, the elderly and those with long term health conditions.

The service is provided by a commissioned provider Act on Energy.

In order to extend the reach of this work Act on Energy made officers aware of an opportunity to bid from the newly created Warm Homes Fund for £96,610 which would enable Public Health to enhance and expand its Warm and Well in Warwickshire offer, specifically targeting households experiencing fuel poverty and ill health from living in a cold home. The Portfolio Holder gave his approval to the bid.

The decision was urgent due to the short turnaround time from the invitation to bid and the deadline for submission of bids.

The Chair of Council (in the absence of the Chair of the relevant Overview and Scrutiny Committee) gave his permission for this to be an urgent decision

4.4 Public Consultation on Proposed Adult Transport Policy Portfolio Holder for Adult Social Care and Health -15 September 2017

The Portfolio Holder gave approval to undertake a public consultation on proposals to amend the existing Adult Transport policy. The new policy replaces the Council's existing informal policies to provide transport routinely for customers who have been assessed as having certain social care needs that are eligible for funding from the council.

In order that the policy could be implemented from April 2018 it was essential that the consultation started in September 2017. The Chair of the Adult Social Care and Health Overview and Scrutiny Committee therefore gave his permission for this to be an urgent decision.

4.5 Approval for Submission of a bid to the National Energy Action (NEA) Warm and Healthy Homes Fund Partnership. Portfolio Holder for Adult Social Care and Health -21 September 2017

The Warm and Well in Warwickshire programme was offered additional funding as part of a partnership with Worcestershire County Council and Solihull Metropolitan Borough Council. The funding was offered due to an underspend on the NEA Warm and Healthy Homes fund. The Portfolio Holder agreed to the submission of a partnership bid for £174,000; of which £58,000 would come to Warwickshire if successful.

The invitation to submit bids was issued on 8 September 2017 with a closing date of 27 September 2017 and therefore there was not enough time to follow the usual decision making process.

The Chair of the Adult Social Care and Health Overview and Scrutiny Committee therefore gave his permission for this to be an urgent decision.

4.6 Application to DCLG for 100% Warwickshire Business Rates Pilot Leader of the Council -25 October 2017

An expansion of the pilot programme for 100% business rates retention in 2018/19 was announced by Government on 1 September 2017. Any groups of authorities interested in becoming a pilot for 2018/19 were required to submit an application to DCLG by 27 October 2017. The Leader gave approval on 25 October for the application to form a 100% business rates pilot across Warwickshire, following informal discussions and agreement of the authorities' chief executives (County and district/borough).

The deadline for submitting an application did not provide enough time for the decision to be made through the usual decision making process and the Chair of the Resources and Fire & Rescue Overview and Scrutiny Committee therefore gave her approval for this to be an urgent decision.

4.7 Coventry, Solihull & Warwickshire Superfast Broadband Project - Additional Funding Bids Leader of the Council -15 January 2018

The County Council had an opportunity to bid for funding from two sources for broadband initiatives; a bid for up to £12 million from the Local Full Fibre Networks Challenge fund as well as a bid for up to £5 million from the Rural Broadband Initiative (EAFRD) fund.

The decision was urgent because of the extremely tight timescale imposed by the Government.

The Chair of the Council therefore gave his approval for this to be an urgent decision.

4.8 County Council's Slavery and Human Trafficking Statement for 2017/18 and 2018/19 Leader of the Council – 19 March 2018

The Leader of the Council has approved the County Council's Slavery and Human Trafficking Statement for the financial years 2017/18 and 2018/19.

Section 54 of the Modern Slavery Act 2015 requires certain organisations to develop a slavery and human trafficking statement each year. This sets out what steps the organisation has taken to ensure modern slavery is not taking place in their business or supply chain. It was necessary to take an urgent decision to ensure the County Council meets the requirements of the Act.

The Chair of the Resources and Fire and Rescue Overview and Scrutiny Committee gave her approval to this to be an urgent decision.

5.0 Annual Monitor of the Use of the Urgency Procedure

There have been eight instances of use of the consent to urgency procedure over the last year. This is a decrease on the figures for 2016/17.

07/8	08/9	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18
3	2	5	1	3	6	8	6	5	11	8

6.0 Annual Monitor of the use of Call-in

There were no call-ins during the year. The number of call-ins has remained low over the last ten years as illustrated below.

07/8	08/9	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18
1	3	4	2	1	1	2	2	5	1	0

7.0 Conclusion

The use of call-in remains low and, although the number of urgent decisions has been relatively high over the last year, four of these were due to externally imposed tight timescales; one was to ensure a contract went ahead on time; one was a response to new information. Only two became urgent due to officer oversight and there has been an improvement in awareness amongst officers of the need for formal member approval, particularly the need for member approval to bid for funding.

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