

Report to Council

**Agenda
Item:**

20

Meeting Date: 28 April 2015
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.21/15

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:	28 April 2015

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 2014/15 Municipal Year there had been five call-ins, details of which can be found in appendix 1. The fifth call in had been received on 15 April 2015 and would be considered by the Environment and Economy Overview and Scrutiny Panel on 23 April 2015.

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 2014/15 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 2014/15 Municipal Year, the Mayor and the relevant Overview and Scrutiny Chairman had agreed that the items detailed in appendix 3 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 five 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:** None

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)
- **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

2.1 - Appendix 1 – Call Ins

Title	Decision Taken By	Called in by	Relevant Overview and Scrutiny Panel	Date scrutinised	Minute Reference and Decision
OD.22/15 – Arts Centre Development	Officer Decision taken on 2 July 2014 by the Town Clerk and Chief Executive in conjunction with the Culture, Leisure and Young People Portfolio Holder	Councillors Ellis, Mrs Prest and Mrs Vasey	Community Overview and Scrutiny Panel	18 July 2014	COSP.38/14 “(1) That the Community Overview and Scrutiny Panel accepted the explanation for the delay to the Arts Centre project provided by the Town Clerk and Chief Executive. (2) That the matter shall not be referred back and the decision shall take effect from the date of this meeting. (3) That the Panel noted that there were lessons to be learnt in terms of keeping Members informed; and Officers be requested to take that on board in the future. (4) That it be noted that future discussion on the operation of the Arts Centre should refer to the proposed ‘Business Plan’ rather than the ‘Business Case
EX.78/14 – Business Plan – Arts Centre	Executive Decision taken on 18 August 2014	Councillors Ellis, Mrs Prest and Mrs Vasey	Community Overview and Scrutiny Panel	8 September 2014	COSP.50/14 “Members of the Panel were happy with the explanations provided and the matter would not therefore be referred back to the Executive.”
EX.93/14 – Development at Rosehill	Executive Decision taken on 18 August 2014	Councillor Nedved, Chairman	Environment and Economy Overview and Scrutiny Panel	8 September 2014	EEOSP.55/14 “1. That the Environment and Economy Overview and Scrutiny Panel were critical of the Executive for dealing with this matter in Part B. Therefore the Panel request that this item is referred back to the Executive to be split into two – the principle in Part A and confidential details

					<p>in Part B.</p> <p>2) For transparency and consultation, the Panel request that the Executive review whether the Council is getting value for money in respect of development at Rosehill.”</p>
PF.006/14 – Neighbourhood Forum Grants Administered by the County Council	Individual Portfolio Holder Decision taken by the Communities, Health and Wellbeing Portfolio Holder on 10 November 2014	Councillors C Bowman, Higgs and J Mallinson	Resources Overview and Scrutiny Panel	27 November 2014	<p>ROSP.68/14</p> <p>“(1) That the Resources Overview and Scrutiny Panel accepted the explanation provided, as set out above, for the decision to pay out £44,000 Neighbourhood Forum grant in 2014/15 and advise the County in writing of grant reduction for 2015/16,</p> <p>(2) That the matter shall not be referred back and the decision shall take effect from the date of this meeting.</p> <p>(3) That the Panel noted that there were lessons to be learnt and requested that the procedures / formal agreements in place in relation to joint grant funding be strengthened (in particular to include clear guidance on notification periods and the role of the City Council) to avoid similar issues arising in the future.”</p>
EX.028/15 – Public Realm	Executive Decision taken on 7 April 2015	Councillor Nedved, Chairman of the Environment and Economy Overview and Scrutiny Panel	Environment and Economy Overview and Scrutiny Panel	23 April 2015	The meeting of the Panel takes place after the required publication of this report.

2.2 - Appendix 2 –Urgency Rules

Meeting	Date	Decision Exempt from Call in and Reason
Executive	23 June 2014	<p>EX.48/14 – Provisional General Fund Revenue Outturn 2013/14</p> <p>EX.49/14 – Provisional Capital Outturn 2013/14 And Revised Capital Programme 2014/15</p> <p>EX.50/14 – Treasury Management Outturn 2013/14</p> <p>EX.54/14 – Treasury Management Counterparties</p> <p>If a call-in was received, the call-in procedures would overlap the City Council meeting on 15 July 2014 when the Council will be asked to approve the above matters. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Executive	21 July 2014	<p>EX.76/14 – Proposed Settlement</p> <p>The settlement figures have only just been received and the settlement needs to be accepted (the August 2014 meeting of the Executive being too late). Any delay caused by the call-in process would therefore prejudice the Council's interests.</p>
Executive	18 August 2014	<p>EX.77/14 – Food Law Enforcement Service Plan</p> <p>EX.79/14 – Medium Term Financial Plan 2015/16 to 2019/20</p> <p>EX.80/14 – Capital Strategy 2015/16 to 2019/20</p> <p>EX.81/14 – Asset Management Plan 2014 to 2019</p> <p>EX.82/14 – North Pennines AONB Management Plan</p> <p>If a call-in was received, the call-in procedures would overlap the City Council meeting on 9 September 2014 when the Council will be asked to approve the above matters. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Portfolio Holder Decision (Transport and Environment Portfolio Holder)	13 November 2014	<p>PF.007/15 - Food Digesters</p> <p>If a call-in was received, the call-in procedures would overlap the Environment and Economy Overview and Scrutiny Panel meeting on 27 November 2014 when the Panel will be asked to consider the report. Any delay caused by the call-in process would prevent the matter being scrutinised before being considered by the Executive on 15 December 2014.</p>
Officer Decision (Director of Governance and Director of Resources)	18 November 2014	<p>OD.038/14 – Land and Property Transaction at Morton</p> <p>Once the decision to proceed with the transaction had been taken, practical completion of the transaction will be triggered and the effect of this would be to bind the Council to an unconditional contract and the payment of contractual consideration, which would be forfeited</p>

		<p>should a call-in result in the Officer Decision being revoked.</p> <p>Furthermore, having to delay this transaction in order to comply with the call-in procedures may prejudice and put at risk the Council's ability to conclude a highly significant commercial property transaction that has been the subject of extensive and detailed negotiation over a period of years and forms part of the Council's Disposal Programme and Medium Term Financial Plan and forms part of Carlisle City council's budget.</p>
Executive	15 December 2014	<p>EX.140/14 – Tullie House Business Plan 2015-2018</p> <p>EX.141/14 – Review of Polling Arrangements</p> <p>If a call-in was received, the call-in procedures would overlap the City Council meeting on 6 January 2015 when the Council were asked to approve the matters. Any delay in the call-in process would prejudice the Council's interests.</p>
Executive	14 January 2015	<p>EX.02/15 – Budget Update Revenue and Capital 2015/16 – 2019/20</p> <p>EX.03/15 – Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy 2015/16</p> <p>EX.04/15 – Executive Response to the Budget Consultation and Recommendations for the 2015/16 Budget</p> <p>EX.10/15 – Land and Property Transactions</p> <p>If a call-in had been received, the call-in procedures would overlap the special City Council meeting on 3 February 2015 when the Council considered the Executive's Budget proposals for 2015/16 and private report. Any delay caused by the call-in process would prejudice the Council's interests in agreeing a Budget for 2015/16 and progressing the proposed land and property transaction.</p>
Executive	26 January 2015	<p>EX.11/15 – Carlisle District Local Plan (2015-2030) Proposed Submission Draft</p> <p>If a call-in had been received, the call-in procedures would overlap the special City Council meeting on 10 February 2015 when the Council was asked to approve the matter. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Officer Decision	28 January 2015	OD.007/15 – City Centre and Car Parks Restructure
Portfolio Holder Decision	3 March 2015	PF.002/15 – Carlisle Old Town Hall Phase 2: Emergency Repair Work

2.3 - Appendix 3 –Private Meetings

Meeting	Date	Decision Exempt from Call in and Reason
Agreement from the Chairman of the Environment and Economy to hold the Executive meeting in Private	17 September 2014	EX.102/14 – Development at Rosehill: Call-In of Executive Decision EX.93/14 EX.104/14 – Development at Rosehill: Call-In of Executive Decision EX.93/14 The Panel further decided to refer the matter back to the Executive for reconsideration. The Overview and Scrutiny Procedure Rules (within the Council's Constitution) require that the Executive reconsider any such reference back within 7 clear working days before adopting a final decision. For those reasons compliance with Regulation 5 was impracticable.

2.4 Items Not in the Notice of Executive Key Decisions

Executive Meeting Date	Reference	Title
12 May 2014	EX.40/15	Treasury Management Counterparties
21 July 2014	EX.76/14	Proposed Settlement
17 September 2014	EX.102/14 EX.104/15	Development at Rosehill: Call-In of Executive Decision EX.93/14
14 January 2015	EX.10/15	Land and Property Transactions