

Report to Council

Agenda
Item:

16

Meeting Date: 6 January 2015
Portfolio: Cross Cutting
Key Decision: Not Applicable
Within Policy and Budget Framework: Not Applicable
Public / Private: Public

Title: OPERATION OF THE PROVISIONS RELATING TO CALL-IN AND URGENCY
Report of: Director of Governance
Report Number: GD.04/15

Purpose / Summary:

To report on the operation of call-in and urgency since the previous report to Council on 4 November 2014.

Recommendations:

That the position be noted.

Tracking

Executive:	N/A
Overview and Scrutiny:	N/A
Council:	6 January 2015

1. BACKGROUND

This report has been prepared in accordance with Rule 15(i) of the Overview and Scrutiny Procedure Rules which deals with the procedure in respect of occasions where decisions taken by the Executive are urgent, and where the call-in procedure should not apply. In such instances the Chairman of the Council (i.e. the Mayor) or in his absence the Deputy Chairman of the Council must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.

The record of the decision and the Decision Notice need to state that the decision is urgent and not subject to call-in. Decisions, which have been taken under the urgency provisions, must be reported to the next available meeting of the Council together with the reasons for urgency.

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

The Executive, at their meeting on 15 December 2014, considered the following reports which were referred to Council. These items are to be considered by the Council on 6 January 2015. If a call-in were to be received on any of the items, the call-in procedure would overlap the City Council meeting.

All Members will have received copies of the reports and minutes with the Summons for the Council meeting and will have the opportunity to consider the items at the Council meeting on 6 January 2015.

(i) Tullie House Business Plan 2015 – 2018

The above report was submitted to and considered by the Community Overview and Scrutiny Panel on 25 November 2014

(ii) Review of Polling Arrangements

It was considered that any delay caused by a call-in on either of the items detailed above would prejudice the Council's interests in delaying approval of the matters. The Mayor has therefore agreed that the above decisions are urgent and, for the reasons set out above, that the call-in process should not be applied to the decisions.

The Mayor has further agreed that the following decisions were urgent and that the call-in process should not be applied to the decisions for the reasons stated:

Portfolio Holder Decision: PF.007/14 – Food Digesters

“To offer the opportunity to the Environment and Economy Overview and Scrutiny Panel to consider and comment on the above report prior to consideration at the Executive.”

If a call-in was received, the call-in procedures would have overlapped the Environment and Economy Overview and Scrutiny Panel meeting on 27 November 2014 when the Panel was asked to consider the report. Any delay caused by the call-in process would have prevented the matter being scrutinised before being considered by the Executive on 15 December 2014.

Officer Decision: OD.038/14 – Land and Property Transaction at Morton, Carlisle

“To conclude and bring to legal completion a land exchange at Morton with the release and payment of £1.1 million to the Church Commissioners for England in accordance with the decision of the Executive at their meeting on 11 February 2013”

Once the decision to proceed with the transaction had been taken, practical completion of the transaction would be triggered and the effect of that would be to bind the Council to an unconditional contract and the payment of contractual consideration, which would be forfeited should a call-in result in the Officer Decision being revoked.

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 had been the subject of extensive and detailed negotiation over a period of years and formed part of the Council's Disposal Programme and Medium Term Financial Plan and formed part of Carlisle City Council's Budget.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

4.1 That the position be noted.

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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:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – N/A

Community Engagement – 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