

Report to Council

Agenda
Item:

20

Meeting Date: 27 April 2021
Portfolio: Cross Cutting
Key Decision: Not Applicable
Policy and Budget Framework: NO
Public / Private: Public

Title: OPERATION OF THE PROVISIONS RELATING TO CALL-IN AND URGENCY – ANNUAL REPORT
Report of: Corporate Director of Governance and Regulatory Services
Report Number: GD.29/21

Purpose / Summary:

To report on the operation of call-in and urgency over the past twelve months to comply with Rule 15(j) of the Overview and Scrutiny procedure rules.

Recommendations:

That the report be noted and the current procedures on the operation of call-in and urgency be continued.

Tracking

Executive:	N/A
Overview and Scrutiny:	N/A
Council:	27 April 2021

1. BACKGROUND

- 1.1 This report has been prepared in accordance with Rule 15(j) of the Overview and Scrutiny Procedure Rules which requires the operation of the provisions relating to call-in and urgency to be monitored annually, and a report submitted to Council.

2. OPERATION OF THE PROVISIONS RELATING TO CALL IN AND URGENCY

2.1 Call-Ins

Rule 15 of the Overview and Scrutiny Procedure Rules sets out the procedures in which Overview and Scrutiny can call-in decisions of the Executive, Individual Portfolio Holders and Officers.

During the 2020/21 Municipal Year there have been no call-ins. (Appendix 1)

2.2 Urgency Rules

Rule 15(i) of the Overview and Scrutiny Procedure Rules provides that call-in procedures shall not apply where a decision being taken by the Executive is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest.

In these circumstances, the Chair of the Council (i.e. the Mayor) has to agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

During the 2020/21 Municipal Year, the Mayor has agreed that the decisions of the Executive, Individual Portfolio Holders and Officers as set out in Appendix 2 were urgent and should not be subject to call-in procedures.

2.3 Special Urgency

Paragraph 16 (Special Urgency) of the Access to Information Procedure Rules; and Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 allow for key decision items to be dealt with where there is not 5 clear days before the meeting.

In these circumstances, the Chair of the Executive and the Chair of the relevant Scrutiny Panel have to agree that the decision proposed cannot reasonably be deferred.

During the 2020/21 Municipal Year, the Chair of the Executive and the Chairs of the relevant Scrutiny Panels have agreed that the decisions of the Executive, Individual Portfolio Holders and Officers as set out in Appendix 2 were urgent and should not be subject to call-in procedures.

2.4 Private Meetings

Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 provides that the intention to hold a meeting in private must be published at least 28 clear days prior to that meeting.

Where the date by which a meeting must be held makes compliance with the regulation impracticable, the Chair of the relevant Scrutiny Panel or the Chair of the Council may agree that the meeting is urgent and cannot reasonably be deferred.

During the 2020/21 Municipal Year, there were four items which were urgent and could not reasonably be deferred. (Appendix 3)

2.5 Items Not in the Notice of Executive Key Decisions

Rule 15 of the Access to Information Procedure Rules and Regulation 10 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 set out the provision for key decisions to be considered when they have not been included in the Notice of Executive Key Decisions. Appendix 4 details key decisions which have been considered under General Exception rules as they were not included in the Notice of Executive Key Decisions.

3. SUMMARY

- 3.1 In the past 12 months there have been no call-ins. Procedures to deal with call-ins are in place and a proforma is available for Members to use in calling in decisions on which Members are asked to identify the reasons for the call-in. The identification of specific reasons gives Portfolio Holders the opportunity to be prepared and briefed at call-in meetings, although identifying the specific reason is not mandatory in the call-in process. It is considered that the system and processes already in place to deal with call-ins are satisfactory.
- 3.2 With regard to the urgency rules, the decisions on items deemed by the Mayor to be urgent and not subject to 'call in' include instances where recommendations from the Executive have been referred to the City Council for decision and the call-in period would overlap the date of the City Council meeting.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

4.1 That the report be noted and the current procedures on the operation of call-in and urgency be continued in accordance with Rule 15(j) of the Overview and Scrutiny Procedures Rules.

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Appendices attached to report:
Appendix 1 - Call Ins
Appendix 2 – Urgency Rules
Appendix 3 – Private Meetings
Appendix 4 – Items not in the Notice of Executive Key Decisions

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- Carlisle City Council's Constitution
(http://www.carlisle.gov.uk/council_and_democracy/democracy_and_elections/about_the_council/constitution.aspx)
- The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

CORPORATE IMPLICATIONS:

LEGAL – Contained within the report

PROPERTY SERVICES – Not applicable

FINANCE – Not applicable

EQUALITY – Not applicable

INFORMATION GOVERNANCE – Not applicable

2.1 - Appendix 1 – Call Ins

Title	Decision Taken By	Called in by	Relevant Scrutiny Panel	Date scrutinised	Minute Reference and Decision
None					

2.2 - Appendix 2 – Urgency Rules

Meeting	Date	Decision Exempt from Call in and Reason
Executive	22 June 2020	<p>EX.54/20 – Provisional General Fund Revenue Outturn 2019/20 EX.55/20 – Provisional Capital Outturn 2019/20 and Revised Capital Programme 2020/21 EX.56/20 – Treasury Management Outturn 2019/20 EX.59/20 – Food Law Enforcement Service Plan 2020/21</p> <p>If a call-in was received, call-in procedures would overlap the meeting of the City Council on 14 July 2020 when the matters were scheduled for consideration. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Executive	20 July 2020	<p>EX.86/20 – GLL COVID Support</p> <p>An early final decision on support would assist the Council's leisure management contractor to plan for the rest of July and August 2020. A delay to the decision making would prejudice the Council's interests.</p>
Portfolio Holder decision	24 July 2020	<p>PF.6/20 – COVID-19 – Discretionary Business Grant</p> <p>In order to comply with Government guidance on the administration of the Local Authority Small Business Discretionary Grant, there was an urgent need to have the Council's policy in place alongside our process for the administration of grant applications. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Leader's decision	31 July 2020	<p>LD.05/20 – Carlisle Southern Link Road, Housing Infrastructure Fund, Grant Determination Agreement ("GDA") and Collaboration Agreement</p> <p>In order to secure government funding for the Carlisle Southern Link Road, it was necessary for the decision to enter into the Agreements to be taken no later than 31 July 2020. Any delay caused by the call-in process would prejudice the Council's interests.</p>

Executive	17 August 2020	<p>EX.88/20 – Medium Term Financial Plan 2021/22 to 2025/26 EX.89/20 – Capital Investment Strategy 2021/22 to 2025/26 EX.90/20 – Asset Management Plan 2021 – 2026 EX.99/20 – Carlisle Southern Link Road Agreements – Financial Implications EX.100/20 – Business and Planning Act 2020 and Constitutional Amendment Relating to Delegation of Emerging Legislative Powers</p> <p>If a call-in was received, call-in procedures would overlap the meeting of the City Council on 8 September 2020 when the matters were scheduled for consideration. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Executive	28 September 2020	<p>EX.113/20 – The Sands Centre Redevelopment Project – Final Contract Sum and COVID-19 Implications</p> <p>If a call-in was received, call-in procedures would overlap the special City Council meeting on 13 October 2020 when the matter was scheduled for consideration. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Leader's Decision	10 November 2020	<p>LD.07/20 – Local Government Reorganisation – Carlisle City Council's Outline Submission</p> <p>The submission of the outline proposal by the deadline of 9 November 2020 is required to participate in the process that will allow submission of the full proposal on 9 December 2020, following consideration by the City Council. Any delay caused by the call-in process would prejudice the Council's interests in terms of approving the matter.</p>
Leader's Decision	20 November 2020	<p>LD.08/20 – COVID-19 – Additional Restrictions Grant</p> <p>To adopt the policy which sets out Carlisle City Council's approach to administration of this Government funded discretionary grant scheme. Any delay caused by the call-in process would prejudice the Council's interests in adopting the Policy.</p>

Executive	7 December 2020	<p>EX.139/20 – Local Government Reorganisation – Approval of Carlisle City Council’s Submission</p> <p>If a call-in was received, call-in procedures would delay transmission of the final submission on the said topic to Government by the 9 December 2020 deadline, thereby prejudicing the Council’s interests.</p>
Executive	14 December 2020	<p>EX.148/20 – Town Deal Capital Accelerated Fund</p> <p>The Funding allocated by the MHCLG to deliver the project must be committed by March 2021 and therefore approval from members needed to be secured before Christmas to enable the project development work and procurement to commence in early January 2021.</p> <p>EX.156/20 – Dates and Times of Meetings 2021/22 EX.158/20 – Tullie House Business Plan 2020/21</p> <p>If a call-in was received, call-in procedures would overlap the virtual City Council meeting on 5 January 2021 when the Council was scheduled to consider the matters. Any delay caused by the call-in process would prejudice the Council’s interests in terms of approving the items.</p>
Executive	13 January 2021	<p>EX.02/21 - Budget Update - Revenue Estimates 2021/22 to 2025/26 EX.03/21 - Revised Capital Programme 2020/21 and Provisional Capital Programme 2021/22 to 2025/26 EX.04/21 - Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy 2021/22 EX.05/21 - Provisional Local Government Finance Settlement 2021/22 EX.06/21 - Executive Response to the Budget Consultation and Recommendations for the 2021/22 Budget</p>

		<p>If a call-in was received, call-in procedures would overlap the City Council meeting on 2 February 2021 when the 2021/22 Budget proposals were scheduled for consideration. Any delay caused by the call-in process would prejudice the Council's interests in terms of approving the items.</p> <p>EX.14/21 – Green Homes Grant Local Authority Delivery Phase 1b</p> <p>It was likely that any grants would have to be accepted quickly and a call in would prejudice the Council's interests as any delay in accepting the grant may result in the loss of the monies.</p>
Leader's Decision	13 January 2021	<p>LD.01/21 - COVID-19 - Local Restrictions Support Grant Open Scheme</p> <p>The Economic Development Team needed to expedite payments under Tier 2 Restrictions which applied 31 October to 4 November 2020 and from 3 December until 30 December 2020 to support businesses impacted by the COVID restrictions.</p> <p>Any delay caused by the call-in process would prejudice the Council's interests.</p>
Executive	8 February 2021	<p>EX.15/21 - Homelessness Prevention and Rough Sleeping Strategy 2021-26</p> <p>EX.18/21 - Local Environment (Climate Change) Strategy</p> <p>EX.24/21 – Revenue Budget Overview and Monitoring Report – April to December 2020</p> <p>EX.25/21 – Capital Budget Overview and Monitoring Report – April to December 2020</p> <p>If a call-in was received, call-in procedures would overlap the City Council meeting on 2 March 2021 when the matters were scheduled for consideration. Any delay caused by the call-in process would prejudice the Council's interests in terms of approving the items.</p>

		<p>EX.28/21 - Borderlands Inclusive Growth Deal – Final Deal Agreement</p> <p>If a call-in was received, call-in procedures would overlap the Special City Council meeting on 23 February 2021 when the Council was scheduled to consider the matter. Any delay caused by the call-in process would prejudice the Council's interests in terms of approving the item.</p>
Executive	15 February 2021	<p>EX.29/21 - Budget 2021/22 - Consideration of Proposed Amendments agreed by the City Council on 2 February 2021</p> <p>If a call-in was received, the call-in procedures would overlap the special City Council meeting on 17 February 2021 when the Council would consider the Executive's response to the amendments and the Executive's final Budget proposals. Any delay caused by the call-in process would prejudice the Council's interests in agreeing a Budget for 2021/22.</p>
Leader's Decision	24 February 2021	<p>LD.02/21 – Paton House Project</p> <ul style="list-style-type: none"> • Variation on roles and responsibilities in the delivery of the demolition of the building • Addition of the project to the Council's capital and revenue programmes for 2020-21 and 2021-22 <p>This process must be expedited in order for the project to keep to the agreed programme and meet key milestones. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Executive	6 April 2021	<p>EX.43/21 – Green Homes Grant Local Authority Delivery (LAD) Phase 2</p> <p>If the bid for funding was successful, and with the possibility that the Department of Business Energy and Industrial Strategy (BEIS) would require a short acceptance period, it was considered that any delay caused by the call-in process would prejudice the Council's interests in accepting the award of funds.</p>

Special Urgency

OD.106/20	26 October 2020	Sands Centre Redevelopment Project (Variation No.10) To await conclusion of the signing of main contract would add cost to the project as no key activities may take place during the forthcoming weeks thus further delaying the start of main contract and therefore the completion in 2022.
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2.3 - Appendix 3 – Private Meetings

Meeting	Date	
Executive	20 July 2020	Outcome of Old Fire Station Tender GLL COVID Support
Executive	12 October 2020	Tullie House Business Plan 2020/21
Executive	14 December 2020	Borderlands Inclusive Growth Deal

2.4 Appendix 4 - Key Items Not included in the Notice of Executive Key Decisions

Executive Meeting Date	Reference	Title
20 July 2020	EX.85/20	Outcome of Old Fire Station Tender
	EX.86/20	GLL COVID Support
15 February 2021	EX.29/21	Budget 2021/22 – Consideration of Proposed Amendments Agreed by the City Council on 2 February 2021
Officer Decision – 29 July 2020	OD.86/20	Sands Centre Redevelopment Project (Variation No.7, 10 th July 2020)

Leader's Decision – 24 February 2021	LD.02/21	Paton House Project
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