

REPORT TO:		Council	
DATE:		16 January 2025	
PORTFOLIO:		Councillor Noordad Aziz - Deputy Leader of the Council (Transformation, Education and Skills)	
REPORT AUTHOR:		Julian Joinson, Members Services Manager	
TITLE OF REPORT:		Matters Exempted from the Call-In Procedure	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	N/A

1. **Purpose of Report**

- 1.1 To update the Council in respect of recent executive decisions taken as a matter of urgency where the decision cannot be delayed until the next meeting of the Cabinet and which have, therefore, been exempted from the Call-In Procedure.

2. **Recommendations**

- 2.1 To note the report on recent executive decisions taken as a matter of urgency.

3. **Reasons for Recommendations and Background**

- 3.1 Paragraph B16 of the Executive Procedure Rules provides that urgent executive decisions which cannot be delayed until the next meeting of the executive, or executive committee (as the case may be), may be taken by the relevant chief officer after consultation with the following:

- Leader;
- Deputy leader;
- Relevant portfolio holder (if any) or any other cabinet member if there is no relevant portfolio holder in respect of the decision in question;
- The Mayor pursuant to Rule C14 of the Overview and Scrutiny Procedure Rules;
- Plus one of the following:
 - the Chief Executive; or
 - the Deputy Chief Executive (in the absence of the Chief Executive or if the Chief Executive is the decision taker) or

- the Monitoring Officer (in the absence of the Chief Executive and Deputy Chief Executive or if one is absent and the other is the decision taker)
- 3.2 Rule C14 of the Overview and Scrutiny Procedure Rules sets out the provisions allowing for a period of Call-In by members of a relevant Overview and Scrutiny Committee, in respect of certain executive decisions. That Paragraph includes the detailed procedures which support this arrangement.
- 3.3 Notwithstanding the above Rule, Paragraph C14(i) states that the call-in procedure shall not apply where the decision being taken by the executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interest. 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 and the reason for that opinion. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency prior to the decision being taken. Provision is also made for consent to be obtained in the absence of the Mayor.
- 3.4 In addition to the above, Paragraph C14(i) states that decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. Previously, compliance with this Rule has been actioned by reference to the Cabinet minutes reported to Council, which includes a list of any urgent decisions taken. However, it is considered that this does not fully comply with the requirements of Rule C14(i), with regard to the need to report the reason for urgency to Council. Accordingly, it is proposed to strengthen oversight of the use of the urgency procedure (and the disapplication of the Call-In procedure) by providing a more comprehensive update report to Council.
- 3.5 Recent urgent executive decisions are summarised in Section 4 below.

4. Urgent Executive Decisions Taken

- 4.1 The following urgent executive decisions have been taken within the last reporting period:
- 4.2 Hyndburn Borough Council Shirt Sleeve Sponsorship Agreement with Accrington Stanley Women's Football Team

The decision and reason for urgency are summarised below:

Decision

That Cabinet agree to authorise the sponsorship by the Council of Accrington Stanley Women Football Club at a cost of £4,000 (plus VAT if applicable) in respect of the period from 1st November 2024 until 31st October 2025, on the basis set out in the report and delegates authority to the Executive Director (Legal & Democratic Services) to agree and execute a sponsorship agreement.

Reason for Urgency

The Agreement must be approved and signed by the 30th November 2024 and cannot wait until the next Cabinet meeting takes place.

4.3 Leisure Transformation Project - Wilson Playing Fields Site

This report contained exempt information in accordance with Paragraph 5 of Schedule 12A to the Local Government Act 1972 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. The decision and reason for urgency are summarised below:

Decision

- (1) To accept further grant funding of £240,000 from Sport England to assist the re-starting of the works,
- (2) To agree to direct the sum identified in the report and the use of contingency sums towards meeting the additional costs of completing the project, and
- (3) To agree to give Alliance Leisure Services Ltd the instruction to appoint Universal Civils & Build Ltd to complete the works.

Reason for Urgency

Time was of the essence to give Alliance, the Council's appointed project manager, the instruction to appoint the replacement contractor no later than Friday 13th December 2024 to facilitate a restart on site on 6th January 2025. In order to do this Cabinet needed to consider and approve the funding proposals as described in the main report. Delays beyond these key dates would result in additional construction costs of £237,400 and security costs of £12,700 per month, together with probable insurance costs to insure the site.

5. Alternative Options considered and Reasons for Rejection

5.1 None

6. Consultations

6.1 None undertaken in respect of this report.

7. Implications

Financial implications (including any future financial commitments)	These are considered within the urgency consent forms and original reports
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for the Council)	
Legal and human rights implications	These are considered within the urgency consent forms and original reports
Assessment of risk	These are considered within the urgency consent forms and original reports
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	These are considered within the urgency consent forms and original reports

**8. Local Government (Access to Information) Act 1985:
List of Background Papers**

8.1 Nil

9. Freedom of Information

9.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

9.2 The urgency consent form and original report referred to at Section 4.3 are not for publication by virtue of Paragraph 5 of Schedule 12A to the Local Government Act 1972 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings