

Divisions Affected – N/A

COUNCIL – 11 February 2025

THE USE OF URGENCY PROVISIONS

Report by Director of Law & Governance and Monitoring Officer

RECOMMENDATION

1. **Council is RECOMMENDED to note**
 - (a) the exemptions from Call-in of the following decisions:
 - Cabinet on 17 December 2024 - Oxfordshire County Council response to Government Consultation on Remote Attendance and Proxy Voting at Council Meetings
 - Shareholder Committee (Cabinet Committee) on 17 December 2024 - Changes to the Articles of Association and Board Director Appointments
 - Cabinet on 9 January 2025 - Devolution and Local Government Reorganisation
 - Cabinet Member for Children, Education and Young People's Services on 21 January 2025 - Formal Approval of Schools Funding Formula 2025/26

Executive Summary

2. The Constitution makes provision for urgent decisions to be made exempt from call-in on the agreement of the Chair of the Council. When this occurs, it must be reported to the next meeting of Council.
3. There were four occasions on which this provision was used since the last meeting of Council on 10 December 2024. The Chair of the Council, Councillor Rooke, agreed in each case that the matter should be treated as urgent and agreed to waive the call-in period.
4. In each case, it was proposed that the decision should not be subject to call-in due to the requirement to implement the decision by a deadline set by Central Government or legislation. The individual circumstances are detailed below.

Urgency Provisions

5. The Constitution states (Part 6.2, Section 20) that the provision for Call-In “shall not apply where the decision being taken by the Cabinet, Officer or other decision maker is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council’s or the public’s interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision maker, the decision is an urgent one, and therefore not subject to call in. The Chair of the Council must agree that in all the circumstances the decision should be treated as a matter of urgency. In the absence of the Chair, the Vice-Chair’s agreement shall be required. In the absence of both, the Proper Officer’s agreement shall be required. Decisions taken as a matter of urgency must be reported to the next meeting of the Council, together with the reasons for urgency.”
6. Cabinet at its meeting on 17 December 2024 agreed a response to the Government Consultation on Remote Attendance and Proxy Voting at Council Meetings. The deadline to submit the response to Central Government was 19 December 2024 – before the call-in period would expire.
7. With regard to the decision on 17 December 2024 taken by the Shareholder Committee, a Cabinet committee, on Changes to the Articles of Association and Board Director Appointments, this decision had to be filed with Company House within a set period of time to comply with legal requirements. This could not be done in time in the event of call-in and a subsequent scrutiny committee to consider the issues. The decisions had already been made in public and in principle at Cabinet with no Members exercising their right of call-in at that stage.
8. The Leader of the Council called an extra meeting of Cabinet on 9 January 2025 in order to agree a response to the Government on Devolution and Local Government Reorganisation. The deadline to submit the response to the Minister of State for Local Government and English Devolution was 10 January 2025. It would not have been possible to meet that deadline if the decision had been subject to call-in.
9. The Cabinet Member for Children, Education & Young People made a decision on the Schools Funding Formula 2025/26 at a meeting on 21 January 2025. The decision was set for this date so that the Schools Forum could be consulted on the matter at its meeting on 20 January 2025. The decision was required to be communicated to the Department for Education by 22 January 2025 which would not be possible unless the item was exempted from Call-in.

Financial Implications

10. There are none arising from this report which is noting decisions previously taken.

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Legal Implications

11. Regulation 19 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires that the executive leader submits a report to the authority at least annually on executive decisions taken in cases of special urgency (Regulation 11), including the particulars of each decision.

This report is fulfilling both the legal and Constitutional duty to inform Council.

Comments checked by: Paul Grant, Head of Legal and Deputy Monitoring Officer

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Director of Law & Governance and Monitoring Officer

Annex: None

Background papers: None

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