

# Report to Council

Agenda  
Item:

**18**

Meeting Date: 29 April 2014  
Portfolio: Cross Cutting  
Key Decision: Not Applicable  
Within Policy and Budget Framework: NO  
Public / Private: Public

Title: OPERATION OF THE PROVISIONS RELATING TO CALL-IN AND URGENCY  
Report of: Director of Governance  
Report Number: GD.18/14

## 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:	29 April 2014

## **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**

During the 2013/14 Municipal Year there had been three call-ins, as follows:-

#### **2.1.1 EX.054/13 – BRING SITES REVIEW**

Decision by Executive on 31 May 2013 to reduce the number of bring sites and to make changes to in house provisions.

Called in by Councillors Mrs Bowman, Bainbridge and Nedved of the Environment and Economy Overview and Scrutiny Panel.

Scrutinised by the Environment and Economy Overview and Scrutiny Panel on 20 June 2013 (EEOSP.41/13) who decided that Minute EX.054/13 regarding Bring Sites Review should not be referred back to the Executive.

#### **2.1.2 EX.060/13 – REPRESENTATIVES ON OUTSIDE BODIES**

Decision by Executive on 31 May 2013 to appoint various Councillors to the representatives on Outside Bodies.

Called in by Councillors Mrs Prest, Ellis and Mrs Vasey of the Community Overview and Scrutiny Panel.

Scrutinised by the Community Overview and Scrutiny Panel on 20 June 2013 (COSP.43/13) who decided that Minute Excerpt EX.060/13 be referred back to the Executive for reconsideration and that the Executive be asked to ensure that the observations and comments of the Panel be taken into consideration when appointments are being made to outside bodies.

The Executive, on 1 July 2013 (EX.76/13) responded to the points made by the Overview and Scrutiny Panel and decided:

“That the nominees for the City Council’s representatives on the Downagate Community Centre Management Committee, Cumbria Health Scrutiny Committee, LGA Rural Commission and the Tullie House Museum and Art Gallery Trust Board be reconsidered by the Executive at a future meeting.”

The reasons for this decision were as follows:-

“To respond to a reference back from the Community Overview and Scrutiny Panel”

The Executive considered the matter on 5 August 2013 and resolved:

“(2) That, in response to the call-in of Executive Decision EX.60/13 by the Community Overview and Scrutiny Panel, the Executive had reconsidered and agreed representation on the undernoted bodies as follows:

<b>Outside Body</b>	<b>Representation</b>
<p>Cumbria Health Scrutiny Committee</p> <p>NOTE: This is a joint Scrutiny Committee comprising representatives of the six District Councils in Cumbria and Cumbria County Council. The terms of reference require that Members should be full serving Members of Overview and Scrutiny Panels)</p>	Councillor Bowditch
Downagate Community Centre Management Committee	Councillor Graham; and Councillor Mrs Parsons (subject to the agreement of the Management Committee)
<b>Outside Body</b>	<b>Representation</b>
<p>Local Government Association – Rural Commission</p> <p>NOTE: The Council is entitled to nominate two representatives, either two Members or one Member and one Officer with the first named Member being allocated the vote)</p>	Councillor Tickner Councillor Layden
Tullie House Museum and Art Gallery Trust Board	Councillor Tickner Councillor J Mallinson

### **2.1.3 EX.069/13 – ARTS CENTRE DEVELOPMENT**

Decision by Executive on 8 July 2013 to approve the Warwick Street Fire Station for development as an Arts Centre for Carlisle.

Called in by Councillors Ellis, Mrs Prest and Mrs Vasey of the Community Overview and Scrutiny Panel.

Scrutinised by the Community Overview and Scrutiny Panel on 11 July 2013 (COSP.47/13) who decided that Minute Excerpt EX.069/13 regarding Arts Centre Development shall not be referred back to the Executive and that the decision shall take effect from the date of that meeting.

## **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 Chairman 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 2013/14 Municipal Year, the Mayor has agreed that the following decisions of the Executive were urgent and should not be subject to call-in procedures. The reasons for the Mayor's decisions were set out in the decision notice at the time and in most cases the reason for urgency has been to enable items to be considered and debated by all Members at a full meeting of the City Council without an unreasonable delay. If the items had been called in the process would have overlapped the next Council meeting.

### **Executive – 8 April 2013**

EX.33/13 – Draft Carlisle Plan 2013-2016

### **Executive – 1 July 2013**

EX.65/13 – Food Law Enforcement Service Plan

EX.66/13 – Scheme of Housing Assistance (Empty Properties and Disabled Facilities Grants)

EX.67/13 – Treasury Management Counterparties

EX.68/13 – Carlisle District Local Plan 2015-2013 – Preferred Options Consultation  
EX.74/13 – Summary of Service Standards

**Executive – 15 July 2013**

EX.079/13 – Carlisle District Local Plan – Land Allocations

**Executive – 2 September 2013**

EX.96/13 – Draft Medium Term Financial Plan 2014/15 to 2018/19  
EX.97/13 – Draft Capital Strategy 2014/15 to 2018/19  
EX.98/13 – Draft Asset Management Plan 2013-2018

**Executive – 16 December 2013**

EX.156/13 – Review of Reserves and Balances  
EX.157/13 – Tullie House Museum and Art Gallery Trust Business Plan 2014-2017  
EX.158/13 – Asset Review Business Plan – Refresh of Disposal Programme  
EX.159/13 – Review of Polling Arrangements

**Executive – 15 January 2014**

EX.02/14 – Budget 2014/15 – Revenue Estimates – Summary of Overall Budgetary  
Position 2014/15 to 2018/19  
EX.03/14 – Budget 2014/15 – Provisional Capital Programme 2014/15 to 2018/19  
EX.04/14 – Treasury Management Strategy Statement, Investment Strategy and Minimum  
Provision Strategy 2014/15  
EX.06/14 – Executive Response to the Budget Consultation and Recommendations for the  
2014/15 Budget

**Executive – 10 February 2014**

EX.15/14 – Local Plan Preferred options Consultation – Stage Two  
EX.17/14 – Revenue Budget Overview and Monitoring Report – April to December 2013  
EX.18/14 – Capital Budget Overview and Monitoring Report – April to December 2013

**Special Executive – 17 February 2014**

EX.22/14 – Budget 2014/15 – Consideration of Proposed Amendments agreed by Council  
on 4 February 2014

## **Executive – 7 April 2014**

EX.32/14 – Carlisle and Eden Community Safety Partnership Annual Plan 2014/15

### **Executive**

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 28 days prior to that meeting.

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

During the 2013/14 Municipal Year, the relevant Overview and Scrutiny Chairman and the Mayor had agreed that the following items of the Executive were urgent and could not reasonably be deferred.

## **Executive – 15 January 2014**

EX.14/14 – Release of Licensing Reserve

## **Executive – 7 April 2014**

EX.38/14 – District Wi Fi – Service Concession Contract

### **2.3 ITEMS NOT IN THE NOTICE OF EXECUTIVE KEY DECISIONS**

The following list details key decisions which have been considered by the Executive on the date shown under General Exception rules as they were not included in the Notice of Executive Key Decisions.

EX.35/13 – CSP Partnership Plan on 8 April 2013

EX.42/13 – Treasury Management Counterparties on 7 May 2013

EX.43/13 – Employee Payment and Resource Management System on 7 May 2013

EX.99/13 – Business Rates Pooling on 2 September 2013

EX.22/14 – Budget 2014/15 – Consideration of Proposed Amendments agreed by Council  
on 4 February 2014

EX.38/14 – District Wi Fi – Service Concession Contract on 7 April 2014

### **3. SUMMARY**

In the past 12 months there have been three call-ins. Procedures to deal with call-ins are in place and a pro-forma 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.

With regard to the urgency rules, the decisions on items deemed by the Mayor to be urgent and not subject to 'call in' have related to 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.

### **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.

**Contact Officer:** Rachel Rooney

**Ext:** 7039

**Appendices** None  
**attached to report:**

**Note:** in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- Carlisle City Council's Constitution
- The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

#### **CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's – N/A**

**Deputy Chief Executive – N/A**

**Economic Development – N/A**

**Governance** – Report is by the Director of Governance and legal comments are included.

**Local Environment** – N/A

**Resources** - N/A