



Carlisle City Council

Report to Council

Report details

Meeting Date: 28 March 2023

Portfolio: Cross Cutting

Key Decision: Not Applicable

Policy and Budget No

Framework

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.15/23

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.

Tracking

Executive:	
Scrutiny:	
Council:	28 March 2023

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 2022/23 Municipal Year there has been no call ins.

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 2022/23 Municipal Year, the Mayor has agreed that the decisions of the Executive, Individual Portfolio Holders and Officers as set out in Appendix 1 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 2022/23 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 1 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 2022/23 Municipal Year, there was 1 item which was urgent and could not reasonably be deferred. (Appendix 2)

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 3 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 has been no call ins. Procedures to deal with call-ins had been in place and a proforma was available for Members to use in calling in decisions on which Members were asked to identify the reasons for the call-in. The identification of specific reasons gave Portfolio Holders the opportunity to be prepared and briefed at call-in meetings, although identifying the specific reason was not mandatory in the call-in process. It was considered that the system and processes the Council had in place to deal with call-ins had been 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.

Contact details:

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Appendices attached to report:

Appendix 1 – Urgency Rules

Appendix 2 – Private Meetings

Appendix 3 – 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

2.2 - Appendix 1 – Urgency Rules

Meeting	Date	Decision Exempt from Call in and Reason
Executive	27 June 2022	EX.89/22 – Disposal of Property Assets If a call-in was received, the call-in procedures would overlap the City Council meeting on 1 March 2022 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.
Executive	24 October 2022	EX.133/22 – UK Shared Prosperity Fund – Year One Delivery of Investment Plan EX.139/22 – Charitable and Other Bequests – Local Distress Fund; Parker Bequest; and the District Nursing Amenity If a call-in was received, the call-in procedures would overlap the City Council meeting on 8 November 2022 when the Council had been asked to approve the above matters. Any delay caused by the call-in process would prejudice the Council's interests.
Executive	19 December 2022	EX.158/22 – Caldew Riverside Remediation EX.167/22 – Tullie House Business Plan If a call-in was received, the call-in procedures would overlap the City Council meeting on 3 January 2023 when the Council had been asked to approve the above matters. Any delay caused by the call-in process would prejudice the Council's interests.
Executive	20 February 2023	EX.15/23 – Project Tullie Phase 3 EX.19/23 – Revenue Budget Overview and Monitoring Report: April to December 2022 EX.23/23 – The Sands Centre Redevelopment Contract and GLL Management Fee Realignment If a call-in was received, the call-in procedures would overlap the City Council meeting on 28 February 2023 when the Council had been asked to approve the above matters. Any delay caused by the call-in process would prejudice the Council's interests.

Executive	20 March 2023	A.1 – Smoke Control Area Emission Report A.2 – Notice of Executive Key Decisions A.3 – Schedule of Decisions taken by Officers A.4 – Joint Management Team A.5 – Carlisle Rural Strategy A.6 – Carlisle Enterprise Fund B.1 – Disposal of Various Property Assets The request for the exemption was made as the City Council would no longer exist from 31 March 2023 and this date was within the call-in period.
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2.3 - Special Urgency

Leader's Decision	14 December 2022	LD.03/22 - Capital Contribution to Tullie House and Art Gallery Trust
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2.4 - Appendix 2 – Private Meetings

Meeting	Date	
Executive	20 February 2023	Project Tullie Phase 3

2.5 Appendix 3 - Key Items Not included in the Notice of Executive Key Decisions

Executive Meeting Date	Reference	Title
3 October 2022	EX.121/22	Victorian Health Suite
18 January 2023	EX.05/23	Cost of Living Scheme
20 February 2023	EX.15/23	Project Tullie

