

# Report to Council

**Agenda  
Item:**

**20**

Meeting Date: 24 April 2018  
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: Corporate Director of Governance and Regulatory Services  
Report Number: GD.28/18

## 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:	24 April 2018

## **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 2017/18 Municipal Year there have been two call-ins, details of which can be found in 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 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 2017/18 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 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 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 2017/18 Municipal Year, there were two items which were urgent and could not reasonably be deferred.

## **2.4 Items Not in the Notice of Executive Key Decisions**

Rule 15 of the Access to Information Procedure Rules sets 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 by the Executive 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 two 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.
- 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' 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.

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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 (Access to Information) Act 1985 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](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/RISKS:**

**Community Services – N/A**

**Economic Development – N/A**

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

**Corporate Support and Resources - N/A**

## 2.1 - Appendix 1 – Call Ins

<b>Title</b>	<b>Decision Taken By</b>	<b>Called in by</b>	<b>Relevant Scrutiny Panel</b>	<b>Date scrutinised</b>	<b>Minute Reference and Decision</b>
PF.12/17 – Tennis Canopy Project	Culture, Heritage and Leisure Portfolio Holder	Councillors Bainbridge, Ellis and Mrs Mallinson	Health and Wellbeing	30 October 2017	HWSP.23/17 - not to refer back to the decision making body.
PF.001/18 – Closure of Carlisle City Council Car Parks	Environment and Transport Portfolio Holder	Bainbridge, Mrs Bowman and J Mallinson	Business and Transformation	22 March 2018	BTSP. 26/18 – not to refer back to the decision making body.

## 2.2 - Appendix 2 –Urgency Rules

Meeting	Date	Decision Exempt from Call in and Reason
Executive	29 August 2017	<p>EX.77/17 - Medium Term Financial Plan 2018/19 to 2022/23 If a call-in was received, the procedure would overlap with the City Council meeting on 12 September 2017. Any delay caused by a call-in would prejudice the Council's interests in delaying approval of the matter.</p> <p>EX.78/17 - Capital Strategy 2018/19 to 2022/23 If a call-in was received, the procedure would overlap with the City Council meeting on 12 September 2017. Any delay caused by a call-in would prejudice the Council's interests in delaying approval of the matter.</p> <p>EX.79/17 - Draft Asset Management Plan 2017 - 2022 If a call-in was received, the procedure would overlap with the City Council meeting on 12 September 2017. Any delay caused by a call-in would prejudice the Council's interests in delaying approval of the matter.</p> <p>EX.80/17 – Amendment to the Discretionary Rate Relief Policy April 2017 If a call-in was received, the procedure would overlap with the City Council meeting on 12 September 2017. Any delay caused by a call-in would prejudice the Council's interests in delaying approval of the matter.</p> <p>EX.91/17 – Harraby Cycle Track If a call-in was received, the procedure would overlap with the City Council meeting on 12 September 2017. Any delay caused by a call-in would prejudice the Council's interests in delaying approval of the matter.</p>
Executive	23 October 2017	<p>EX.107/17 – Business Rate Retention Pilot 2018/19 If a call-in was received, the procedure would delay the submission and the proposed County Wide bid may fail. Any delay caused by the call-in process would prejudice the Council's interest.</p>
Executive	18 December 2017	<p>EX.138/17 – Tullie House Business Plan 2018/19 If a call-in was received, the procedure would overlap with the City Council meeting on 9 January 2018. Any delay caused by a call-in would prejudice the Council's interests in delaying approval of the matter.</p> <p>EX.139/17 – Review of Polling Arrangements If a call-in was received, the procedure would overlap with the City Council meeting on 9 January 2018. Any delay caused by a call-in would prejudice the Council's interests in delaying approval of the matter.</p>

Executive	17 January 2018	<p>EX.02/18 – Budget Update – Revenue and Capital 2018/19 – 2022/23</p> <p>EX.03/18 – Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy 2018/19</p> <p>EX.04/18 – Executive response to the Budget consultation and recommendations for the 2018/19 Budget</p> <p>If a call-in was received, the procedure would overlap the special City Council meeting on 6 February 2018. Any delay caused by a call-in would prejudice the Council's interests in delaying approval of the matters</p>
Executive	12 February 2018	<p>EX.09/18 – Sands Centre Redevelopment</p> <p>EX.15/18 – Capital Budget Overview and Monitoring Report – April to December 2017</p> <p>If a call-in was received, the procedure would overlap with the City Council meeting on 6 March 2018. Any delay caused by a call-in would prejudice the Council's interests in delaying approval of the matters</p>
Executive	9 April 2018	<p>EX.28/18 – Resurfacing of City Council Car Parks</p> <p>EX.33/18 &amp; EX.34/18 – Civic Centre – Ground Floor Flood Reinstatement</p> <p>If a call-in was received, the procedure would overlap with the City Council meeting on 24 April 2018. Any delay caused by a call-in would prejudice the Council's interests in delaying approval of the matters</p>

### 2.3 - **Appendix 3** –Private Meetings

<b>Meeting</b>	<b>Date</b>	
Agreement from the Chairman of the Business and Transformation Scrutiny Panel to hold the Executive meeting in Private	23 October 2017	EX.111/17 – Land and Property Transactions – Kingstown, Parkhouse and Rosehill Industrial Estates
Agreement from the Chairman of the Business and Transformation Scrutiny Panel to hold the Executive meeting in Private	18 December 2017	EX.147/17 – Bitts Park – Flood Reinstatement

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

<b>Executive Meeting Date</b>	<b>Reference</b>	<b>Title</b>
31 July 2017	EX.65/17	Amendment to the Discretionary Rate Relief Policy April 2017
23 October 2017	EX.107/17	Business Rate Retention Pilot 2018/19
18 December 2017	EX.147/17	Bitts Park – Flood Reinstatement