

Report to Council

Agenda
Item:

17

Meeting Date: 5 January 2021

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.06/21

Purpose / Summary:

To report on the operation of call-in and urgency since the previous report to Council on 3 November 2020.

Recommendations:

That the position be noted.

Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	5 January 2021

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 7 December 2020, gave consideration to a report of the Town Clerk and Chief Executive (CE.07/20) regarding the Local Government Reorganisation - Approval of Carlisle City Council's Submission. If a call-in was received, call-in procedures would delay transmission of the final submission on the said topic to Government by the 9 December 2020 deadline, thereby prejudicing the Council's interests.

Furthermore, on 14 December 2020, the Executive considered reports concerning the undernoted matters:

Town Deal Capital Accelerated Fund

The funding allocated by the MHCLG to deliver the project must be committed by March 2021 and therefore approval from members needs to be secured before Christmas to enable the project development work and procurement to commence in early January 2021.

Dates and Times of Meetings 2021/22 (GD.61/20)

Tullie House Business Plant 2020/21 (Private CS.37/20)

If a call-in was received, the call-in procedures would overlap the virtual City Council meeting on 5 January 2021 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

The Mayor agreed that the above decisions were urgent and, for the reasons set out, that the call-in process should not be applied to the decisions.

3. PROCEDURES PRIOR TO PRIVATE MEETINGS

The Executive, on 14 December 2020, considered an urgent private report (ED.48/20) concerning the Borderlands Inclusive Growth Deal – Progress to Deal Update. The matter was urgent, and a decision was required on that date in order that the matter may move through the City Council's democratic process, culminating with submission to full

Council in mid-February 2021. The decision could not wait until the next scheduled Executive meeting since that would prevent sign off in accordance with the February 2021 deadline and submission of the signed Deal to the UK and Scottish Governments.

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 14 December 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