

**Council**

**21 May 2019**

**Annual Monitor of use of the Urgency and Call-in procedures  
2018/19**

**Recommendation**

That the report be noted.

**1.0 Introduction**

The use of the Council's call-in and urgency procedures is 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 2018/19 municipal year.

**2.0 Procedure for decisions to be treated as urgent.**

Standing Order 18 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.

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).

The consent is given on the basis that:

- the decision cannot reasonably be deferred; and
- the decision should be treated as a matter of urgency; and
- 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.

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**

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.

There has been no use of the call-in procedure in 2018/19 in Warwickshire (as demonstrated at section 6 below).

#### **4.0 Decisions Taken under the Urgency Procedure since May 2018**

##### **4.1 Appointment of Fire & Rescue and Community Safety Portfolio Holder**

On 11 June 2018 a request was made to the Leader of the Council to give approval to appoint Councillor Andy Crump to the Cabinet to the position of Fire & Rescue and Community Safety Portfolio Holder due to the personal circumstances of the current Portfolio Holder. The appointment was to be with immediate effect and until further notice.

The decision was considered to be urgent due to the critical stage in terms of the new inspection arrangements for the Fire and Rescue Service as well as discussions over future partnerships. In the interest of governance continuity, it was important to ensure the current Portfolio Holder was replaced as quickly as possible.

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

##### **4.2 Addition of Adaptation of Sydenham Children Centre Scheme to the 2018/19 Capital Programme.**

On 24 October 2018, the Deputy Leader (Finance and Property) was asked to give approval to add the adaptation of Sydenham Children Centre scheme to Warwickshire County Council's 2018/19 capital programme. The total scheme estimate was £85,000 all of which is fully funded from revenue contributions.

The decision was considered to be urgent in order to allow the contractors to commence work on site on 29 October 2018, with a completion date of mid-December. The nursery provision would then be able to commence at the start of the term in January 2019.

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

##### **4.3 Approval to Submit a Bid to the Department for Education for its School Nurseries Capital Fund Programme.**

On 19 November 2018, the Portfolio Holder for Education and Learning was asked to give approval to submit a bid to the School Nurseries Capital Fund Programme in order to develop early years places at St Michael's Academy in Bedworth.

St Michael's Academy closely aligns with the priorities of the fund including;

- Schools must hold a current Ofsted rating of Good or Outstanding.
- They must have at least 20% of pupils registered at the school eligible for Free School Meals in their census data from January 2018.
- Proposals should include testing and evaluating approaches aimed at closing the disadvantage gap in the early years, and boosting social mobility.
- The proposal must offer wraparound (before and after school provision)

The decision was considered to be urgent due to the tight timescales imposed by the Department for Education. The deadline for bids to be submitted was announced as the 22 November 2018.

The Chair of the Children and Young People Overview and Scrutiny Committee therefore gave his consent for this to be an urgent decision and the decision was approved.

#### **4.4 Small Business Apprenticeship Support Programme: Making the Levy Count.**

On 5 March 2019, the Leader of the Council was asked to approve the creation of the Small Business Apprenticeship Support Programme. The Council is required to pay a set levy of 0.5% of the annual employee pay bill. It has been difficult for the majority of employers to fully utilize the levy fund and it was clear that it would not be possible for the Council to make the most of the funds. The decision to make the funds available to care providers was based on the government advice that levy funds are made available to an employer's supply chain and to cover the training costs for apprenticeships in adult care provision and management.

The decision was considered to be urgent because it was needed before the launch of the scheme which had been scheduled for the 6 March 2019.

The Chair of Communities Overview and Scrutiny Committee therefore gave his consent for this to be an urgent decision and the decision was approved.

#### **4.5 Approval of Budget Uplift for Paddox Primary School SEN Provision to the Capital Programme 2019-20**

On April 26 2019, the Deputy Leader (Portfolio Holder for Finance and Property) was asked to approve an increase of £115,000 in the 2019/20 capital programme for Paddox Primary School, Rugby. In 2016, Cabinet gave approval for £300k capital funding for a Specialist Resourced Provision for primary-aged learners with special educational needs and disabilities in the Rugby area. Given the passage of time, change in original supplier, and particular circumstances at Paddox Primary School this budget has proved to be inadequate

The decision was considered to be urgent because the school is planning and preparing for a September 2019 launch date. Any further delays would cause increased costs, including abortive costs.

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

## **4.6 Waste Consultation Responses**

On April 26 2019, the Portfolio Holder for Environment and Heritage was asked to agree the responses to the Government consultation exercises and impact assessments in relation to the Resources and Waste Strategy for England which was published on 18 December 2018

The four consultations and impact assessments seeking views from industry and relevant parties on the following key areas to inform the strategy were as follows –

- Extended producer responsibility for packaging waste and the concept of full net cost recovery for local authorities
- A consistent set of materials to be collected for recycling by local authorities (including weekly separate food waste and free garden waste)
- Deposit return scheme for beverage containers for the UK
- Plastic packaging tax

The decision was considered to be urgent because of the tight timescales imposed on the County Council and Warwickshire Waste Partnership by the consultation exercise. The consultation responses were submitted on 1 May 2019.

The Chair of Communities Overview and Scrutiny Committee therefore gave his consent for this to be an urgent decision and the decision was approved.

## **4.7 Consultation on Warwickshire County Council's draft Joint Primary and Secondary School Fair Access Protocol 2019**

On April 26 2019, the Portfolio Holder for Education and Learning was asked to approve an urgent decision in relation to consultation on Warwickshire County Council's (WCC) draft Joint Primary and Secondary School Fair Access Protocol 2019.

WCC's current Primary Fair Access Protocol has been in use since September 2017. The current Secondary Fair Access Protocol has been in use since September 2018. The draft Joint Primary and Secondary Fair Access Protocol has been updated to reflect the challenges in placing students through the protocol back into schools or into alternative provision. The consultation will be with all Primary and Secondary School Head teachers; excluding Special School Head teachers as the protocol does not apply to these schools.

The decision was considered to be urgent in order to allow the consultation period to comment on 2 May 2019.

The Chair of Children and Young People Overview and Scrutiny Committee therefore gave his permission for this to be an urgent decision and the decision was approved.

## 5.0 Annual Monitor of the Use of the Urgency Procedure

There have been seven instances of use of the consent to urgency procedure over the last year. This is a decrease on the figures for 2017/18.

08/9	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19
2	5	1	3	6	8	6	5	11	8	7

## 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.

08/9	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19
3	4	2	1	1	2	2	5	1	0	0

## 7.0 Conclusion

The number of urgent decisions has reduced for the second year running and for 2018/2019 none were given consent to be urgent as a result of officer oversight.

This highlights the continual improvement in awareness amongst officers of the need for formal, and timely approvals.

For the second year there have been no call-ins.

## 8.0 Background papers

None

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The report was circulated to the following members prior to publication:

Local Member(s): None  
Other members: None