

Council

20 May 2014

Annual Monitoring Report of Urgent Decisions and Call-in.

Recommendation

That the report be noted.

1.0 Introduction

This report summarises the decisions taken under the urgency procedure during the municipal year May 2013 to May 2014 and monitors the use of the procedure and the use of call-in during the same period.

2.0 Procedure for decisions taken under the Urgency Procedure

- 2.1 Standing Order 16 sets out the procedure for consideration of issues requiring 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 (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 proposed is reasonable in all the circumstances; and
 - (b) the decision should be treated as an urgent matter; 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 The Constitution requires that decisions taken under the urgency procedure are reported to Council. Section 3 below summarises urgent decisions taken in accordance with this procedure during the period 1 May 2013 to 30 April 2014.

3.0 Decisions Taken under the Urgency Procedure

3.1 Delegation of Powers to the Interim Strategic Director for People Group – Leader Decision 3 June 2013

An interim Director for People was appointed last year to cover the permanent post-holders absence due to illness. Along with the appointment an urgent decision was needed to formally delegate powers to the interim so that he was able to undertake the statutory functions of the director of adult social services and the statutory functions of director of children’s services.

3.2 Brooke Special School, Rugby – Deputy Leader Decision – 17 June 2013

Brooke school usually admits up to 7 new pupils into its reception class each September but last year there were 15 pupils with significant additional needs that required a place for September 2013 and there was no suitable alternative to Brooke School. The proposal was to provide a modular unit and the decision to add £195,000 to the Learning and Achievement Capital Programme in 2013/14 was agreed as urgent to ensure provision by September 2013.

3.3 Application for LEADER Transitional Funding – Deputy Leader Decision 28 June 2013

LEADER funding has been part of the European programme for over 20 years delivering community-led “bottom-up” programmes. It is delivered through the Rural Development Programme for England with Defra contributing 50% and European funding the other 50%. In June 2013 Defra asked all Local Action Groups that administer LEADER funds to put forward applications which could be between £30,000 and £40,000. WCC, as the current Accountable Body, was asked by the Local Action Group to support an application for funding to evaluate delivery of the current programme, set new priorities, and consult with businesses and local communities as a precursor to a new 2014-2020 programme.

The final deadline for applications was 12 July and therefore the Deputy Leader took the decision under the urgency procedure in order to ensure there was no delay in the application.

3.4 Sponsor for New Special School, Nuneaton – Leader Decision 29 October 2013

A bid for a new Special School in Nuneaton to help address this shortfall was submitted as part of the Department for Education’s Targeted Basic Need Programme and this bid was successful. Approximately £4.5 million has been provided to the County Council to deliver the accommodation required.

Under the DfE's Academy Presumption guidelines it is the role of the local authority to seek bids from potential sponsors and then provide the DfE with a recommendation (with the final decision being taken by the Secretary of State). The prescribed timeline under the DfE guidelines meant that the Leader needed to make the recommendation to the DfE as a matter of urgency. (The recommendation to the DfE was to support the bid from North Warwickshire and Hinckley College in partnership with Hereward College).

3.5 Addition to Learning & Achievement Capital Programme – St Benedict's RC School, Atherstone – Cabinet 14 November 2013

It had been agreed in July 2013 that the planned admission number for St Benedict's RC School, Atherstone, be increased from 20 to 25 pupils. Additional pupils were admitted and it was found that the school urgently needed additional accommodation as one class group had to use the school hall which impacted on PE, dining and other activities. The decision to add £165,000 to the Capital Programme was agreed as urgent in order to provide a new classroom as soon as possible.

3.6 School Admission Arrangements – 2015/16 – Cabinet – 10 April 2014

Local authorities are required to consult annually on school admission arrangements in accordance with the School Admissions Code. This must be for a minimum of eight weeks between 1 November and 1 March and arrangements must be in place by 15 April. Cabinet agreed the arrangements on 10 April. It was agreed that this was urgent in order to enable the Council to comply with its statutory duty.

3.7 Growing Places Fund-M40 Junction 14 Improvement Scheme – Transport and Planning Portfolio Holder Decision 29 April 2014

Details of bidding for Growing Places funding were confirmed on 11 April

The Portfolio Holder has agreed to put forward a bid for £250,000 to the Growing Places Fund to part fund reconfiguration of the roundabout to a priority junction arrangement at Junction 14. If successful the balance will be Match-funded by the County Council. (It is proposed that a bid be made to the Council's Growth Fund for this match funding. However, it was not possible to secure funding from the Council's Growth Fund by the time the Growing Places bid had to be submitted on 30th April. Therefore the offer of match funding will be underwritten using funding from the existing Transport Capital Programme.)

Due to the timescales – the details of the bid were not confirmed until 11th April and all bids had to be submitted by 30th April – this was agreed as an urgent decision so that the Council did not lose the opportunity for the bid.

3.8 EDRF Bid (Bermuda Connectivity Project) - Transport and Planning Portfolio Holder Decision – 29 April 2014

The delivery of Bermuda Rail Station forms a major part of the NUCKLE project which has received funding from the current ERDF programme, and is expected to open in summer 2015.

The Portfolio Holder has agreed to submit a bid for further ERDF funding to contribute towards the 'Bermuda Connectivity Project' to enhance accessibility to Bermuda Rail Station, opening the bridge all traffic and road users along with parallel holistic measures to mitigate the impact of opening up the bridge.

Nuneaton and Bedworth Borough Council officers endorse the 'Bermuda Connectivity Project' and have nominated the 'Bermuda Connectivity Project' as the Borough Council's priority project in terms of stimulating job creation and economic growth. Therefore, the Borough Council is submitting a bid to the Coventry and Warwickshire Local Enterprise Partnership for a Growing Places Fund grant up to £500,000 in value.

The capital cost of the 'Bermuda Connectivity Project' is estimated to be in the region of £3million. The bid is for 50% of the total capital cost (e.g. £1.5million), with the balance comprising of match funding by the County Council. If Growing Places grant funding is obtained by the Borough Council, this would reduce the amount of match funding required from the County Council. (It is proposed that a bid be submitted to the Council's Growth Fund for this match funding. However, it will not be possible to secure funding from the Council's Growth Fund by the time the ERDF bid has to be submitted on 9 May 2014. Therefore, the offer of match funding will be underwritten using existing funding from the Transport Capital Programme).

The decision was accepted as urgent to meet the deadline for submission of outline bids by 9 May 2014.

All applications will be reviewed against the criteria through an Outline Assessment, which will determine whether they will be recommended to the Local Management Sub Committee for outline endorsement and progression to full application stage. County Council officers will be notified of the decision by Friday 20 June 2014. Those projects which are selected to full application stage will be asked to submit a full application by noon on Friday 1 August 2014.

4.0 Annual Monitor of the Use of the Urgency Procedure

- 4.1 There have been eight instances of use of the consent to urgency procedure over the last year. The first (3.1- delegation of statutory responsibilities to the interim strategic director) was required to meet a totally unforeseen circumstance. Four decisions (3.3, 3.4, 3.7 and 3.8 were urgent submissions to Government departments to meet their tight deadlines. Two (3.2 and 3.5) were to meet accommodation pressures in schools. The urgency consent

required in relation to the school admission arrangements, whilst necessary, indicates the need to ensure statutory consultations are undertaken in a timely way that fits the timescales for our democratic processes. This point has been made by the Children and Young People Overview and Scrutiny Committee and accepted by Cabinet.

- 4.2 In summary, whilst there has been a small increase in the use of urgency, it is still below the level it was at when the urgency provision was first introduced as part of the Cabinet/Overview and Scrutiny arrangements, as illustrated below for the period since 2002:

02/3	03/4	04/5	05/6	06/7	07/8	08/9	09/10	10/11	11/12	12/13	13/14
11	10	6	10	4	3	2	5	1	3	6	8

5.0 Decisions subject to the call-in procedure

- 5.1 Standing Orders 11-13 set out the procedure for call-in whereby executive decisions made by Cabinet, Portfolio Holders and decisions by officers may be 'called-in' by members for consideration by the relevant overview and scrutiny committee.
- 5.2 During the period 1 May 2013 to 30 April 2014 the call-in procedure has been used on the occasions set out below.

6.0 Call-Ins during 2013/14

6.1 Early Years Commissioning – Cabinet decision 12 September 2013

Cabinet considered the outcome of the Early Years and Children's Centres consultation exercise at its meeting on 12 September and approved an option as a preferred delivery model for Children's Centres with a number of revisions. The decision was called-in by the Chair of the Children and Young People Overview and Scrutiny Committee, along with four councillors for the following reasons:

- The option determined by Cabinet is not the option that was available for public consultation; and
- The Overview and Scrutiny Committee will need to consider the Equality Impact Assessment.

The Children and Young People Overview and Scrutiny Committee considered the issue (including the Equality Impact Assessment) at a special meeting on 26 September 2013 and agreed that Cabinet be requested to consider the key risks identified in the Equality Impact Assessment but that there be no further delay in implementation of the decision, given the financial implications and requested that the Chair and Spokespersons be consulted

with regard to procurement and tendering process and key outcomes, as already agreed by Cabinet at its meeting on 12 September.

Cabinet on 17 October considered a report from the Committee, acknowledged the requests made by the Committee and confirmed the decisions made on 12 September.

6.2 Integrated Disability Service – Cabinet decision 12 September 2013

The Integrated Disability Service works with disabled children and their families. The Service had a savings target of £1.786m and had gone out to consultation on proposed changes to the service which would affect short break services, family key worker role and social care service. The outcome of consultation was considered by Cabinet on 12 September 2013 who agreed the implementation of the new Local Offer for Short Breaks and Social Care for disabled children and their families and decommissioning of the WCC Short Breaks Service with the support instead being delivered from a framework contract of external providers. The decision also included that services for short breaks and overnight short breaks for disabled children and their families are re-tendered alongside the tender for adult disability services.;

The decisions taken by Cabinet were called in by the Chair of the Children and Young People Overview and Scrutiny Committee and four members for the reason that the material used in the consultation document (i.e. the matrix) has changed in the version that went to Cabinet.

The Committee considered the matrix of need document at its meeting on 26 September 2013 and were advised by the Cabinet Portfolio Holder that there would be a further four week consultation on the Matrix of Need. In the light of this assurance the Committee agreed to take no further action.

7.0 Annual Monitor of the use of Call-In

In summary the number of call-ins has remained at a low level as indicated by the figures below:

02/3	03/4	04/5	05/6	06/7	07/8	08/9	09/10	10/11	11/12	12/13	13/14
6	2	1	4	1	1	3	4	2	1	1	2

8.0 Conclusion

The number of requests for consent to urgent decisions and use of call-in are low and do not indicate a need to review procedures in themselves. It may be possible to reduce the incidence of both through improved timetabling of items where this is possible and can be reasonably foreseen.

Background Papers

Call-in and Consent to Urgency notices

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