

Council

17 May 2022

Annual Monitor of use of the Urgency and Call-in Procedures July 2021 – April 2022

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 2021 to the end of April 2022.

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 have been three uses of the call-in procedure in 2021/2022 in Warwickshire.

4.0 Annual Monitor of the Use of the Urgency Procedure

There have been twelve instances of use of the consent to urgency procedure over the last year. This is a reduction on the figures for 2019/20 and 2020/21.

11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22
3	6	8	6	5	11	8	7	17	15	12

5.0 The Coronavirus Pandemic

- 5.1 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.
- 5.2 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 over the following months and years.
- 5.3 In the first year of the pandemic (2019/2020), 12 urgent decisions were taken in relation to the impact of Coronavirus. The number of urgent decisions taken reduced during the second year (2020/2021) to 3.
- 5.4 There has been 1 urgent decision taken in relation to the Coronavirus Pandemic over the last twelve months.

6.0 Decisions Taken under the Urgency Procedure from July 2021 to April 2022 (not related to the Coronavirus Pandemic).

- 6.1 [19 August 2021 – WCC response to the Teacher’s Pay Consultation 2021](#)

The Portfolio Holder for Customer and Transformation was asked to approve Warwickshire County Council’s (WCC) response to the LGA survey in respect of the government consultation on the 2021 Teachers Pay and Conditions.

The decision was considered to be urgent due to the deadline for responses (14 September 2021) and then need to engage with statutory consultees. It was considered that the decision could not reasonably be deferred or delayed.

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.

- 6.2 [26 August 2021 \(exempt\) - HMICFRS Action Plan](#)

The Leader of the Council was asked to approve a decision in relation to the HMICFRS Action Plan.

The decision was considered to be urgent to meet the deadline for submission of the action plan set by HMICFRS.

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

6.3 [30 September 2021 – \(exempt\) - New Farm Business Tenancy on 01/10/2021](#)

The Deputy Leader (Portfolio Holder for Finance & Property) was asked to approve a new farm business tenancy.

The decision was considered to be urgent because the rent was over the delegated authority threshold and the tenancy needed to be entered into before the commencement date.

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.

6.4 [11 November 2021 – Better Care Fund Plan 2021/2022 Submission](#)

The Leader of the Council was asked to approve the submission of the Better Care Fund Plan to NHS England after the Better Care Fund 2021/22 Planning Requirements published on the 30th September 2021.

The decision was considered to be urgent because the planning requirements were published on the 30th September 2021 with a deadline for submission of the 16th November 2021. The timing of the Cabinet meetings at Warwickshire County Council meant that, to meet the externally set deadline, an urgent decision was taken to the Leader of the Council.

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

6.5 [7 December 2021 – Community Renewal Fund – outcome of bidding process](#)

The Leader of the Council was asked to approve Warwickshire County Council entering a Grant Funding Agreement with the Secretary of State for Levelling Up, Housing and Communities for funding from the Community Renewal Fund; and to authorize negotiations and funding agreements in relation to the Community Renewal Fund.

The decision was considered to be urgent due to the requirement to sign and return the Grant Funding Agreement to the Department for Levelling Up, Housing and Communities (DLUHC) within ten working days from the date of issue (30th November 2021)

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.

6.6 [16 December 2021 – Age Range Change – Camp Hill Primary School](#)

The Portfolio Holder for Children, Families & Education was asked to agree to a public consultation in relation to changing the age range at Camp Hill Primary School with effect from March 2022.

The decision was considered to be urgent owing to the proposed academy conversion date of the school of 1st March 2022. The statutory consultation is four weeks in length after which Cabinet approval is required. The consultation needed to be launched in January 2022 to meet the requirements.

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

6.7 [16 December 2021 - Bid for Funding to Department of Education for the development of a Family Hub within Warwickshire](#)

The Portfolio Holder for Children, Families and Education was asked to approve the submission of a bid for the creation and development of a Family Hub within Warwickshire.

The decision was considered to be urgent because the opportunity to bid was not announced until 2 November 2021 and the deadline for the submission of the bid was 17th December 2021.

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

6.8 [20 January 2022 – \(exempt\) - WCC Response to the Schools Teachers' Review Body](#)

The Portfolio Holder for Customer and Transformation was asked to approve Warwickshire County Councils (WCC) response to the LGA survey to help inform the National Employers' Organisation for School Teachers (NEOST) response in respect of the government consultation on the School Teachers Pay 2022/23 & 2023/24.

The decision was considered to be urgent owing to the short timeframe available to seek views on the consultation (including the school Christmas holidays).

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.

6.9 [2 February 2022 – \(exempt\) - Holly Walk House](#)

The Leader of the Council was asked to approve additional capital funding to enable the completion of refurbishment works.

The decision was considered to be urgent because of the need to ensure works completed without delay and that payments for the works were made before the end of the financial year in line with the requirements of the external funding.

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.

6.10 [28 February 2022 - Amendment to admission arrangements for Warwickshire community and voluntary controlled schools for the academic years beginning September 2021 and September 2022](#)

The Leader of the Council was asked to approve amendments to the admission arrangements for the 2021/22 and 2022/23 academic years for the community and voluntary controlled schools to ensure the oversubscription criteria and the definition of looked after children is in line with the new Admission Code 2021.

The decision was considered to be urgent due to the requirements of the School Admissions Code which requires the admission authority to revise its arrangements within two months of the date of the determination. In this instance the date of determination meant the deadline was the 28th February 2022.

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.

6.11 [28 February 2022 - Bid for Funding to Department of Education for the Total or Partial Rebuilding of Warwickshire Maintained Schools](#)

The Portfolio Holder for Children, Families and Education was asked to approve the submission of nominations to the Department for Education (DfE) for the total or partial rebuild of seven maintained schools.

The decision was considered to be urgent due to the deadline from the DfE of the 3rd March 2022 for all submissions to be uploaded to the DfE portal. The opportunity to bid was only announced on the 3rd February 2022.

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.

7.0 Decisions Taken under the Urgency Procedure in relation to the Coronavirus Pandemic from July 2021 to April 2022.

7.1 [7 July 2021 - Managing the impact of COVID-19 and maintaining sustainability of the social care market](#)

The Leader of the Council was asked to authorise the Strategic Director for People to approve the costs to Warwickshire care providers to support the ongoing sustainability of the Adult Social Care market, funding for alternative provision for NHS Health Checks, continued funding for Sexual Health Postal Testing and to incur expenditure to support recovery activity across Children's Services.

The expenditure was to be taken from general Covid emergency grant funding and from the Contain Outbreak Management fund spread over 2021/22 and 2022/23.

The decision was considered to be urgent because any delay in making the decision would seriously prejudice the public interest.

The Chair of the Children and Young People's Overview and Scrutiny Committee therefore gave his consent for this to be an urgent decision; and the Chair of the Adult Social Care and Health Overview and Scrutiny Committee gave her consent for this to be an urgent decision and the decision was approved.

8.0 Annual Monitor of the use of Call-in

The number of call-ins has remained low over the last ten years, with no call-ins between 2017 and 2021. Over the last twelve months, there have been three call-ins.

11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22
1	1	2	2	5	1	0	0	0	0	3

9.0 Executive decisions called-in for consideration by the relevant Overview and Scrutiny Committee from July 2021 to June 2022.

9.1 [27 July 2021 – \(exempt\) – Property/Service Review](#)

On 8 July 2021, Cabinet considered the proposals as outlined in the [Property/Service Review exempt report](#). The decision was called in for further scrutiny by four Councillors.

A meeting of the Children and Young People's Overview and Scrutiny Committee was held to consider the call-in request.

The decision was made that no further action would be taken in relation to the call-in and the original decision made by Cabinet was progressed to implementation.

9.2 [3 March 2022 – County Parks Fees and Charges](#)

On 18 February 2022, the Portfolio Holder for Environment Climate and Culture considered the proposals as outlined in the [Country Parks Fees and Charges 2022/23 report](#). The decision was called in for further scrutiny by four Councillors.

A meeting of the Communities Overview and Scrutiny Committee was held to consider the call-in request.

The decision was made that no further action would be taken in relation to the call-in and the original decision made by Cabinet was progressed to implementation.

In addition, it was agreed that all elected members should receive an email notification when a decision is due to be made by a Portfolio Holder.

9.3 [5 April 2022 – On-street Parking Management](#)

On 10 March 2022, Cabinet considered the recommendations made by the [On-Street Parking Management Task and Finish Group](#). The decision was called in for further scrutiny by four Councillors.

A meeting of the Communities Overview and Scrutiny Committee was held to consider the call-in request.

The decision was made that no further action would be taken in relation to the call-in, but the Committee welcomed the suggested delay to the proposed implementation of the changes to parking permit prices for 12 months. It was agreed that the other points raised during the discussion would be addressed as part of the public consultation.

In addition, all comments made during the meeting would be passed onto Cabinet for their information and consideration.

9.4 Details of the call in requests and their outcomes are, unless exempt from publication, available on the Council's website at the following link:

<https://democracy.warwickshire.gov.uk/mgListCommittees.aspx?bcr=1>

10.0 Conclusion

The number of urgent decisions made by Warwickshire County Council has decreased for the second year running. This can, in part, be attributed to the reduction in the need to urgent decisions made in response to the Pandemic, with only one decision being made in relation to Covid.

No urgent decisions, including the Covid related one, were given consent because of officer oversight; the main factor in the majority of cases was external deadlines/requirements that were outside of the Council's control.

For the first time since 2017, the call-in procedure has been used with three decisions being taken to the relevant Overview and Scrutiny Committee for consideration. That the procedure has been used for the first time in over four years is an indication that call-in is not being used to cause unnecessary delay or frustration of the decision-making process.

11.0 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