
REPORT TO:	Council
DATE:	10 February 2021
SERVICE AREA:	Legal and Governance
REPORTING OFFICER:	The Leader of the Council (Councillor Richard Cooper)
SUBJECT:	EXCEPTION TO CALL-IN PROCEDURE
WARD/S AFFECTED:	ALL DISTRICT
FORWARD PLAN REF:	N/A

1.0 PURPOSE OF REPORT

- 1.1 In accordance with Overview and Scrutiny Procedure Rule 16(b) the Leader of the Council is required to advise the Council of any exemptions from the Call-in Procedure sought and obtained from the Chair of the Overview and Scrutiny Commission.

2.0 RECOMMENDATIONS

- 2.1 That the action be noted.

3.0 ISSUE TREATED AS AN EXCEPTION TO THE CALL-IN PROCEDURE

- 3.1 Overview and Scrutiny Procedure Rule 16(b) makes provision for the Call-in Procedure not to apply where the decision required of the executive is urgent. The rule defines urgent decisions as decisions which need to be taken as soon as possible in order:-

(a) to prevent the Council from incurring substantial financial loss or

(b) to obtain a benefit for, or avoid or mitigate harm to, the District as a whole.

No decision can be treated as urgent unless the relevant decision maker has agreed with the Chair of the Overview and Scrutiny Commission that one of the above conditions applies and that consequently a decision needs to be taken urgently.

- 3.2 As part of the Government's response to the continuing COVID-19 pandemic local authorities received one-off lump sum funding to support

business support activities when national lockdowns or local COVID Alert Level 3 restrictions were imposed. This funding is known as the Additional Restrictions Grant (ARG) and Harrogate has been allocated a total of £4,645,290 to cover the period to March 2022.

- 3.3 The funding is for business support activities and takes the form of discretionary grants to help businesses which, while not legally forced to close, are nonetheless severely impacted by the restrictions. Businesses outside of the business rates system which are effectively forced to close are also eligible for grant. Local authorities have discretion to determine which businesses to support and how much funding to provide.
- 3.4 The scheme was to be split into three phases covering the lockdown in place in November, any future lockdowns and hopefully a recovery phase.
- 3.5 A further grant, known as the Local Restrictions Support Grant (Open), is a business support grant scheme where councils that have been subject to Tier 2 or 3 restrictions and allows local authorities to make discretionary payments to support businesses impacted by the restrictions, but not legally required to close.
- 3.6 Whilst these schemes did not involve the spending of HBC funds, how the schemes were implemented was considered to be a key decision for the purposes of the constitution because they had a significant impact on two or more wards. Under the constitution a key decision requires at least 28 days' notice before the meeting, and there must be a five day call-in period following publication of the minutes of a meeting or decision notice before any decision can be implemented. Under the Council's constitution it was necessary for approval of these schemes to be given by Cabinet.
- 3.7 Given the circumstances at the time it was considered important that these schemes be rolled out as quickly as possible to enable payments to be made to eligible businesses in order to help businesses severely impacted by the restrictions put in place to control the spread of COVID-19.
- 3.8 The decision on the ARG Phase 1 and LRSG (open) schemes was taken at the scheduled meeting Cabinet on 2 December 2020. As the decision was considered to be urgent it was excluded from the forward plan, the Chair of the Overview and Scrutiny Commission was informed and notice to that effect was placed on the Council's website. In order to facilitate the payment of grants before the end of the calendar year the Chair of the Commission was approached with a request to agree that the decision was urgent and that the five day call-in procedure would not apply, as per rule 16(b) of the Overview and Scrutiny Procedure Rules. This was agreed by the Chair of the Commission and notice placed on the Council's website with the published agenda.
- 3.9 Guidance and funding for the ARG Phase 2 was received in early January and it was not considered in the best interests of local businesses to wait until the next scheduled meeting of Cabinet on 3 February to agree and implement a scheme. A special meeting of Cabinet was scheduled for 25 January 2021 to agree the scheme. As the decision was considered to be urgent it was excluded from the forward plan, the Chair of the Overview and

Scrutiny Commission was informed and notice to that effect was placed on the Council's website. In order to facilitate the payment of grants as quickly as possible the Chair of the Commission was again approached with a request to agree that the decision was urgent and that the five day call-in procedure would not apply, as per rule 16(b) of the Overview and Scrutiny Procedure Rules. This was agreed by the Chair of the Commission and notice placed on the Council's website with the published agenda.

4.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

4.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

5.0 CONCLUSIONS

There is a requirement for the Leader to advise the first possible meeting of the Council occurring following an exemption from the Call-in Procedure granted in accordance with Overview and Scrutiny Procedure Rule 16(b).

Background Papers – none

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