

Full Council

14 March 2017



Report of: Shahzia Daya, Interim Service Director – Legal & Democratic Services

Title: Information report - Exceptions to call-in procedure

Ward: Citywide

RECOMMENDATION

Full Council is asked to note exceptions to the call-in procedure that have been made in respect of the following decisions taken by the Mayor at Cabinet:

- **Decision taken at Cabinet on 10 January 2017:**
Subject: Temple Quarter Enterprise Zone / Bristol Arena – agreement to terminate the Pre-construction Services Agreement with Bouygues (UK) Limited
- **Decision taken at Cabinet on 13 January 2017:**
Subject: Business planning update on companies which the Council wholly own – 2017



Background / information

1. The principle of call-in of executive decisions is firmly embedded within the Council's constitution (Overview and Scrutiny procedure rules).
2. In general, subject to the prescribed constitutional criteria being met, and the relevant procedure being followed, all executive decisions taken by the Mayor at Cabinet are potentially subject to the call-in procedure.
3. The constitution does provide (under Overview and Scrutiny procedure rule 17j) (OSR17j), however, for the call-in procedure not to apply in circumstances where an urgent decision needs to be taken by the executive, and where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. In these circumstances, the Head of Paid Service and the Monitoring Officer must agree, in consultation with the Mayor, taking into account all relevant circumstances, that it is reasonable for the call-in procedure to not apply.
4. The constitution also requires that such exceptions to the call-in procedure are reported to the Full Council for information.
5. This report informs Full Council of 2 recent exceptions made to the call-in procedure, as follows:
 - a. Decision at Cabinet on 10 January 2017 – Temple Quarter Enterprise Zone /Bristol Arena: Decision taken to terminate the pre-construction services agreement with Bouygues (UK) Limited.
 - b. Decision taken at Cabinet on 13 January 2017 – Business planning update on companies which the Council wholly owns – 2017: Decision taken to i. approve the business plans of the principal trading companies in which an interest is held (namely Bristol Holding Ltd, Bristol Waste Company Limited and Bristol Energy and Technology Services (Supply) Ltd trading as Bristol Energy); and ii. to delegate authority to the Section 151 Officer regarding a revised in-year allocation of funding to Bristol Energy (note: the exception applied to part ii. of this decision).

With regard to the above decisions, as per OSR17j, the Head of Paid Service and Monitoring Officer, in consultation with the Mayor, were satisfied that any delay likely to be caused by a call-in process would seriously prejudice the Council's or the public's interests.
6. This report is presented for Full Council's information, as required by the constitution.