

**South Lakeland District Council**  
**Overview and Scrutiny Committee**  
**Friday, 23 April 2021**  
**Annual Review of the Call-In and Urgency Provisions**  
**2020-21**

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**Portfolio:** Cllr Vicky Hughes, Chairman of the Overview & Scrutiny Committee  
**Report from:** Director of Strategy, Innovation and Resources  
**Report Author:** Rachel Ireland – Trainee Solicitor  
Linda Fisher - Legal, Governance and Democracy Lead Specialist  
(Monitoring Officer)  
**Wards:** N/A  
**Forward Plan:** N/A

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**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 12 months.

**2.0 Recommendation**

**2.1 It is recommended that Council notes the contents of the 2020-21 Annual Review of the Constitution's call-in and Urgency provisions.**

**3.0 Background and Proposals**

3.1 Call in and Urgency provisions are referenced in the Constitution Rule 16 Paragraph (j) provides rules relating to Call in and Urgency. The call in procedures shall not apply where the decision being taken by Cabinet is urgent. This is a decision for the Chairman of the Council.

3.2 Paragraph 16 (k) 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".

3.3 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.

3.4 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.

3.5 *Urgent decisions*

3.5.1 *In accordance with Part 4 of the Constitution – Rules of Procedure – Overview and Scrutiny Procedure Rules - paragraph 16(j), the Chairman of the Council was requested in the cases referenced in the table below to agree that this decision is reasonable in all the circumstances and that it is treated as **urgent** for the reasons outlined in the report and, therefore the decision to be **exempt from call-in**.*

3.5.2 *In accordance with Part 4 of the Constitution - Rules of Procedure – Access to Information Rules – Paragraph 16, the Chairman of the Overview and Scrutiny Committee also agreed that the taking of the decision's in the table below were urgent and could not reasonably be deferred because for the reasons outlined in the Report's and the timescales required. It not being possible for Key decision's to be included in a Forward Plan at least 28 clear days before the decision was to be made. "**Special Urgency**".*

3.6 All decisions have been reported to both Cabinet and Council and have been circulated to all Members. Complying with the Access to Information Procedure Rule 17.3 and the Overview and Scrutiny Procedure Rules, Rule 16 (j).

3.7 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.

3.8 The Urgency Provision has been used **19 times** from March 30 2020 to the time of writing this report. All reports have been reported to Cabinet and Council meetings and distributed to all Councillors and are detailed at **Appendix 1**.

#### **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 direct financial implications arising out of this report.

##### **Human Resources**

7.2 There are no direct staffing implications arising out of 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 report looks 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

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### Appendices Attached to this Report

| Appendix No. | Name of Appendix                 |
|--------------|----------------------------------|
| 1            | Urgency Provisions Table 2020-21 |

### Background Documents Available

| Document   | Link  |
|--|---|
| All Publications of Decisions can be viewed at the respective Cabinet meetings on the Council's website. | <a href="https://democracy.southlakeland.gov.uk/ieListMeetings.aspx?Committed=121">https://democracy.southlakeland.gov.uk/ieListMeetings.aspx?Committed=121</a> |

### Tracking Information

| Signed off by       | Date sent | Date Signed off |
|---------------------|-----------|-----------------|
| Legal Services      | 14/04/21  | Author          |
| Section 151 Officer | 14/04/21  | 15/04/2021      |
| Monitoring Officer  | 14/04/21  | 14/04/2021      |

| Circulated to                   | Date sent |
|---------------------------------|-----------|
| Lead Specialist                 | N/A       |
| Human Resources Lead Specialist | N/A       |
| Communications Team             | N/A       |
| Leader                          | N/A       |
| Committee Chairman              | 14/04/21  |
| Portfolio Holder                | N/A       |
| Ward Councillor(s)              | N/A       |
| Committee                       | 23/04/21  |

| <b>Circulated to</b> | <b>Date sent</b> |
|----------------------|------------------|
| Executive (Cabinet)  | N/A              |
| Council              | N/A              |