

WYRE FOREST DISTRICT COUNCIL

COUNCIL
WEDNESDAY 26TH NOVEMBER, 2008

Urgent Decisions Made Outside the Budget and Policy Framework
(1) Flood Hardship Grants
(2) Proposed Post Office Closures

OPEN	
COMMUNITY STRATEGY THEME	N/A
CORPORATE PLAN AIM	This report is required by the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000
CABINET MEMBER	Councillor John Campion
RESPONSIBLE OFFICER	Walter Delin Chief Executive Caroline Newlands Head of Legal and Democratic Services
CONTACT OFFICER	Walter Delin Chief Executive Caroline Newlands Head of Legal and Democratic Services
APPENDICES	Extract from Council's Constitution Urgent Decisions- Hardship Fund Post Office Closures

1. PURPOSE OF REPORT

1.1 To report two urgent decisions made by the Leader of the Council as required by Rule 6 of the Budget and Policy Framework Procedure Rules Part 4 of the Council's Constitution. The decisions relate to:

- (1) Flood Hardship Grants, and
- (2) Proposed Closure of Post Offices

1.2 The decisions are not to be the subject of debate by Council. However, Councillors may ask technical or factual questions as to the reason(s) for urgency.

2. RECOMMENDATIONS

2.1 That the urgent decisions taken by the Leader of the Council on 8th and 17th September, 2008 be noted.

Reason: To comply with this Council's Constitution.

2.2 That where any local service is under threat of downgrading or closure, perceived or actual, the Cabinet is authorised to:

- (1) Decide the nature and scope of response including public meetings, scrutiny reviews, written submissions, campaigns, delegations and lobbying, as appropriate.**
- (2) Report to Council on the progress of any campaign to save services which are under threat of downgrading or closure.**

Reason: This will enable a clear policy decision to be taken by Cabinet and ensure that any deadlines for response are met without the need for an urgent decision.

3. BACKGROUND

3.1 To facilitate the decision-making process the Council's Constitution contains provisions to enable urgent decisions to be taken by the Cabinet or the Leader of the Council. These provisions mirror the statutory rules in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and relate to:

(a) *The Forward Plan*

If a matter has not been included on the forward plan and it had not been possible to make it available to the public three days before the decision is taken, the Constitution allows for the decision to be taken in accordance with the provisions of 'Special Urgency' (Rule 15 of the Overview and Scrutiny Rules).

(b) *Urgent Decisions Outside the Budget or Policy Framework*

Cabinet or the Leader of the Council may make decisions that are outside of the budget or policy framework agreed by Council, if the decision is a matter of urgency (Rule 6 of the Budget and Policy Framework Procedure rules). **See Appendix 1**

(c) *Call-in*

The call-in provisions within the Constitution do not apply where a decision is considered urgent, in that any delay caused by the call-in process would seriously prejudice the Council's or public's interest. (Rule 12 of the Overview and Scrutiny Rules).

3.2 Consistent across all three areas is that the Chairman of the relevant Overview and Scrutiny Committee must have been consulted and agreed to the proposed course of action and that a report, concerning the decision is presented to Council for information.

4. URGENT DECISIONS

4.1 Given that it was not practical to call an urgent quorate meeting of the Council the Leader of the Council took the urgent decisions in consultation and agreement with the relevant Overview and Scrutiny Chairmen as follows:

- (1) 8th September 2008 Flood Hardship Grants**

The Chairman of the Corporate Services Overview and Scrutiny Committee, Councillor Graham Ballinger, agreed to this decision being taken as a matter of urgency to ensure immediate hardship grants were available for persons affected by the September flooding.

(2) **17th September 2008 Post Office Closures**

The Chairman of the Community Services Overview and Scrutiny Committee Councillor Mrs. Helen Dyke agreed to this decision on Post Office Closures being taken as a matter of urgency to comply with the consultation deadline of 7th October, 2008.

- 4.4 In addition Group Leaders at a meeting on 17th September, 2008 signified their agreement to the Post Office Closures urgent decision.

5. IMPLIED POLICY DECISIONS

- 5.1 For the avoidance of doubt, it is suggested that the Council formalise its implied policy to resist or object to any threatened reduction or closure of local services and that the decision to respond to announcements or consultation be delegated to Cabinet. This will minimise the need to make urgent decisions.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from this report.

7. LEGAL & POLICY IMPLICATIONS

- 7.1 The urgent decisions contained within this report have, in accordance with the Constitution, to be reported to Council.

8. RISK MANAGEMENT

- 8.1 There are no risk management issues associated with this report.

9. CONCLUSION

- 9.1 The Council has complied with the Access to Information Procedure Rules in all uses of the Urgency rules.

10. CONSULTEES

- 10.1 Chairman of the Corporate Services Overview and Scrutiny Committee and Chairman of the Community Services Overview and Scrutiny Committee
- 10.2 Group Leaders

11. BACKGROUND PAPERS

- 11.1 None

8th September 2008-
Leader's Urgent Decision
Floods-Local Hardship Fund

A local hardship fund of £10,000 be created from the general reserved and used for making immediate basic help grants of a maximum £250 per household or property to cover additional living expenses for homeowners and occupiers whose properties have been damaged by heavy localised flooding.

The Chief Executive be requested to arrange discussions with the Environment Agency, Severn Trent Water and the County Council with a view to agreeing urgent proposals for additional flood defence infrastructure to reduce and minimise the impact of floods in Wolverley and the Queensway and to report back to an appropriate Cabinet with feasible options and their means of funding.

REASON

The decision is considered urgent because of the need to act quickly to provide some urgent relief to residents whose lives have been disrupted caused by flood damage to their properties from localised heavy rainfall.

17th September 2008-
Leader's Urgent Decision
Proposed Post Office Closure

Collective Statement Group Leaders

“We are united in condemning Post Office Ltd’s plans to close 4 of the district’s post offices. The six weeks consultation imposed by Post Office Ltd, instead of the recommended three months, is outrageously short.

The true social value of our local post offices and their economic value to our communities cannot be overstated.

The proposed closures will be highly detrimental to our local communities and businesses. The criteria for closure are based on distance factors and not, the demand for postal services, local needs, general business activity or the profitability of branches. The closures will inevitably put an unnecessary strain on other post office branches with more overcrowding and queuing.

This clearly amounts to a callous attack on dedicated users of the post offices, particularly vulnerable people. It also displays Post Office Ltd’s total indifference to public opinion.

Furthermore, Council agrees that a decision on current closures should not be taken until the future of the Card Account has been resolved otherwise there could be two separate closure programmes with worse consequences for this community.

This local response has cross-party support and demonstrates the strength of local feeling. We are therefore urging Post Office Ltd to reconsider its plans in the best interests of all post office users across Wyre Forest.”

The Council is opposed to the closure of the 4 post offices within the district and agrees to mount an all party campaign to safeguard the post offices at Comberton Hill, The Walshes, Stone and Wolverley.

The local response as set out above be submitted to Post Office Ltd and Dr. Richard Taylor MP and all declared Wyre Forest PPC’s without delay, together with any supporting evidence justifying the continued use of the branch offices.

REASON

The decision is considered urgent because of the need to submit a formal response to Post Office Limited by 7th October, 2008.

Extract from Council's Constitution

Urgent decisions outside the budget or policy framework

- (a) The Cabinet, the Leader of the Council, an individual member of the Cabinet or officers, may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - i) if it is not practical to convene a quorate meeting of the full Council; and
 - ii) if the Chairman of the relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the relevant Overview and Scrutiny Committee consent to the decision being taken as a matter of urgency must be noted on the record of the decision.

In the absence of the Chairman of the relevant, the consent of the Chairman of the Council, or in his absence, the Vice-Chairman of the Council will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.