



Report to Council

Meeting Date – 6 March 2024
Key Decision – Not applicable
Public/Private – Public

Portfolio – Cross Cutting
Directorate – Resources
Report Author – Monitoring Officer

Title – Operation of the Provisions relating to call in and urgency

Brief Summary:

To report on the operation of call-in and urgency provisions.

Recommendations:

That the position be noted.

Tracking

Executive:	
Scrutiny:	
Council:	6 March 2024

1. Background

- 1.1 Rule 14.1 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 relevant Overview and Scrutiny Committee Chair must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.
- 1.2 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.
- 1.3 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.
- 1.4 Where the date by which a meeting must be held makes compliance with the regulation impracticable, the Chair of the relevant Overview and Scrutiny Committee may agree that the meeting is urgent and cannot reasonably be deferred.

2. Operation of the Provisions Relating to Call in and Urgency

2.1 Call-Ins

Rule 13 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.

Since the 1 April 2023 there has been one call-in by the Place Overview and Scrutiny Committee.

2.2 Urgency Rules

Rule 14.2 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 relevant Overview and Scrutiny Committee has to agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

Since the last report to Council the Chairs of the relevant Overview and Scrutiny Committees have agreed that the decisions of the Executive, Individual Portfolio Holders and Officers as set out in Appendix 1 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 Overview and Scrutiny Committee have to agree that the decision proposed cannot reasonably be deferred.

Since the last report to Council, the Chair of the Executive and the Chairs of the relevant Overview and Scrutiny Committee have agreed that the decisions of the Executive, Individual Portfolio Holders and Officers as set out in Appendix 1 were urgent and should not be subject to call-in procedures.

3. Conclusion and reasons for recommendations

- 3.1 That the position be noted in compliance with the requirements of the Cumberland Constitution, Access to Information Procedure Rules, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Implications:

Contribution to the Cumberland Plan Priorities - the decisions taken meet the Council Priorities

Relevant Risks and explain how risks can be mitigated – none arising from this report

Consultation / Engagement – there is no requirement to consult on this report

Legal – legal services have advised on all urgent decisions taken

Finance – finance have advised on all urgent decisions taken

Information Governance – none arising from this report

Impact Assessments – none arising from this report

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Background papers:

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- Cumberland Council Constitution [Council constitution | Cumberland Council](#)

- The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Appendices attached to report:

- **Appendix 1** – Urgency Rules and Special Urgency



Decision Maker	Date	Decision
Executive	13 February 2024 Urgency	Item 8. Revenue and Capital Budget Proposals 2024/25 If a call-in was received, the call-in procedures would overlap the Cumberland Council meeting on 6 March 2024 when the Council will consider the Executive's Budget proposals for 2024/25. Members will have the opportunity to debate the Executive's Budget proposals at the Council meeting on 6 March 2024. Any delay caused by the call-in process would prejudice the Council's interests in agreeing a Budget for 2024/25.