

# REPORT TO THE COUNCIL

Report No. 16

Date of Meeting	24 <sup>th</sup> April 2007
Title of Report	Report on Decisions Exempt from Call-In Procedure
Link to Corporate Priorities	None - This report is required under Rule 16 of the Overview and Scrutiny Procedure Rules.
Public Report	YES

## Summary of Report

This report informs Members of urgent decisions not subject to call-in which have been taken by the Executive since the last Council meeting.

## Recommendation

**That the report be noted.**

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
NONE	NONE	NONE	NONE	NONE

## Contact Officer

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## 1. Introduction

- 1.1 Overview and Scrutiny Procedure Rule 16 set out in the Constitution requires that a report should be submitted to Council giving details of any decisions taken by the Executive which were not subject to the call-in procedure.

## 2. Options

- 2.1 That the report be noted.
- 2.2 There are no other options.

## 3. Background Information

### Call-In and Urgency

- 3.1 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's interests. The record of the decision 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. The Chairman of the Council and the Chairman of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of either Chairman, the relevant Vice-Chairman's consent shall be required. In the absence of the required combination of individual members, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

## 4. Decisions Taken not Subject to Call-In

- 4.1 As at the date of this report, three decisions which were not subject to the call-in process have been taken by the Executive. Details of these decisions are set out below:

<u>Decision</u>	<u>Reason for Urgency</u>
<p>North Wiltshire Leisure Limited (Min. No. E190, 19 February 2007):</p> <p>1. North Wiltshire District Council resume responsibility for the operation of the six leisure centres and as a consequence North Wiltshire Leisure Limited staff will transfer to the Council under the TUPE Regulations for an interim period not beyond 31<sup>st</sup> March 2007;</p> <p>2. The Strategic Manager Community and Environment be given delegated authority, in consultation with the Team Leaders for Legal Services, Human Resources and Section 151 Officer and the Leader of the Council, to take all steps necessary to ensure</p>	<p>Any delay caused by the call-in process would seriously prejudice the Council's or the public's interest.</p>

<p>the smooth transition of staff and continued provision of the service until 31<sup>st</sup> March 2007;</p> <p>3. Any costs incurred must be contained within the £500k budget previously agreed by Executive; and</p> <p>4. In accordance with the Council Constitution the Executive considers these decisions to be urgent, and not subject to call in, as any delay caused by the call-in process would seriously prejudice the Council's or the public's interest.</p>	
<p>Pay and Display Parking Charges (Min. No. E194, 6 March 2007)</p> <p>1) That the charges outlined in the revised Appendix 1 (attached to the Minutes) are advertised and implemented as from 2<sup>nd</sup> April 2007 with the exception of the proposed charges for the Newlands Road Car Park, Corsham and Borough Fields Car Park, Wootton Bassett which are adopted for consultation as required under the terms of the management agreements applicable to each car park.</p> <p>2) In accordance with the Council's Constitution the Executive consider this decision to be urgent and not subject to call in as any delay caused by the call-in process would prejudice the Council's and public's interest.</p>	<p>Any delay caused by the call-in process would prejudice the Council's or the public's interest.</p>
<p>Leisure Provision in Calne and Cricklade (Min. No. E196, 6 March 2007):</p> <p>1. To the release of £60,000 to the Cricklade Community Association subject to the provision of additional information required by the Legal Services Team Leader and to the tenant agreeing to surrender the lease to the Council on terms to be agreed by the Legal Services Team Leader should the centre continue to be financially non-viable.</p> <p>2. That leisure staff (former NWLL employees), who are currently employed by the Council, are given the option to transfer to the Cricklade Community Association on their existing terms and conditions of employment, under TUPE</p>	<p>Any delay caused by the call-in process would seriously prejudice the Council's or the public's interest.</p>

<p>regulations, as appropriate.</p> <p>3. that the Council underwrites the redundancy costs (based on the Leisure Centre redundancy agreement) should staff who TUPE to the Cricklade Community Association be made redundant as a consequence of the centre ceasing to be financially viable within 12 months from 1<sup>st</sup> April 2007.</p> <p>4. That in accordance with the Council's Constitution the Executive considers these decisions to be urgent, and not subject to call in, as any delay caused by the call-in process would seriously prejudice the Council's or the public's interest.</p> <p>5. To note that negotiations are continuing with regard to the White Horse Leisure Centre in Calne and that a report will be submitted to the Executive on 15<sup>th</sup> March 2007.</p>	
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## 5. Risk Assessment

5.1 There are no risks associated with this report.

<b>Appendices:</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>Background Documents Used in the Preparation of this Report:</b>	<ul style="list-style-type: none"> <li>• Executive Agendas and Minutes from February and March 2007.</li> </ul>

### Previous Decisions Connected with this Report:

Report	Committee & Date	Minute Reference
<ul style="list-style-type: none"> <li>• North Wiltshire Leisure Limited</li> </ul>	Executive – 19 February 2007	E90
<ul style="list-style-type: none"> <li>• Pay and Display Parking Charges</li> </ul>	Executive – 6 March 2007	E194
Leisure Provision in Calne and Cricklade	Executive – 6 March 2007	E196

