

## COUNCIL – 24TH APRIL 2017

### Report of the Chief Executive

#### Part A

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

##### Purpose of Report

To inform the Council of a decision which was exempted from call-in in accordance with Scrutiny Committee Procedure 11.9 and for which the special urgency provision was used 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 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 which are exempted from call-in are reported to Council.

One decision is being reported to this meeting of Council.

1. Commissioning Plan for Sport and Physical Activity and Associated Staffing Matters – An exempt decision in respect of this was taken by the Chief Executive on 20th March 2017. The decision was exempted from call-in and the special urgency provision was used. The exempt report of the Head of Neighbourhood Services relating to the decision forms an Annex to this report and has been circulated to councillors.

#### Implementation Timetable including Future Decisions

These are detailed within the report of the Head of Neighbourhood Services, circulated to councillors as an Exempt Annex, for the decision that has been taken.

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 due to be held on 30th April 2018.

#### Report Implications

These are detailed within the report of the Head of Neighbourhood Services, circulated to councillors as an Exempt Annex, for the decision that has been taken.

Background Papers: None relating to the report to Council

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#### Annexes

Exempt Annex – Report of the Head of Neighbourhood Services in respect of the Commissioning Plan for Sport and Physical Activity and Associated Staffing Matters

## Part B

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

1. On 20th March 2017 the Chief Executive took an exempt urgent Key Decision requesting authority 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 2017 to 31st March 2018.
2. The Council received confirmation of the funding allocation for its Commissioning Plan for Sport and Physical Activity on 12th March 2016 and the contracts of current staff were due to expire on 31st March 2017. Making use of the process for the notification of Key Decisions and the call-in process would have meant that it would not have been possible to implement revised staffing arrangements by 1st April 2017.
3. For this reason, the Head of Neighbourhood Services requested that the special urgency procedure for Key Decisions be utilised and that it be exempted from call-in.
4. Authority for the urgent decision was in accordance with the Scheme of Delegation of Council Functions to the Head of Paid Service, item 6 of which allows the Head of Paid Service 'to agree changes to the establishment, within budget and without major service or policy implications, affecting no more than five posts (irrespective of their post number) in any single case.'
5. The Partnership Agreement entered into was to enable the Council to deliver its part of the County Sports Strategy and County Physical Activity Strategy which was approved by the Cabinet in November 2009. Officers had been granted delegated authority to take such action as necessary or appropriate in connection with the implementation of decisions properly authorised by the Cabinet (item (iii) in section 8.1 of the Constitution).
6. In the absence of the Chair of the Scrutiny Management Board, the Mayor agreed on 17th March 2017 that the proposed decision was both urgent and reasonable and that the delay that would be caused by 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.