

Report to Council

Agenda
Item:

16

Meeting Date: 8 September 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.42/20

Purpose / Summary:

To report on the operation of call-in and urgency since the previous report to Council on 14 July 2020.

Recommendations:

That the position be noted.

Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	8 September 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

- (i) The Executive, at their meeting held on 20 July 2020, gave consideration to a report of the Deputy Chief Executive (CS.18/20) regarding the provision of COVID related support for GLL. An early final decision on support would assist the Council's leisure management contractor to plan for the rest of July and August 2020. A delay to the decision making would prejudice the Council's interests.

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.

- (ii) Furthermore, the Executive, at their meeting on 17 August 2020, considered the following reports which were referred to Council. These items are to be considered by the Council on 8 September 2020. 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 8 September 2020:

- (a) Medium Term Financial Plan 2021/22 to 2025/26**
- (b) Capital Investment Strategy 2021/22 to 2025/26**
- (c) Asset Management Plan 2021 to 2026**
- (d) Carlisle Southern Link Road Agreements – Financial Implications**
- (e) Business and Planning Act 2020 and Constitutional Amendment relating to Delegation of Emerging Legislative Powers**

Items (a), (b) and (c) were considered by the Business and Transformation Scrutiny Panel on 23 July 2020.

It was considered 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 were urgent and, for the reasons set out above, that the call-in process should not be applied to the decisions.

- (iii) Leader's Decision (LD.05/20) – Carlisle Southern Link Road, Housing Infrastructure Fund, Grant Determination Agreement (“GDA”) and Collaboration Agreement:

In order to secure government funding for the Carlisle Southern Link Road, it was necessary for the decision to enter into the Agreements to be taken no later than 31 July 2020. The Mayor therefore agreed that the decision was urgent and that the call-in process should not be applied to the decision.

- (iv) Portfolio Holder Decision (PF.06/20) – COVID-19 – Discretionary Business Grant:

In order to comply with Government guidance on the administration of the Local Authority Small Business Discretionary Grant, there was an urgent need to have the policy in place alongside the Council's process for the administration of grant applications. This Guidance was still changing up until 26 May 2020. In order to meet the Government's requirement to deliver this scheme in June 2020, the policy had to be displayed on our website by no later than Monday 1 June 2020. The Council required to open its application process on the same day and be in a position to make grant payments before the end of June 2020. It was therefore not possible to take the policy through the usual internal processes for approval and adoption. Any delay caused by the call-in process would prejudice the Council's interests.

Accordingly, the Mayor agreed that the decision was urgent and that the call-in process should not be applied to the decision.

3. PROCEDURES PRIOR TO PRIVATE MEETINGS

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.

The Executive, on 20 July 2020, considered urgent private reports concerning:

- Outcome of Old Fire Station Tender: a delay to the decision making would impact the Council's ability to re-open the venue as the current agreement ended before the next Executive meeting scheduled for 17 August 2020. Since compliance with Regulation 5 was impracticable the Chair of the Business and Transformation Scrutiny Panel had agreed that the decision was urgent, could not reasonably be deferred and that the matter could be dealt with on 20 July 2020.

- GLL COVID Support: a delay to the decision making would impact the Council's ability to re-open Leisure Provision before the next Executive meeting scheduled for 17 August 2020. Compliance with Regulation 5 was therefore impracticable and the Chair of the Health and Wellbeing Scrutiny Panel had agreed that the decision was urgent, could not reasonably be deferred and could be dealt with on 20 July 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