

Report

Audit Committee

Part 1

Date: 30 May 2017

Subject **Standing Order 24 (Urgent Decisions) or Waiving of Contract Standing Orders: January to March 2017**

Purpose To inform Members of the use of Standing Order 24 or the Waiving of Contract Standing Orders in recent decisions taken by Cabinet and Cabinet Members.

Author Senior Overview and Scrutiny Officer

Ward General

Summary This report provides details of decisions on the use of Standing Order 24 (decisions taken urgently) or the Waiving of Contract Standing Orders for the above period.

In consideration of this report, Members are reminded that they are not questioning the merits of the decisions taken but are focussing on why decisions were taken as urgent or why contract standing orders needed to be waived.

Proposal **The Committee is asked to consider whether the reasons for the urgency/waiving of contract standing orders are properly reflected in the documentation supporting each decision. Members may wish to invite Cabinet Members to attend a meeting of the Committee should they consider this not to be the case.**

Action by Audit Committee

Timetable Immediate

This report was prepared after consultation with:

- Head of Law & Regulation
- Head of Finance
- Chief Internal Auditor

Background

Details of the decisions taken by Cabinet/Cabinet Members during the above period are set out in the table below, together with a commentary from the Chief Internal Auditor. Copies of the report giving rise to the decision are attached.

In this section you must set out all necessary information to allow Councillors to take an informed decision. You will need to put forward the case to support your proposals.

Financial Summary

The cost implications of the decisions were set out in the original reports to the Cabinet Members. There are no cost implications of the Committee's consideration of this report.

Risks

Scrutiny of these matters by the Committee is an important means of ensuring that the reasons for the urgency or waiving of Contract Standing Orders were properly addressed in the decision making process and that decisions are transparent.

Options Available / Preferred Option and Why

The Committee is asked to consider whether the reasons for the urgency/waiving of contract standing orders are properly reflected in the documentation supporting each decision. Members may wish to invite Cabinet Members to attend a meeting of the Committee should they consider this not to be the case.

Comments of Chief Financial Officer

See original reports attached.

Comments of Monitoring Officer

See original reports attached.

Comments of Head of People and Business Change

See original reports attached.

Equalities Impact Assessment and the Equalities Act 2010

See original reports attached.

Children and Families (Wales) Measure

See original reports attached.

Wellbeing of Future Generations (Wales) Act 2015

See original reports attached.

Consultation

See original reports attached.

Subject	Decision & Date	Reason for Urgency/Reason to waive Contract Standing Orders	Comments of Chief Internal Auditor
<p>New Primary School (Jubilee Park) – move to Statutory Notice</p>	<p>Cabinet Member for Education and Young People 7 February 2017</p>	<p>Subject to the final determination, it is intended that the new school, being provided by the developer, will open in September 2017 with its own dedicated Headteacher and Governing Body. In advance of that final determination, it is appropriate to note that a Headteacher post cannot be advertised until the final decision on the proposal is effective. Under the usual statutory and democratic timeframes, this is unlikely to be until w/c 24th April 2017 at the very earliest. Any Headteacher wishing to apply for a new position effective in September 2017 will be required to resign from an existing post by 30th April 2017 at the very latest. The current timeframe does not accord with this, and therefore it is requested that this decision is made urgently, reducing the member consultation period and bypassing the call-in stage. In effect this brings the decision forward by 7 working days so that the statutory proposal can be published before the half term break for the required period of 28 days following which, in the event of no objections being received, a final decision can be taken on this proposal.</p>	<p>All members were included in the formal consultation of this proposal and were therefore afforded the opportunity to comment.</p> <p>The urgency was due to statutory timescales and to allow sufficient time for a new headteacher to be appointed to start when the school opens in September 2017. This has been justified within the content of the report.</p>
<p>Town Centre Repayable Funding Scheme</p>	<p>Cabinet Member for Regeneration and Investment 8 March 2017</p>	<p>The Welsh Government delayed award of the funding from November 2016 to late January 2017. Subsequent due diligence and briefing requirements left NCC with insufficient time to seek approval through the normal channels by the original deadline date of 28th February. An extended deadline has been negotiated with the Welsh Government of the 10th March 2017. The funding is significant (£750,000) and an urgent decision is required if the opportunity to confirm acceptance of the award is not to be lost.</p>	<p>Although the report states that there were delays with Welsh Government and there were subsequent due diligence and briefing requirements, it does not specifically justify the need for the urgency of this decision. A timeline of key events would have been useful.</p>
<p>New Primary School (Jubilee Park) – Final Determination</p>	<p>Cabinet Member for Education and Young People 9 March 2017</p>	<p>This report refers to the final determination on the school reorganisation proposal to establish a new school. As a direct result of the tight timescales which stem from the original delays in the process there is an appropriate justification for the</p>	<p>The urgency was due to original delays in the process, statutory timescales and to allow sufficient time for a new headteacher to be appointed to start when</p>

		urgency of this decision.	the school opens in September 2017. This has been justified within the content of the report.
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Background Papers

The following documentation is provided as background to the above decisions:

Cabinet Member for Education and Young People - 7 Feb 2017 New Primary School (Jubilee Park) – Move to Statutory Notice:

- Decision Schedule attached as **Appendix A**;
- Report attached as **Appendix B**.

Cabinet Member for Regeneration and Investment - 8 March 2017 Town Centre Repayable Funding Scheme:

- Decision Schedule attached as **Appendix C**;
- Report attached as **Appendix D**.

Cabinet Member for Education and Young People - 9 March 2017 New Primary School (Jubilee Park) - Final Determination:

- Decision Schedule attached as **Appendix E**;
- Report attached as **Appendix F**.

Dated: 8 May 2017