

South Lakeland District Council
Council
Tuesday, 21 May 2019
Annual Review of the Call-In and Urgency
Provisions 2018/19

Portfolio:	Cllr Vicky Hughes – Chairman of the Overview & Scrutiny Committee
Report from:	Debbie Storr - Monitoring Officer
Report Author:	Anthea Lowe – Solicitor to the Council
Wards:	Not applicable
Forward Plan:	Not applicable

1.0 Expected Outcome

- 1.1 Providing Council with this annual review ensures openness and transparency regarding the operation of the Constitution’s call-in and urgency provisions and clarity regarding the manner in which they have been used over the past twelve months.

2.0 Recommendation

- 2.1 It is recommended that Council notes the contents of the 2018/19 Annual Review of the Constitution’s call-in and urgency provisions.**

3.0 Background and Proposals

- 3.1 Paragraph 16 (j) (ii) of the Council’s Overview and Scrutiny Procedure Rules states that the “operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary”.
- 3.2 Section 100B of the Local Government Act 1972 requires five clear days’ public notice of the items of business which are to be considered at any formal council meetings, including those of committees and sub-committees.
- 3.3 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires 28 days’ public notice to be given of the intention of the Executive to consider a key decision or to hold a meeting (or part of a meeting) in private. Executive decisions may be made by the Cabinet, individual portfolio holders or officers who have been delegated authority to make such decisions.
- 3.4 The 2012 Regulations outline the actions that the Council must take if it cannot meet the above notice requirements. The various legal requirements are reflected within the Council’s Constitution. This report covers the urgency and call-in procedures.

Urgency

- 3.5 The urgency procedure, which allows items to be considered at short notice, is also only used on an exceptional basis in line with paragraph 16(j) of the Overview and Scrutiny Procedure Rules. If the decision is an urgent one then it is not subject to call-in.

- 3.6 The urgency procedure has been used once in the past twelve months for the following decision:-

2019/20 Business Rate Pilot (CEX/33, 10 September 2018)	
Decision	<p><i>RESOLVED – That</i></p> <p><i>(1) the final decision on whether to join the Cumbria 75% Business Rate Pilot Pool, and the content of any application, be delegated to Chief Executive and Assistant Director (Resources), in consultation with the Leader and Finance Portfolio Holder; and</i></p> <p><i>(2) the applications will include a request to continue with the existing pool should the pilot not be approved.</i></p>
Reason for Urgency	<p>Due to the date of the publication of the Government prospectus, and the need to agree a potential pilot with other Cumbrian Councils, it had not been possible for the proposal to be included in a Forward Plan at least 28 clear days before the decision was to be made. In accordance with paragraph 16 of the Access to Information Procedure Rules in Part 4 of the Constitution the Chairman of the Overview and Scrutiny Committee's had been approached and she had agreed that the taking of the decision was urgent and could not reasonably be deferred because of the timescales given for the submission of a bid by 25 September 2018.</p>

Call-In

- 3.7 The call-in process may be used to challenge Executive decisions. Call-ins are only to be used on an exceptional basis in line with paragraph 16 (a) to (i) of the Overview and Scrutiny Procedure Rules. Paragraph 7 of the Budget and Policy Framework Procedure Rules also refers to call-ins relating to decisions that may be outside the budget and policy framework.
- 3.8 No call-in requests have been received during 2018/19.
- 3.9 Council is asked to note this annual review, which concerns paragraphs 3.5 and 3.6 of the Overview and Scrutiny Procedure Rules and also note that no changes are proposed to either the call-in or urgency provisions.

4.0 Consultation

- 4.1 This report is provided for information only.

5.0 Alternative Options

- 5.1 This report is provided for information only and so no alternative options are suggested.

6.0 Links to Council Priorities

- 6.1 The annual review of the operation of the call-in and urgency provisions contained within the Council's Constitution promotes the Council's approach to openness and transparency.

7.0 Implications

Financial, Resources and Procurement

- 7.1 There are no financial or resource implications arising from this report.

Human Resources

7.2 There are no human resource implications associated with this report.

Legal

7.3 As set out in this report.

Health, Social, Economic and Environmental

7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No

7.5 If you have not completed an Impact Assessment, please explain your reasons: This is a look back at the operation of the Constitutional provisions over the past 12 months.

Equality and Diversity

7.7 Have you completed an Equality Impact Analysis? No.

7.8 If you have not completed an Impact Assessment, please explain your reasons: This report looks back at the operation of the Constitutional provisions over the past 12 months.

Risk

Risk	Consequence	Controls required
The Council does not properly review the use of its call in and urgency provisions.	These provisions could be used incorrectly or inappropriately which could result in possible legal challenge.	Regular monitoring and review of the call-in and urgency provisions and their use.

Contact Officers

Anthea Lowe, Solicitor to the Council anthea.lowe@southlakeland.gov.uk

Background Documents Available

Name of Background document	Where it is available
CEX/33 (2018/19)	http://democracy.southlakeland.gov.uk/ieListDocuments.aspx?CId=121&MId=4462&Ver=4

Tracking Information

Signed off by	Date sent
Legal Services	Report author
Section 151 Officer	30 April 2019
Monitoring Officer	30 April 2019
SMT	30 April 2019

Circulated to	Date sent
Assistant Director	N/A
Human Resources Manager	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	30 April 2019

Circulated to	Date sent
Portfolio Holder	N/A
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	21 May 2019