

Report to Council

Agenda
Item:

16

Meeting Date: 3 November 2020

Portfolio: Cross-cutting

Key Decision: Not applicable

Policy and Budget
Framework: Not applicable

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.53/20

Purpose / Summary:

To report on the operation of call-in and urgency since the previous report to Council on 8 September 2020.

Recommendations:

That the position be noted.

Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	3 November 2020

1. BACKGROUND

Rule 15(i) of the Overview and Scrutiny Procedure Rules 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 her 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.

Furthermore, Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 prescribes 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 Chairman of the relevant Scrutiny Panel or the Chairman of the Council may agree that the meeting is urgent and cannot reasonably be deferred.

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

The Executive, at their special meeting held on 28 September 2020, gave consideration to a private report of the Deputy Chief Executive (CS.28/20) regarding The Sands Centre Redevelopment Project – Final Contract Sum and COVID-19 Implications. If a call-in was received, call-in procedures would have overlapped the special City Council meeting on 13 October 2020 when the matter was scheduled for consideration.

It was considered that any delay caused by a call-in would prejudice the Council's interests in reaching a decision on the matter. The Mayor therefore agreed that the above decision was urgent and, for the reasons set out, that the call-in process should not be applied to the decision.

3. PROCEDURES PRIOR TO PRIVATE MEETINGS

The Executive, on 12 October 2020, considered an urgent private report (CS.31/20) concerning the Tullie House Business Plan 2020/21. It was felt that consideration of the matter and the decision required to be taken on that date in order that the Council may commence the process of agreeing core funding for the Tullie House Museum and Art Gallery Trust; and that it could not reasonably be deferred until the next Executive meeting.

Compliance with Regulation 5 was therefore impracticable and The Mayor agreed that the decision was urgent, could not reasonably be deferred and could be dealt with on 12 October 2020.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

4.1 That the position be noted.

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**Appendices
attached to report:** None

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
<https://www.carlisle.gov.uk/Council/Council-and-Democracy/Constitution>
- The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

CORPORATE IMPLICATIONS:

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

PROPERTY SERVICES – Not applicable

FINANCE – Not applicable

EQUALITY – Not applicable

INFORMATION GOVERNANCE – Not applicable