

Council

1 July 2021

Annual Monitor of use of the Urgency and Call-in Procedures 2020 - 2021

Recommendation

That Members note the content of the report.

1.0 Introduction

1.1 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 from July 2020 to the end of June 2021.

2.0 Procedure for decisions to be treated as urgent.

2.1 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.

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:

- 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.

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.

- 3.2 There has been no use of the call-in procedure in 2020/2021 in Warwickshire (as demonstrated at section 7 below).

4.0 The Coronavirus Pandemic

- 4.1 On 11 March 2020 the World Health Organisation confirmed Coronavirus as a Pandemic and countries around the world entered lock down to slow down the spread of the virus.

- 4.2 In order to address the negative impacts of the Covid-19 pandemic on Warwickshire and its neighbours, several urgent decisions were required to be made. These are set out in Section 6 below.

5.0 Decisions Taken under the Urgency Procedure from July 2020 to June 2021 (not related to the Coronavirus Pandemic).

- 5.1 [17 August 2020 - Warwickshire County Council Response to the Teachers' Pay Consultation](#)

The Portfolio Holder for Customer and Transformation was asked to approve Warwickshire County Council's response to LGA in respect of the government consultation on the 2020 Teachers Pay consultation.

The decision was considered to be urgent to be able to seek views on the consultation and to meet the deadlines set by the LGA.

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

- 5.2 [18 August 2020 – \(Exempt\) Disability Access Adaptations](#)

Deputy Leader (Portfolio Holder for Finance and Property) was asked to approve a decision in relation to disability access adaptations at a primary school in Warwickshire.

The decision was considered to be urgent to ensure work could start as soon as possible on site.

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

- 5.3 [9 September 2020 - Devolution and Local Government Reform -Case for Change](#)

The Leader was asked to approve a decision relating to local government reform and a decision previously taken by Cabinet which had approved submission to Government of the Strategic Case for Change for unitary government in Warwickshire.

The decision was considered to be urgent to negate the requirement on the Chief Executive to implement the decision taken by Cabinet on 27 August 2020 enabling the issue to be considered by full Council on 22 September and thereafter by Cabinet.

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

5.4 [29 September 2020 - Devolution and Local Government Reform](#)

Cabinet was asked to approve submission to Government of the Strategic Case for Change for unitary government in Warwickshire.

The decision was considered to be urgent to meet the deadline that had been indicated by the Secretary of State for MHCLG.

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

5.5 [25 November 2020 - BEIS Low Carbon Skills Fund](#)

The Portfolio Holder for Environment and Heritage & Culture was asked to approve an urgent decision in relation to an application made to the BEIS Low Carbon Skills Fund. Any successful bid would be used to assist reducing carbon emissions in the corporate portfolio of buildings.

It was considered that the decision was urgent as it was necessary to submit the application on an urgent basis as the BEIS low carbon skills fund was expected to be oversubscribed. In addition, to further delay an application would have placed significant risk on time to complete the funded work.

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

5.6 [27 January 2021 - BEIS Low Carbon Skills Fund and Public Sector Decarbonisation Scheme](#)

Joint Decision - Portfolio Holder for Environment and Heritage & Culture and Deputy Leader (Portfolio Holder for Finance & Property)

A joint urgent decision was submitted in relation to the BEIS Low Carbon Skills Fund and Public Sector Decarbonisation Scheme.

The first part was submitted to the Portfolio Holder for Environment and Heritage and requested approval for officers to confirm the bid for, and to commit to acceptance of revenue grant funding for an application made under the Department for Business, Energy and Industrial Strategy (BEIS) Low Carbon Skills Fund.

The Deputy Leader (Portfolio Holder for Finance & Property) was asked to give consent for an urgent decision to commit to the acceptance of capital grant funding and to its subsequent addition to the Capital Programme.

The decision was considered to be urgent to meet the deadline for submission date set by the BEIS Low Carbon Skills Fund.

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

5.7 [28 January 2021 - Better Care Fund Plan 2020/21](#)

Cabinet was asked to make a decision relating to the arrangements for the Better Care Fund Plan, including the Council's pooled budget contribution and associated agreements that the Council would enter into to underpin these arrangements.

The decision was considered to be urgent to enable the matter to be considered on 29 January 2021 by the Warwickshire Health and Wellbeing Board. enabling funding for individual schemes to be transferred (between Clinical Commissioning Groups and the Council) before commencement of financial year end processes.

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

5.8 [19 February 2021 - Submission of Bid Application to the DfT Rural Mobility Fund](#)

An urgent decision was requested for the Portfolio Holder for Transport & Planning to approve the submission of a bid for external funding to the sum of £1.020million from the Department for Transport's Rural Mobility Fund.

The decision was considered to be urgent owing to the deadline for submission of the bid application.

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

5.9 [10 March 2021 - Consultation on the governments Green Paper on Procurement Reform](#)

The Portfolio Holder for Customer and Transformation was asked to approve the Submission of Warwickshire County Council's response to the government Green Paper on Procurement Reform. The proposals within the Green Paper are wide ranging and detailed and required significant consideration by officers.

The decision was considered to be urgent due to the deadline for submission of

the response.

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

5.10 [25 March 2021 – \(exempt\) Insurance Renewals](#)

The Leader of the Council was asked to approve an urgent decision in relation to an extension to existing long term arrangements with external insurers.

The decision was considered to be urgent because of the policy renewal date and to ensure that there was no break in cover.

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

5.11 [27 May 2021 - Microsoft License re-procurement](#)

The Leader of the Council of the Council was asked to approve an urgent decision for the re-procurement of the Microsoft Licenses for a 3-year term with the existing Microsoft reseller. The reseller advised that Microsoft were experiencing a backlog in processing license renewals due to demand resulting from the release of a revised and advantageous pricing structure negotiated by Crown Commercial Services.

The decision was considered to be urgent because of the backlog at Microsoft and the requirement for Council to receive the commercial benefit from the revised structure.

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

5.12 [27 May 2021 – S278 Developer-funded Improvement Scheme at Shottery Link Road, Stratford-upon-Avon](#)

The Leader of the Council was asked to approve the award of the S278 Fully developer funded highway improvement scheme at the Shottery Link Road. Since the original submission, the estimate for the schemes cost increased in the quarterly capital reporting to £3.5m.

The decision was considered to be urgent as a result of the requirement to facilitate access on site and without the approval from The Leader of the Council, it may have become necessary to re-tender the works as the validity period of the submitted price would run out. In addition, a delay to the works to complete a new tender would have affected the developer's ability to meet their planning obligations.

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

5.13 [2 June 2021 – response to two DEFRA resources and waste strategy consultations: Extended Producer Responsibility and Deposit Return Scheme](#)

The Portfolio Holder for Environment, Climate and Culture was asked to approve the submission to DEFRA of two consultation responses under the urgency procedure. The consultations were in relation to the Extended Producer Responsibility and the Deposit Return Scheme.

The Extended Producer Responsibility for packaging will provide local authorities with full net costs for the management of municipal packaging waste – collection, sorting, recycling, treatment, and disposal of all waste arising from curb-side collections, HWRCs and litter. The Deposit Return Scheme for beverage containers has the potential to reduce litter, improve capture for recycling and improve quality of material for recycling.

The decision was considered to be urgent due to the deadline for responses to be submitted to DEFRA.

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

5.14 [16 June 2021 - UK Community Renewal Fund bids](#)

The Leader of the Council of the Council was asked to approve the bid submission for the UK Community Renewal Fund to the Ministry of Housing, Communities and Local Government (MHCLG).

The decision was considered to be urgent owing to the timescales around the bidding process for this particular Government Grant.

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

6.0 Decisions Taken under the Urgency Procedure in relation to the Coronavirus Pandemic from July 2020 to June 2021.

6.1 [3 July 2020 - Funding for Improvements to Country Parks' Car Parking Facilities](#)

The Leader of the Council was asked to approve the allocation of funds from the Capital Investment Fund to a project to upgrade the Country Park's car parking facilities. One of the key reasons for the decision was the risk of transmission of Covid-19 for visitors and staff in using cash-based machines. Additional risks highlighted included theft, damage and dangerous queuing at sites like Kingsbury Water Park.

The decision was considered to be urgent due to the need to install the cashless machines as soon as possible to assist in the reduction of the spread of Covid-19.

The Chair of the Communities Overview and Scrutiny Committee therefore gave

his consent for this to be an urgent decision and the decision was approved

6.2 [6 July 2020 - Changes to the Warwickshire County Council Adult Social Care Charging Policy for the financial year \(2020/21\)](#)

The Portfolio Holder for Adult Social Care and Health was asked to approve a decision allowing Warwickshire County Council to amend its approach under section 3 of the Adult Social Care Charging Policy for this financial year (2020/21) so as to discount temporary uplifts in Universal Credit granted by the government in response to the Covid-19 Pandemic.

The decision was considered to be urgent because of the financial impact on service users during the Covid-19 Pandemic and the fact that assessments were being undertaken to which this assessment criterion is relevant.

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

6.3 [21 October 2020 - Delegation of Coronavirus Powers](#)

The Leader of the Council was asked to delegate the functions conferred on local authorities to enforce statutory requirements on service providers to collect and manage contact details be delegated to the Strategic Director for Communities so that officers can be authorised to issue fixed penalty notices under the Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020 (other than any power to prosecute).

Given the importance of effective enforcement during the Pandemic, any delay beyond what is reasonable could seriously prejudice the public interest. Therefore, the decision was considered to be urgent to ensure that the Council can fulfil its functions as set out within the Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020.

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

7.0 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, with no call-ins over the last four years, as illustrated below.

10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21
2	1	1	2	2	5	1	0	0	0	0

8.0 Annual Monitor of the Use of the Urgency Procedure

There have been seventeen instances of use of the consent to urgency procedure over the last year.

Fourteen urgent decisions were made which did not relate to the Coronavirus pandemic. Of these, seven of the urgent decisions related to either responses to Government consultations or applications for Government grant funding where deadlines for submission required use of the urgency procedure.

There were three urgent decisions made in relation to the pandemic. This is a reduction from twelve Covid related urgent decisions made in 2019/2020; continuing to reflect the situation that all authorities face.

10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21
1	3	6	8	6	5	11	8	7	17	17

9.0 Conclusion

While the overall number of urgent decisions made by the Council for 2020/21 has remained static compared to 2019/20, there has been an increase in non-Covid related decisions.

In 2019/2020, there were five non-Covid related decisions. This has increased to fourteen for 2020/2021, seven of which related to responses to Government consultations or applications for Government grant funding.

There has also been a reduction in the need for urgent decisions made in response to the Pandemic; with a reduction from twelve in 2019/2020 to three in 2020/2021.

There have been no call-ins during 2020/21.

10.0 Background papers

None

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The report was not circulated to members prior to publication.