

Full Council

13 September 2016



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

Title: Information report - Exception to call-in procedure

Ward: Citywide

RECOMMENDATION

Full Council is asked to note that an exception to the call-in procedure has been made in respect of the following decision taken by the Mayor at Cabinet:

- Cabinet decision - 29 June 2016 – Combined authority and devolution proposals (agenda item 8)



Background

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 Office 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 provides details of exceptions since the last report to Full Council on 15 September 2015 and the reasons for urgency. As follows:

Exception to call-in procedure:

- Cabinet Decision 29 June 2016 – Combined authority and devolution proposals (agenda item 8)

6. At the Cabinet meeting held on 29 June 2016, the Mayor took the following decision:

That, having taken account of the views of Full Council (meeting held on 29 June 2016) and the views of the Overview and Scrutiny Management Board (meeting held on 15 and 27 June 2016), which were endorsed by Full Council on 29 June 2016, approval be given to the following recommendations:

1) To agree to proceed with the devolution deal as set out in the governance scheme.

2) To note the West of England Devolution Agreement (Appendix 1 of the report).

3) Having considered the Governance Review for the West of England 2016 (Appendix 2) conducted under s.108 of the 2009 Act, to agree the conclusion that the establishment of a Mayoral Combined Authority for the area of Bath and North East Somerset Council, Bristol City Council and South Gloucestershire Council would be likely to improve the exercise of statutory functions in relation to the area and secure the offer within the devolution agreement.

4) Having considered the proposed Governance Scheme for a Mayoral Combined Authority (Appendix 3), to agree to publish the Scheme for public consultation under s.109 of the 2009 Act (as amended).

5) To authorise the City Director to subsequently submit to the Secretary of State:

a. The Governance Scheme;

b. The consultation responses received (or an appropriate summary); and

c. Any further consultation response that the Council itself may wish to make to the Secretary of State for the Department of Communities and Local Government.

6) To authorise the City Director to make any minor amendments or corrections to the governance scheme to enable publication of the scheme for public consultation.

7). To delegate the decision whether or not to grant consent to the making of any resulting Order establishing the Combined Authority to the Mayor

7. This decision was not subject to call-in in the normal way. Call-in was triggered automatically by the decision being referred immediately to Full Council on the same day for overview and scrutiny review and then taken back to Cabinet for final decision, taking into account the views of Full Council.