

FLINTSHIRE COUNTY COUNCIL	
Date of Meeting	Monday, 22 nd July 2024
Report Subject	Update regarding urgent item discussed at Cabinet 30 May 2024
Report Author	Democratic Services Manager

EXECUTIVE SUMMARY

An urgent item was included on the agenda for the Cabinet meeting on 30th May 2024.

Items marked as urgent are not subject to the call-in process but do need to be reported to the next meeting of Council, together with the reasons for urgency.

The report was marked as urgent as a decision was required urgently to ensure service continuity and not to prejudice the Council's interests.

RECOMMENDATIONS

1	That Council notes the reason for the item <i>Future options: leisure, libraries, and museum services</i> being classed as urgent when discussed at Cabinet on 30 May 2024.
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REPORT DETAILS

1.00	EXPLAINING THE URGENT ITEM DISCUSSED AT CABINET 30 MAY 2024
1.01	Ordinarily, Flintshire County Council's Cabinet meets monthly to carry out the Executive functions it is responsible for, in accordance with the Council's Constitution.
1.02	When a decision is made by the Cabinet, it is published via a 'decision sheet', within 2 working days of the Cabinet meeting taking place. A decision comes into force on the expiry of 5 working days after the first publication of that decision unless it has been subject to the call-in process.

	<p>Any decision called-in is referred to the relevant Overview and Scrutiny Committee for consideration, provided it adheres to the process as set out in the Council's Constitution.</p> <p>The call-in meeting must then take place within 7 working days of the call-in being agreed.</p>																
1.03	<p>At the call-in meeting, following consideration of the call-in, the Overview and Scrutiny Committee can make 1 of 4 determinations. It can:</p> <table border="0"> <tr> <td style="vertical-align: top;">1</td> <td style="vertical-align: top;">Resolve that it is satisfied with the explanation which it has received.</td> <td style="vertical-align: top;">✓</td> <td style="vertical-align: top;">Decision can be implemented.</td> </tr> <tr> <td style="vertical-align: top;">2</td> <td style="vertical-align: top;">Resolve that it is not minded to indicate that it is 'satisfied with the explanation'. The explanation is accepted but not endorsed by the Committee.</td> <td style="vertical-align: top;">✓</td> <td style="vertical-align: top;">Decision can be implemented.</td> </tr> <tr> <td style="vertical-align: top;">3</td> <td style="vertical-align: top;">Resolve that it is still concerned about it and refers it back to the decision-making person or body (usually the Cabinet) for reconsideration at the earliest Cabinet meeting.</td> <td style="vertical-align: top;">✗</td> <td style="vertical-align: top;">Decision cannot be implemented until the decision-making person or body (usually the Cabinet) has given it further consideration.</td> </tr> <tr> <td style="vertical-align: top;">4</td> <td style="vertical-align: top;">Resolve that it is still concerned about it and refers the matter to full Council who will need to meet to consider the referral within 10 working days.</td> <td style="vertical-align: top;">✗</td> <td style="vertical-align: top;">Decision cannot be implemented until full Council has considered the matter.</td> </tr> </table>	1	Resolve that it is satisfied with the explanation which it has received.	✓	Decision can be implemented.	2	Resolve that it is not minded to indicate that it is 'satisfied with the explanation'. The explanation is accepted but not endorsed by the Committee.	✓	Decision can be implemented.	3	Resolve that it is still concerned about it and refers it back to the decision-making person or body (usually the Cabinet) for reconsideration at the earliest Cabinet meeting.	✗	Decision cannot be implemented until the decision-making person or body (usually the Cabinet) has given it further consideration.	4	Resolve that it is still concerned about it and refers the matter to full Council who will need to meet to consider the referral within 10 working days.	✗	Decision cannot be implemented until full Council has considered the matter.
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1.04	<p>There is an exception to the call-in process where a decision being taken by the Cabinet is identified as being urgent.</p> <p>A decision can be classed as urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public's interests.</p> <p>The Chair of the Council is required to give their consent for an item to be classed as urgent.</p> <p>In such cases, the call-in process states "<i>Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.</i>" This is a transparency mechanism so that the reasons for departing from the call-in process can be scrutinised to ensure that the mechanism is not being over used.</p>																
1.05	<p>At Cabinet on 30 May 2024, a report was scheduled to be discussed entitled <i>Future options: leisure, libraries, and museum services</i>.</p> <p>It was a highly sensitive report, and the press and public were exempt from attending the meeting.</p> <p>The report being presented to Cabinet was to consider the Council's</p>																

	<p>options for the future provision of services and the details of ongoing discussions with Aura Leisure and Libraries Limited (Aura); the current provider of local leisure, library and museum services.</p> <p>At the time the agenda for the meeting was expected to be published, the funding agreements with Aura were due to expire on 14 July 2024 and Aura had notified the Council that it would not enter a further short term agreement, which would enable discussions on a longer term option to continue. At the point where the Cabinet agenda was despatched it therefore appeared that the current provision of services was at risk and there could feasibly be no provider of the services from 15 July 2024.</p>
1.06	<p>At the time that Cabinet met, there were only 31 working days until the existing funding agreements were due to end.</p> <p>Considering the various scenarios following a call-in as outlined above, the call-in process can take between 10 and 25 working days to reach its conclusion. Regardless of the outcome of Cabinet on the 30 May, implementing any decision would have been extremely difficult in such a short space of time. It would have been impossible had any time been lost pending the resolution of a call-in.</p>
1.07	<p>If Aura had maintained its position that it would not accept a further short term arrangement, and had the council been unable to set up an alternative option, then the services provided by Aura would have ceased until an alternative model/option could be implemented.</p> <p>That would have harmed the council's interests, those of its residents and, just as importantly, the staff (many of whom are Flintshire residents) – thereby meeting the definition of urgency as per the process.</p>
1.08	<p>Therefore, given:</p> <ul style="list-style-type: none"> • the need to ensure continuity of services, • the potential harm to the Council's and public's interest, and • the limited time available to implement any decision made at Cabinet <p>the item was marked as being urgent and therefore exempt from the call-in process.</p> <p>The Chair of Council was consulted and he agreed with the view that the matter was urgent as defined within the Constitution.</p>

2.00	RESOURCE IMPLICATIONS
2.01	None.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None for this report.

4.00	RISK MANAGEMENT
4.01	The exemption from call in was itself taken as a step to mitigate the risk of service failure. This reporting procedure is also a form of risk management to ensure that the exemption process is not over-used.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Call-in Process from the Council's Constitution. Flintshire County Council Draft Insourcing LATCO Project Plan 23524

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Steven Goodrum, Democratic Services Manager Telephone: 01352 702320 E-mail: Steven.Goodrum@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	Call in: Under section 21 (3) of the Local Government Act 2000, an Overview & Scrutiny committee can review a decision which has been made but not implemented. This is known as a 'call-in'.