



Carlisle City Council

Report to Council

Report details

Meeting Date: 26 April 2022
Portfolio: Cross Cutting
Key Decision: Not Applicable
Policy and Budget Framework: No
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.21/22

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: | |
| Scrutiny: | |
| Council: | 26 April 2022 |

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 2021/22 Municipal Year there have been 1 call-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 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 2021/22 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 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 2021/22 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 2 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 2021/22 Municipal Year, there was 1 item which was urgent and could not reasonably be deferred. (Appendix 3)

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 4 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 have been 1 call-in. Procedures to deal with call-ins are in place and a proforma 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' 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 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.

Contact details:

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Ext: 7039

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 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

2.1 - Appendix 1 – Call Ins

| Title | Decision Taken By | Called in by | Relevant Scrutiny Panel | Date scrutinised | Minute Reference and Decision |
|------------------------------------|----------------------|--|--|------------------|--|
| Outcome of Old Fire Station Tender | Executive (EX.78/21) | Cllrs Dr Tickner, Sunter and Ms Ellis-Williams | Business and Transformation Scrutiny Panel | 26 August 2021 | BTSP.62/21 - That the Business and Transformation Scrutiny Panel not refer the decision back to the Executive, the decision shall take effect from the date of this meeting. |

2.2 - Appendix 2 – Urgency Rules

| Meeting | Date | Decision Exempt from Call in and Reason |
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| Leader's decision | 30 April 2021 | LD.03/21 – ARG 'Local Recovery Grant' Addendum Economic Development required to initiate the new scheme as soon as possible in order that support via grant aid may be provided to local small and medium enterprises. Approval of the waiver of call-in would therefore expedite the process. |
| Leader's decision | 1 June 2021 | LD.04/21 – Application to the first round of the Government's Levelling Up Fund June 2021 Recommendation to a special Council meeting to submit an application to the Government Levelling Up Fund before 18 June 2021. Approval of the waiver of call-in would ensure the Council met the deadline submission date. |
| Executive | 5 July 2021 | EX.58/21 – Regeneration Programme Update and Economic Development Programme If a call-in was received, call-in procedures would overlap the meeting of the City Council on 20 July 2021 when the matters were scheduled for consideration. Any delay caused by the call-in process would prejudice the Council's interests. |
| Leader's decision | 6 July 2021 | LD.08/21 - Uncovering Roman Carlisle Project In order for the Council to engage schools in the programme for September as well as informing young people of the opportunities over the summer holidays it will need to contact them in the next 2 weeks prior to the summer vacation. If the Decision were to be called in it would delay the signing of the grant offer in time for school engagement to proceed prior to the holidays. |
| Executive | 2 August 2021 | EX.74/21 – Application to Sustainable Warmth Competition (LAD Phase 3 And Home Upgrade Grants (HUG)). If a call-in was received, call-in procedures would overlap the deadline for the submission of the application. |
| Executive | 31 August 2021 | EX.84/21 - Medium Term Financial Plan 2022/23 – 2026/27 EX.85/21 - Capital Investment Strategy 2022/23 – 2026/27 EX.86/21 - Asset Management Plan 2022 – 2027 |

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| | | <p>EX.87/21 - Carlisle Plan 2021 – 2023 EX.93/21 - Delivery of Affordable Housing in Carlisle</p> <p>If a call-in was received, call-in procedures would overlap the meeting of the City Council on 1 September 2021 when the matters were scheduled for consideration. Any delay caused by the call-in process would prejudice the Council's interests.</p> |
| Executive | 20 December 2021 | <p>EX.158/21 – Gambling Act 2005 – Draft Statement of Principles EX.159/21 – Regulatory Reform Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 – Changes to Existing Housing Assistance Policy EX.160/21 Tullie House Business Plan 2021 – 2030 (22/23 Revision) EX.166/21 - Dates and Times of Meetings 2022/23</p> <p>If a call-in was received, call-in procedures would overlap the meeting of the City Council on 4 January 2022 when the matters were scheduled for consideration. Any delay caused by the call-in process would prejudice the Council's interests</p> |
| Executive | 19 January 2022 | <p>EX.07/22 - Budget Update - Revenue Estimates 2022/23 to 2026/27 EX.08/22 - Revised Capital Programme 2021/22 and Provisional Capital Programme 2022/23 to 2026/27 EX.09/22 Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy 2022/23 EX.10/22 - Provisional Local Government Finance Settlement 2022/23 EX.11/22 - Executive Response to the Budget Consultation and Recommendations for the 2022/23 Budget</p> <p>If a call-in was received, the call-in procedures would overlap the special City Council meeting on 1 February 2022 when the Council considered the Executive's Budget proposals for 2022/23. In addition, Members had the opportunity to debate the Executive's Budget proposals at the City Council meeting on 1 February 2022. Any delay caused by the call-in process would prejudice the Council's interests in agreeing a Budget for 2022/23.</p> |
| Environment and Transport Portfolio Holder Decision | 2 February 2022 | <p>PF.01/22 – Start a 14 day consultation process to seek the views of interested parties on options designed to support the recovery of the high street through a review of car parking charges.</p> <p>If a call in was received, the call in procedures would delay the consultation period and the outcome to be considered at the Executive meeting to be held on the 21st February 2022, to implement the changes as early as possible to support the recovery of the high street without delay.</p> |

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| Leader's Decision | 17 February 2022 | LD.01/22 – Adoption of Carlisle City Council's Policy on the administration of the Covid-19 Additional Restrictions Grant Scheme (ARG 2022) There was a need to get the grants paid out to local businesses without delay in response to Government. The grant payments were intended to support local businesses and the economy to mitigate the impacts of the Plan B restrictions due to the rise of the Omicron variant of COVID 19. The funds needed to be fully expended by 28 March limited time to manage the application process, undertake all the required due diligence checks and get the grants paid out. The Government would not let the Council continue to allocate payments beyond the end of the financial year. If a call in was received, the call in procedures would prevent the consultation starting in a timely manner and the outcome be considered at the Executive meeting to be held on the 21 st February 2022. |
| Executive | 21 February 2022 | EX.29/22 - Capital Budget Overview and Monitoring Report: April to December 2021 EX.34/22 - Citadels Project If a call-in was received, the call-in procedures would overlap the City Council meeting on 1 March 2022 when the Council is 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 | 21 March 2022 | EX.52/22 – Carlisle Town Deal The report sought the approval of the Carlisle Town Deal business cases for submission to the Department for Levelling Up, Housing & Communities (DLUHC). This submission has to be made by 24 March 2022. If a call-in was received, the call-in procedures would overlap the DLUHC submission requirements and would therefore prejudice the Council's interests. |

2.3 - Special Urgency

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2.4 - Appendix 3 – Private Meetings

| Meeting | Date | |
|-----------|---------------|------------------------------------|
| Executive | 2 August 2021 | Outcome of Old Fire Station Tender |

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

| Executive Meeting Date | Reference | Title |
|-------------------------------|------------------|--|
| 2 August 2021 | EX.68/21 | St Cuthbert's Garden Village – Progress Report and Key Next Steps |
| | EX.78/21 | Outcome of Old Fire Station Tender |
| 22 November 2021 | EX.137/21 | Local Government Reorganisation – Implementation Reserve |
| 20 December 2021 | EX162/21 | Release and Repayment Terms of the One Public Estate Sustainable Grant Provision |