

# Council

23 July 2020

## Annual Monitor of use of the Urgency and Call-in Procedures 2019 - 2020

### Recommendation

That the report be noted.

### 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 during the 2019/2020 municipal year.
- 1.2 Due to the impact of the Coronavirus pandemic and the requirement for associated urgent decisions; the report presents urgent decisions made up to the end of June 2020.

### 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 2019/2020 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 began to enter lock down to slow down the spread of the virus.
- 4.2 In order to rapidly begin to address the negative impacts of the Covid-19 pandemic on Warwickshire and its neighbours a number of urgent decisions were required to be made. Most but not all of these were made by the Leader of the Council. As noted in section one of this report, these are covered in a separate section to the report

## **5.0 Decisions Taken under the Urgency Procedure since May 2019 (not related to the Coronavirus Pandemic).**

- 5.1 19th July 2019 - S278 Highway Improvement Scheme at A428 Crick Road, Rugby (Deputy Leader Decision)

At a meeting on 14 December 2018 approval was given to include the Rugby Developer-funded highway improvement scheme in the 2018/2019 Capital Programme at an estimated cost of £500,000.

Approval was requested to increase the Capital Programme provision to £1.3m to cover the cost of the works and fees, and an allowance for contingencies. The principal reason for the increase was the detailed design and technical approval. Approval was requested to award the contract to the supplier who submitted the most economically advantageous price following assessment of the tenders

The decision was considered to be urgent because the improvement works were needed to facilitate access to a new housing development. If the recommendations were not approved, it would have been necessary to re-tender the highway works.

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 30 October 2019 – Warwickshire County Council Response to the Local Government Finance Settlement 2020-21 Technical Consultation (Deputy Leader Decision)

On 3 October 2019 the Ministry of Housing, Communities and Local Government issued a technical consultation on the Local Government Finance Settlement 2020-21. The consultation was open for four weeks, with a closing date of 31 October 2019

An urgent decision was proposed to approve the County Council's response to the consultation. The Government wished to incorporate consultation questions following funding changes announced as part of the 2019 Spending Review resulting in the consultation being later than usual.

The decision was considered to be urgent because of the short consultation period and the need to work and consult with colleagues across the authority and other shire counties.

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 21 January 2020 – Decision to move 0.5% of the Schools Block Grant to the High Needs Block (Leader Decision)

The Leader was asked to approve the submission of the “disapplication” application to the Secretary of State due to an expected overspend of £6.398 million.

The decision was considered to be urgent due to budget being presented to Cabinet on 30 January 2020.

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.

5.4 30th January 2020 - (Exempt Report) Land at Stratford (Deputy Leader Decision)

This exempt report concerned the purchase of an area of land at Stratford to support the Council's outcomes.

Approval was required to submit a bid to purchase the site.

The decision was considered to be urgent as a result of Warwickshire County Council being made aware of the need to pursue the purchase of the land before the deadline of the 31st January 2020.

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 26 May 2020 – Department for Transport; All Electric Bus Town Initiative (Portfolio Holder for Transport and Planning)

The Portfolio Holder for Transport and Planning was asked to consider an urgent decision in relation to the introduction of an All Electric Bus Town Initiative.

The report set out the investigative work that was undertaken to establish the likely costs, impacts and risks of introducing the All Electric Bus Town initiative in two of Warwickshire's towns – Nuneaton and Leamington Spa.

In addition, the report outlined the potential for Warwickshire County Council to support the initiative being progressed by Coventry City Council for a Coventry pilot scheme

including cross-boundary services within Warwickshire.

The decision was urgent due to the deadline of the 4 June 2020 for the submissions of expressions of interest in the initiative.

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.

## **6.0 Decisions Taken under the Urgency Procedure in relation to the Coronavirus Pandemic from March 2020 until 30 June 2020.**

### **6.1 23 March 2020 – (Exempt Report) Contingency Planning Arrangements – Covid-19 (Leader Decision)**

As part of the response to Coronavirus, the need to consider additional mortuary provision for the region.

The decision was considered to be urgent due to the requirement for rapid decision-making to ensure that sufficient facilities were available to manage potential consequences of the pandemic.

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 25 March 2020 - Business Grants Cash Flow Support to Districts (Leader Decision)**

The Leader of the Council was asked to approve the provision of short-term loans to the District and Borough Councils to ease their cash flow during the Coronavirus outbreak pending receipt of Government funding.

The decision involved supporting the principle of offering short term interest free loans to support cash flow, to allow for the early payment of business grants and for any future grant schemes that emerge as a result of Covid- 9 support. The decision allowed for up to £89m of Warwickshire County Council's cash resources to be available.

The decision was considered to be urgent in order to enable the payments to be made as quickly as possible due to the economic impact of the pandemic.

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 31 March 2020 - Designation/Delegation to Enforce the Business Closure Measures Relating to Covid-19 (Leader Decision)**

As part of its response to Coronavirus the Government passed The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.

The Leader was asked to approve the decision to designate named officers to enforce the relevant provisions of The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 on behalf of the County Council. In addition, the Leader was asked to approve the addition of the Health Protection (Coronavirus, Restrictions) (England)

Regulations 2020 to paragraph 4 of the entries relating to Trading Standards in Part 2 Section 10 of the County Council Constitution.

The decision was considered to be urgent due to the Coronavirus emergency following the official lock down announcement by the Government on 23 March 2020. The decision would allow a list of designated officers to be empowered to close premises during the emergency lock down period.

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.

#### 6.4 8 April 2020 - Covid-19 Early Years Funding (Leader Decision)

The impact of Covid-19 led to the closures of Private, Voluntary and Independent (PVI) provision as a result of depleted numbers arising from self-isolation and 'stay at home' guidance and the impact of financial support measures, not least the opportunity to furlough workers.

The Leader was asked to authorise the Strategic Director for People to incur additional expenditure up to £1.1M to fund a network of childcare hubs based in PVI and school settings to ensure continuity of provision of care to meet the needs of Covid-19 key workers and to continue to fulfil the statutory duty of providing sufficient places including for the most vulnerable on terms and conditions satisfactory to the Strategic Director for Resources.

The decision was considered to be urgent to ensure that Warwickshire County Council could continue to provide enough childcare places for keyworkers and vulnerable children during the Coronavirus pandemic.

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.

#### 6.5 8 April 2020 - Supporting Warwickshire's Care Market with Additional Cost Pressures as a Result of Covid-19 (Leader Decision)

Local authorities in England have been provided with a Covid-19 Emergency Response Grant to support them in meeting the additional financial burden anticipated due to the consequences of the spread of Coronavirus. This grant funds support across the range of responsibilities the local authority has; not just social care. Warwickshire has been allocated approximately £14 million to date.

The decision was considered to be urgent in order to support the timely payment of the funds to commissioned community care providers in Warwickshire to support with additional cost pressures as a result of the Coronavirus emergency.

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.

#### 6.6 9 April 2020 - Councillors' Grant Fund 2020–2021- Covid-19 Support Fund (Leader Decision)

The Leader was asked to approve the decision to bring forward to the Councillor's Grant Fund 2020 – 2021 (£6,000 per Councillor) for the following reasons:

- Help people self-isolating or in quarantine because of Covid-19.
- Improve community resilience against the wider impact of Covid-19.
- Develop community networks to support either of the above.

The decision was considered to be urgent in order to support people and communities affected by the Coronavirus pandemic.

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.

#### 6.7 9 April 2020 - Coronavirus: Care Act Easements (Officer Decision)

On 31 March 2020 the Government made Regulations under the Coronavirus Act 2020 which mean that local authorities would not have to comply with certain duties under the Care Act 2014. Guidance was issued which set out a series of Care Act 'easements' to enable local authorities to streamline assessment, care and support arrangements and to prioritise care to ensure that the most urgent and acute needs are met.

The Strategic Director for People (Director of Adult Social Services) was asked to approve the implementation of the Regulations.

The decision was considered to be urgent to allow the Regulations to be applied immediately as a result of the pandemic

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.

#### 6.8 20 April 2020 - Covid-19 Business Improvement District Cashflow Loan Scheme (Leader Decision)

The Leader was asked to approve a decision to provide cash flow support to ensure that in the immediate term, 420 businesses across all sectors in Stratford Upon Avon continue to be provided with Business Improvement District (BID) support. During the Coronavirus Pandemic BID's may require this short-term support which will assist Warwickshire County Council in the immediate retail and town centre economic recovery, indirectly supporting another 800 businesses.

The decision was considered to be urgent in order to enable the loan scheme to be set up as quickly as possible due to the economic impact of the pandemic

The Chair of 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 27 April 2020 - Coronavirus Business Interruption Loan Scheme – Loan Agreement with Coventry and Warwickshire Reinvestment Trust (Leader Decision)

The Coronavirus Business Loan Interruption Scheme (CBILS) is part of the wide-ranging package of support measures announced by Government to support businesses during the pandemic. It supports small and medium sized businesses to access loans, overdrafts and invoice finance of up to £5 million for up to six years. The loan from the Council will be used to support otherwise viable small businesses who have been unable to secure sufficient or any finance from their bank or other mainstream lender.

The decision was considered to be urgent in order to improve delivery of the Government's Business Loan Interruption Scheme in Warwickshire.

The Chair of 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 27 April 2020 – (Exempt Report) - Rent Free Period – Commercial Leases (Leader Decision)

The Leader was asked to approve a proposal to provide a rent free period for three months during the 2020/21 financial year to support the sustainability of local business during the coronavirus emergency.

The decision was considered to be urgent in order to allow Warwickshire County Council to respond quickly to the request by Central Government and to allow tenants to manage their cash flow effectively during the first three months of the emergency.

The Chair of 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 29 April 2020 - Treasury Management – Early Pension Payment (Leader Decision)

The Leader was asked to approve an urgent decision to delegate authority to make an early lump sum payment to the pension fund. The decision was a part of the wider Treasury Management Strategy that was approved by Cabinet in February 2020 for recommendation to Council for approval in March 2020. As a result of the Coronavirus pandemic, the March 2020 meeting of Council was cancelled so the strategy had not been approved

The decision was considered to be urgent because without delegated authority the opportunity would not be available. Due to the pandemic it was not practicable to hold a meeting of the Council.

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.

6.12 30 April 2020 - (Exempt Report) Grant of Leasehold Interest – Farm Business Tenancy (Deputy Leader Decision)

The decision concerned a farm in South Warwickshire. Residency on site would assist livestock management and minimise travel during the pandemic.

The decision was considered to be urgent so the tenant could move in from 1 May 2020 and assist livestock management and minimise personal travel needs during the Coronavirus emergency.

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 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 three years, as illustrated below.

09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20
4	2	1	1	2	2	5	1	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. This is an increase on the figures for 2018/2019

It should be noted that only five urgent decisions were made which did not relate to the Coronavirus pandemic. This is a reduction of two on the figures for 2018/19 as shown in the table below.

There were twelve urgent decisions made in relation to the pandemic. This reflects the situation that all authorities faced following the UK lock down announcement on 23 March 2020.

Everyone in the UK faced challenges that included that way they worked. Support systems were introduced to help those who needed it, and this can be reflected in the decisions made by Warwickshire County Council.

09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20
5	1	3	6	8	6	5	11	8	7	17

## 9.0 Conclusion

The continuous reduction, in decisions not related to the pandemic, show the awareness of officers for the need for timely approvals. All five pre-Covid urgent decisions were needed as a result of issues beyond the control of Warwickshire County Council Officers and none were given consent as a result of officer oversight.

The overall increase of urgent decisions to seventeen can be attributed in large part due to the pandemic which necessitated a further twelve urgent decisions being made as part of the Council's emergency response to the



pandemic.

For the third year in a row there have been no call-ins.

## 10.0 Background papers

None

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The report was not circulated to members prior to publication.