

COUNCIL – 25TH MARCH 2019

Report of the Chief Executive

ITEM 12 URGENT EXECUTIVE DECISIONS EXEMPTED FROM CALL-IN AND USE OF SPECIAL URGENCY PROCEDURE

Purpose of Report

To note two decisions that were exempted from call-in in accordance with Scrutiny Committee Procedure 11.9, one of which was also taken using the special urgency procedure in accordance with Access to Information Procedure 13.9(b).

Action Requested

In accordance with Full Council Procedure 9.11(d) questions may be asked of the Leader in relation to the urgent decisions that were taken. The Leader may ask the relevant Lead Member to respond.

Policy Justification and Previous Decisions

Normally 28 clear days' notice must be given before a key decision can be taken. A key decision can be taken without 28 clear days' notice if a general exception notice is published and given to the Chair of the Scrutiny Management Board. Under this procedure the key decision can then be taken five clear working days after the notice has been issued.

If it is not practicable to wait until five clear working days after a general exception notice has been issued, the decision can be taken as a case of special urgency only if the Chair of the Scrutiny Management Board (or in his/her absence the Mayor or Deputy Mayor) has agreed that the decision is urgent and cannot reasonably be delayed.

Access to Information Procedure 13.9(b) of the Council's Constitution requires that any cases of the use of the special urgency procedure are reported to the next ordinary meeting of the Council. If there has been no use of the special urgency procedure in the previous 12 months the Leader will submit a report to that effect to the Council at the end of the Council year.

The call-in procedure provides for a period of five clear working days during which councillors can ask for decisions taken by the Cabinet and individual Cabinet members, and key decisions taken by officers to be reviewed. With the agreement of the Chair of the Scrutiny Management Board (or in his/her absence the Mayor or Deputy Mayor) a decision can be exempted from call-in if the decision to be taken is both urgent and reasonable and the delay caused by the call-in process would not be in the interests of the Council or the public. Scrutiny Committee Procedure 11.9 requires that decisions that are exempted from call-in are reported to Council.

Acquisition of Properties for Rental

On 19th October 2017 the Leader delegated authority to the Head of Strategic and Private Sector Housing to acquire additional Housing Revenue Account (HRA) properties for rental. It is likely that any properties acquired will exceed £100,000 in value, and therefore each purchase will be a key decision. It would not be practical for the usual call-in arrangements for key decisions to be applied as any delay caused could result in the purchase falling through, and therefore the then Mayor, in the absence of the Chair of the Scrutiny Management Board, gave her approval for decisions taken under this delegated authority to be exempted from call-in under Scrutiny Procedure Rule 11.9. The Chair of the Scrutiny Management Board subsequently confirmed that he was happy with these arrangements. These arrangements were reported to Council on 6th November 2017 (minute 57 2017/18 refers).

The purchase of one property is being reported to this meeting of Council:

- 19 James Street, Anstey (3-bedroom house) for £160,000

The decision of the Head of Strategic and Private Sector Housing to exchange contracts on the purchase can be found in the Annex to this report.

Commissioning Plan for Sport and Physical Activity and Associated Staffing Matters

An exempt decision in respect of the commissioning plan for sport and physical activity and associated staffing matters is due to be taken shortly. The Chair or the Scrutiny Management Board has agreed that the decision can be exempted from call-in and that the special urgency provision can be used. Details of the decision to be made are set out in Part B of the report.

Implementation Timetable including Future Decisions

As detailed within the Annex and Part B to this report.

Any future exemption from call-in or use of the special urgency procedure will be reported to full Council in accordance with Scrutiny Committee Procedure 11.9 and Access to Information Procedure 13.9. If there is no use of the special urgency procedure during the next 12 months then a report to that effect will be submitted to the meeting of the Council proposed to be held on 27th April 2020.

Report Implications

As detailed within the Annex and Part B to this report.

Background Papers: [Council 6th November 2017, Item 14, Changes to Membership of the Cabinet and the Delegation of Executive Functions: Acquisition of Additional Housing Revenue Account Properties for Rental](#)

Officer to Contact: Karen Widdowson
Democratic Services Manager
(01509) 634785
karen.widdowson@charnwood.gov.uk

Annex

Report of the decision of the Head of Strategic and Private Sector Housing in respect of the acquisition of a property

Part B

Decision Taken in Respect of the Commissioning Plan for Sport and Physical Activity and Associated Staffing Matters

1. A report has been prepared to enable the Chief Executive to take an exempt urgent key decision to enter into a partnership agreement with Leicestershire and Rutland Sport for the delivery of Charnwood's Commissioning Plan for Sport and Physical Activity in partnership with key organisations across the Borough from 1st April 2019 to 31st March 2020. The partnership agreement will enable the Council to deliver its part of the Leicestershire and Rutland Sport (LRS) Sport and Physical Activity Strategy 2017-2021, which was approved by the Cabinet on 16th November 2017 (minute 57 2017/18 refers).
2. The Council received confirmation of the funding allocation for its Commissioning Plan for Sport and Physical Activity on 6th March 2019 and the contracts of current staff are due to expire on 31st March 2019. This allowed limited time to consider how the reduced funding should be used. Making use of the processes for the notification of key decisions and call-in would have meant that it would not have been possible to implement revised staffing arrangements by 1st April 2019. For this reason, the Head of Neighbourhood Services requested that the special urgency procedure for key decisions be utilised and that the decision be exempted from call-in.
3. The Council will receive a total of £143,023, of which £35,968 will be allocated to both North and South Charnwood's School Sport and Physical Activity Networks. The remaining £107,055 has been allocated to contribute to, and extend, the contracts of the four Community Sport and Physical Activity Development Officers on fixed term temporary contracts.
4. The Council will also receive an additional £21,420 from West Leicestershire CCG to deliver 7 courses of the Steady Steps (falls prevention) Programme during 2019/20 and £3,700 from the Leicestershire Nutrition and Dietetic Service (LNDS) to deliver 6 months of LEAP and FLiC programmes (exercise/weight management programmes for adults/families).
5. The Chair of the Scrutiny Management Board agreed on 13th March 2019 that the proposed decision was both urgent and reasonable and that the delay that would be caused by giving notice of the decision and the call-in process would not be in the interests of the Council or the public. Therefore the decision to be taken by the Chief Executive could be exempted from call-in and the special urgency provisions could be used.