

Report to Council

Agenda
Item:

18

Meeting Date: 14 July 2020
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.29/20

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:	N/A
Overview and Scrutiny:	N/A
Council:	14 July 2020

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 2019/20 Municipal Year there has been one 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 2019/20 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 be reasonably deferred.

During the 2019/20 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 Overview and Scrutiny Panel or the Chair of the Council may agree that the meeting is urgent and cannot reasonably be deferred.

During the 2019/20 Municipal Year, there were five items which were 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 sets 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 by the Executive 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 one 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' have related, in the main, to 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.

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 Officer: Rachel Plant 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 -

FINANCE –

EQUALITY –

INFORMATION GOVERNANCE –

2.1 - Appendix 1 – Call Ins

Title	Decision Taken By	Called in by	Relevant Scrutiny Panel	Date scrutinised	Minute Reference and Decision
PF.02/19	Environment and Transport Portfolio Holder	Councillors Brown, Glover and Dr Tickner	Economic Growth	1 July 2019	EGSP.43/19 – Not referred back to the decision maker or Council

2.2 - Appendix 2 – Urgency Rules

Meeting	Date	Decision Exempt from Call in and Reason
Executive	10 June 2019	EX.47/19 – The Sands Centre Redevelopment Project: If a call-in was received, call-in procedures would overlap the special City Council meeting on 25 June 2019 when the matter was scheduled for consideration.
Executive	22 July 2019	EX.65/19 – Free After Three: If a call-in was received, call-in procedures would delay the proposed introduction of the initiative on 1 August 2019 and maximisation of uptake of the scheme through the peak season, thereby prejudicing the Council's interests.
Executive	19 August 2019	EX.66/19 – Medium Term Financial Plan 2020/21 to 2024/25 EX.67/19 – Capital Investment Strategy 2020/21 to 2024/25 EX.68/19 – Asset Management Plan 2020-2025: If a call-in was received, call-in procedures would overlap the City Council meeting on 10 September 2019 when matters were scheduled for consideration.
Executive	16 September 2019	EX.78/19 – Carlisle – Your Place Project: If a call-in was received, call-in procedures would overlap/delay acceptance of the National Lottery Partnership Fund grant offer and the terms and conditions of grant by the stated deadline of 24 September thereby prejudicing the Council's interests.
Executive	18 November 2019	EX.106/19 – Innovate UK Project No 34290, Scaling on Street Charging Infrastructure (SOSCI): If a call-in was received, call in procedures would delay the granting of Executive approval for future involvement in this collaborative project, thereby prejudicing the Councils interests.
Executive	16 December 2019	EX.128/19 and EX.130/19 – Tullie House Business Plan 2019/20: If a call-in was received, call in procedures would delay submission of the matter to Council on 7 January 2020, when Council would be asked to agree core funding for the Trust, thereby prejudicing the Council's interests.

Executive	15 January 2020	<p>EX.02/20 - Budget Update - Revenue Estimates 2020/21 to 2024/25</p> <p>EX.03/20 - Local Taxation – Discounts and Premiums</p> <p>EX.04/20 - Revised Capital Programme 2019/20 and Provisional Capital Programme 2020/21 to 2024/25</p> <p>EX.05/20 - Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy 2020/21</p> <p>EX.06/20 - Provisional Pension Fund Valuation</p> <p>EX.07/20 - Provisional Local Government Finance Settlement 2020/21</p> <p>EX.08/20 - Executive Response to the Budget Consultation and Recommendations for the 2020/21 Budget:</p> <p>If a call-in was received, call in procedures would overlap the City Council meeting on 4 February 2020 when the 2020/21 Budget proposals were scheduled for consideration.</p>
Executive	10 February 2020	<p>EX.23/20 – Capital Budget Overview and Monitoring Report: April to December 2019:</p> <p>If a call-in was received, call in procedures would overlap the City Council meeting on 3 March 2020 when the matter was scheduled for consideration.</p>
Executive	9 March 2020	<p>EX.40/20 – Citadels Project:</p> <p>Call-in procedures would delay the decision to take this work forward putting at risk the deliverability of the project programme which must be concluded by March. Delay in this phase of the project would have had implications on the delivery of the wider programme for the Citadels Project, thereby prejudicing the Council's interests.</p>
Leader	6 April 2020	<p>LD.001/20 – St Cuthbert's Garden Village</p> <p>It is not currently possible to convene a Scrutiny Panel meeting due to the coronavirus pandemic; and any delay caused by the call-in process would delay the continuation of the project workstream in line with the programme, including necessary budget arrangements, thereby prejudicing the Council's interests.</p>

		LD.002/20 – Sewell’s Lonning Upgrade: It is not currently possible to convene a Scrutiny Panel meeting due to the coronavirus pandemic, in addition to which the project programme is tight; and any delay caused by the call-in process would delay the above-mentioned approval, thereby prejudicing the Council’s interests.
Executive	30 April 2020	EX.41/20 and EX.43/20 – Civic Centre Reinstatement and Development Project: If a call-in was received, call in procedures would overlap the City Council meeting on 5 May 2020 when the matter was scheduled for consideration.

Special Urgency

OD.35/20	3 March 2020	Sands Centre Redevelopment Project: There have been lengthy negotiations regarding the contract details and specifications which have delayed the finalisation of the contract terms. Any further delay to concluding the contract would significantly impact the overall building timescales and any delay would result in adverse financial impact on the Council.
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2.3 - Appendix 3 – Private Meetings

Meeting	Date	
Executive	16 September 2019	Waverley Viaduct
Executive	14 October 2019	Tullie House Business Plan
Executive	9 March 2020	Civic Centre Reinstatement and Development Project Citadels Project
Executive	30 April 2020	Civic Centre Reinstatement and Development Project

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

Executive Meeting Date	Reference	Title
17 June 2019	EX.48/19	Provisional General Fund Revenue Outturn 2018/19 – Carry Forward
	EX.49/19	Provisional Capital Outturn 2018/19 – Carry Forwards
16 September 2019	EX.78/19	Carlisle – Your Place Project
	EX.85/19	Waverley Viaduct
18 November 2019	EX.106/19	Innovate UK Project No 34290, Scaling on Street Charging Infrastructure
	EX.114/19	Central Plaza Resilience Fund
10 February 2020	EX.18/20	Local Environment (Climate Change) Strategy
9 March 2020	EX.40/20	Citadels Project
30 April 2020	EX.41/20 / EX.43/20	Civic Centre Reinstatement and Development Project

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Meeting Date: 14 July 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.30/20

Purpose / Summary:

To report on the operation of call-in and urgency since the start of the current municipal year.

Recommendations:

That the position be noted.

Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	14 July 2020

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 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.

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

The Executive, at their meeting on 22 June 2020, considered the following reports which were referred to Council. The items are to be considered by the Council on 14 July 2020. If a call-in was to be received on the matters, 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 14 July 2020.

- Provisional General Fund Revenue Outturn 2019/20
- Provisional Capital Outturn 2019/20 and Revised Capital Programme 2020/21
- Treasury Management Outturn 2019/20
- Food Law Enforcement Service Plan 2020/21

It was felt that any delay caused by a call-in would prejudice the Council's interests in delaying approval of the matters. The Mayor 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.

3. CONCLUSION AND REASONS FOR RECOMMENDATIONS

3.1 That the position be noted.

Contact Officer: Morag Durham

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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