

**Standing Order D11 (in relation to Overview and Scrutiny) – Call-in and Urgency**  
**Council Meeting, 26 September 2019**

In accordance with Standing Order D11, the call-in procedure does not apply where the executive decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public's interests.

Before deciding whether a decision is urgent the decision making person or body must consult the Overview and Scrutiny Co-ordinator, or in his absence either:

- (a) (if the decision is a Key Decision and Standing Order E14 (General Exception) applies) each member of the Overview and Scrutiny Board shall be consulted; or
- (b) (in all other cases) the Civic Mayor, or (if there is no Civic Mayor appointed) the Deputy Civic Mayor, shall be consulted.

Decisions taken as a matter of urgency shall be reported to the next available meeting of the Council, together with the reasons for urgency and a summary of the consultation undertaken.

The table below sets out this information:

<b>Matter for decision</b>	<b>Decision-taker</b>	<b>Reasons for urgency</b>	<b>Consultation</b>
Investment Opportunities 1/7/19 and 2/7/19	The Cabinet	<p>The Cabinet took an exempt decision, at its meeting held on 23 July 2019, to purchase two new investments from the Council's Investment and Regeneration Fund in accordance approved Investment and Regeneration Fund Strategy. The details of the investments are exempt as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the Council interests and result in the Council losing these investment opportunities.</p>	The Overview and Scrutiny Co-ordinator was consulted on 25 July 2019
Investment Opportunities 2/7/19, 3/7/19 and 5/7/19	The Cabinet	<p>The Cabinet took an exempt decision and recommendation to Council, at its meeting held on 30 July 2019, to purchase three new investments from the Council's Investment and Regeneration Fund in accordance approved Investment and Regeneration Fund Strategy. The details of the investments are exempt as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the Council interests and result in the Council losing these investment opportunities.</p>	The Civic Mayor was consulted on 30 July 2019

<b>Matter for decision</b>	<b>Decision-taker</b>	<b>Reasons for urgency</b>	<b>Consultation</b>
Investment Opportunity 6/9/19	The Cabinet	<p>The Cabinet took an exempt decision, at its meeting held on 3 September 2019, in respect of the purchase of one new investments from the Council's Investment and Regeneration Fund in accordance approved Investment and Regeneration Fund Strategy. The details of the investment is exempt as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the Council interests and result in the Council losing these investment opportunities.</p>	The Overview and Scrutiny Co-ordinator was consulted on 3 September 2019

## **Information:**

Prior to May 2019 Investment and Regeneration Fund decisions were made by the Investment and Regeneration Committee or were referred to Council where the investment was in excess of £25m. These decisions were able to be implemented immediately without the need to call-in as this did not apply to decisions made by the Investment and Regeneration Committee. Following the local elections in May 2019 the Council transferred the decision making for the Investment and Regeneration Fund to the Cabinet as executive decisions. Normally all executive decisions would be subject to call-in, unless the process is waived in accordance with Standing Order D11. The Cabinet has now considered investments at its meetings and the call-in requirements were waived in both occasions as detailed above. The Cabinet will continue to consider new investments on a regular basis. These are important exempt decisions which are required to be implemented immediately and therefore it is proposed to amend the Constitution to enable a blanket requirement to waive call-in for Investment, Regeneration or Economic Growth Fund investments to enable the Cabinet decisions on such investments to be implemented immediately, in the same way they were when the decisions fell within the remit of the Investment and Regeneration Committee. This is in the best interest of the Council and public as the surplus income generated from these investments helps to fund Council services.

## **Recommendation to Council:**

- (i) that the Standing Orders – Overview and Scrutiny be amended as shown in bold and underlined below:

### **D11. CALL-IN AND URGENCY**

D11.1 The call-in procedure set out above shall not apply where the executive decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether (in the opinion of the decision-making person or body) the decision is an urgent one, and therefore not subject to call-in.

D11.2 Before deciding whether a decision is urgent, the decision-making person or body shall consult with the Overview and Scrutiny Co-ordinator or (if he/she cannot be reasonably contacted) then:

- (a) (if the decision is a Key Decision and Standing Order E14 (General Exception) applies) each member of the Overview and Scrutiny Board shall be consulted; or
- (b) (in all other cases) the Civic Mayor, or (if there is no Civic Mayor appointed) the Deputy Civic Mayor, shall be consulted.

**D11.3 The Council has waived the call-in provisions and the requirements of D11.2 relating to Investments, Regeneration or Economic Growth Fund Investments due to the urgent nature of these decisions.**

D11.34 Decisions taken as a matter of urgency shall be reported to the next available meeting of the Council, together with the reasons for urgency and a summary of the consultation undertaken under Standing Order D11.2.

**Anne-Marie Bond  
Monitoring Officer**