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Blackpool Council

10 October 2014

To: Councillors Benson, Mrs Callow JP, Clapham, D Coleman, Elmes, Mrs Jackson, M Mitchell, Mrs Taylor and Williams

The above members are requested to attend the:

CALL IN SUB COMMITTEE

Tuesday, 14 October 2014 at 6.00 pm
In Committee Room A, Town Hall, Blackpool

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Services in advance of the meeting.

2 MINUTES OF THE LAST MEETING HELD ON 1ST NOVEMBER 2012 (Pages 1 - 2)

To agree the minutes of the last meeting held on 1st November 2012 as a true and correct record.

3 CALL-IN REQUEST (Pages 3 - 20)

To consider the Call-in of Executive Decision Ex50/2014 'Central Business District - Four Star Hotel Development'.

Special circumstances: The Council's call in procedure states that requests for call-in should be considered within five working days of having received the request.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Chris Kelly, Senior Democratic Services Adviser (Scrutiny, Tel: 477164, e-mail chris.kelly@blackpool.gov.uk)

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

MINUTES OF SCRUTINY (CALL-IN) SUB-COMMITTEE MEETING - 1ST NOVEMBER 2012

Present:

Councillor D. Coleman (in the Chair)

Councillors

Elmes Hutton Matthews O'Hara

Evans Lee M Mitchell

In attendance:

Councillor Williams

Councillor Taylor, Cabinet Member for Health and Wellbeing

Mr N. Jack, Chief Executive

Mr J. Blackledge, Assistant Chief Executive, Leisure and Operational Services

Mr S. Sienkiewicz, Scrutiny Manager

Mrs S. Davis, Senior Democratic Services Adviser (Scrutiny)

Also Present:

Councillor Mrs Delves

Mrs J. Roberts, Head of Tobacco Control, NHS Blackpool

1. DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2. MINUTES OF THE MEETING HELD ON 6th FEBRUARY 2012

The Sub-Committee agreed that the minutes of the meeting held on 6th February 2012, be signed by the Chairman as a correct record.

3. CALL-IN REQUEST

The Sub-Committee considered the Call-In of Executive Decision EX/36/2012 'Designation of Community Parks as Smoke-Free Sites' that had been called-in by Councillor Williams on 29th October 2012.

At the invitation of the Chairman, Councillor Williams explained the reasons behind the call-in of the decision, which were focussed upon the size of the signs used to advertise the sites as smoke-free and the lack of consultation that had been undertaken with the community and, in particular, the many 'Friends of Parks' Associations in Blackpool.

With regard to the designation of community parks as smoke-free sites, Councillor Williams expressed his support, however, he reiterated that the size of the signs was not commensurate with the size of the parks, that the design of the signs was not appealing

MINUTES OF SCRUTINY (CALL-IN) SUB-COMMITTEE MEETING - 1ST NOVEMBER 2012

and that he had had many people approach him who had been aggrieved with the lack of consultation and information available before the signs had been put in place. Councillor Williams added that there had been much negative press on this issue.

The Chairman invited Councillor Taylor, Cabinet Member for Health and Wellbeing to respond. In doing so, he explained that the scheme had been developed and funded by the NHS with the aim of reducing the number of young people who started smoking. The cost of smoking related diseases to the NHS was over £10 million per annum. He added that the signs were being targeted at parks and recreational areas where children and young people congregated and played sports.

Councillor Taylor cited similar schemes outside the football stadium and hospital in Blackpool as initiatives already in place to try and prevent children and young people from witnessing smoking. It was noted that the designation of community parks as smoke-free was not enforceable and relied upon good will, and that evidence suggested that the size of the signs correlated with the impact they would have.

The Committee discussed whether the signs would require planning consent in order to install and if the community would have a chance to make representations at that stage.

Concern was expressed that smokers who used the parks for activities including dog walking would feel restricted and that the placement of the signs did not appear to differentiate between children's play areas and the remainder of the park. There was additional concern that the Council risked alienating the 'Friends of Parks' Associations due to the lack of consultation and design of the signs.

The Committee also recognised the importance of taking measures to prevent children and young people from smoking and to protect health.

After further discussion, the Sub-Committee agreed to take no further action.

Background Papers: None.

Chairman

(The meeting ended at 3:54 pm)

Any queries regarding these minutes, please contact:
Sharon Davis, Democratic Services Senior Adviser (Scrutiny)
Tel: 01253 477123
E-mail: sharon.davis@blackpool.gov.uk

Report to:	Call-in Sub Committee
Relevant Officer:	Chris Kelly, Senior Democratic Services Adviser (Scrutiny)
Date of Meeting	14 th October 2014

CALL-IN REQUEST

1.0 Purpose of the report:

1.1 The Sub-Committee to consider the Call-in of Executive Decision Ex50/2014 'Central Business District - Four Star Hotel Development'

2.0 Recommendation(s):

2.1 To consider the Call-in request and take action as follows:

a) refer the decision back to the Executive for reconsideration or refer the matter to full Council with, in either case, details of the Sub-Committee's concerns; or

b) take no further action on the decision (whereupon the decision will come into force and may be implemented immediately).

3.0 Reasons for recommendation(s):

3.1 To ensure the scrutiny process continues to be fully accountable and an important part of the democratic process.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None.

4.0 Council Priority:

4.1 'Expand and promote our tourism, arts, heritage and cultural offer'

5.0 Background Information

- 5.1 The decision, attached at Appendix 3a (published on 7th October 2014) relates to the development of a site within Central Business District as a four star hotel.
- 5.2 The decision involved the Executive agreeing the following recommendations:
1. To approve the terms of the Supplemental Deed Agreement with Muse for delivery of the hotel development as part of the Talbot Gateway Project.
 2. To agree in principle the Forward Funding of the hotel development, on the basis of the Hotel earnings covering the Prudential Borrowing costs
 3. To agree to the principle of nominating a Brand to promote a four star hotel with third Party managing the same on behalf of the Council
 4. To delegate authority to the Chief Executive to agree the terms of the supplemental deed.
 5. To delegate authority to the Chief Executive to negotiate the terms of management agreement with a Brand and a third party operator and to take any further action as he considers necessary to give effect to the above decisions.
- 5.3 Councillor Williams has called in the decision, the reasons for which are outlined in the call-in request document, attached at Appendix 3b.
- 5.4 The options available to the Sub-Committee are outlined at paragraph 2.1. It should be noted that if the matter is referred to Council, then Council will only have the option of:
- a) taking no further action (whereupon the decision will come into force and may be implemented immediately) or;
 - b) refer the decision back to the Executive for reconsideration (unless it is proven that the Executive acted contrary to the Budget and Policy Framework).
- 5.5 Particular reference should be made to the extract at Appendix 3d of the Scrutiny Protocol relating to 'Call-In'.
- ## **5.6 Witnesses/representatives**
- 5.6.1 As requested by the Committee members, the following persons have been invited to attend the meeting to speak on the matter:
- Councillor Williams
 - Councillor Blackburn, Leader of the Council

Does the information submitted include any exempt information?

No

List of Appendices:

Appendix 3a, Executive decision EX50/2014

Appendix 3b, Request for Call-in of Executive decision EX50/2014

Appendix 3c, Call-in procedure (as per the Council's Constitution).

Appendix 3d, Extract from the Protocol on Scrutiny Committee / Cabinet Member / Officer Relations (section relating to Call-In).

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

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Notice of:	EXECUTIVE
Decision Number:	EX50/2014
Relevant Officer:	Steve Thompson, Director for Resources
Relevant Cabinet Member	Councillor S. Blackburn, Leader of the Council
Date of Meeting	6 th October 2014

CENTRAL BUSINESS DISTRICT - FOUR STAR HOTEL DEVELOPMENT

1.0 Purpose of the report:

1.1 The development of a site within Central Business District as a four star hotel.

2.0 Recommendation(s):

2.1 To approve the terms of the Supplemental Deed Agreement with Muse for delivery of the hotel development as part of the Talbot Gateway Project.

2.2 To agree in principle the Forward Funding of the hotel development, on the basis of the Hotel earnings covering the Prudential Borrowing costs.

2.3 To agree to the principle of nominating a Brand to promote a four star hotel with third Party managing the same on behalf of the Council.

2.4 To delegate authority to the Chief Executive to agree the terms of the supplemental deed.

2.5 To delegate authority to the Chief Executive to negotiate the terms of management agreement with a Brand and a third party operator and to take any further action as he considers necessary to give effect to the above recommendations.

3.0 Reasons for recommendation(s):

3.1 The development appraisals confirm that without additional funding, the development of either a 3 star or 4 star hotel is not viable. As such an investor would expect to pay only a peppercorn rent, with the Council receiving a nil consideration for the land. If the Council were to develop the site, it would utilise Prudential Borrowing to fund the development with the operational profits generated used towards the meeting the costs of the development.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? NO

3.2b Is the recommendation in accordance with the Council's approved budget? YES

3.3 Other alternative options to be considered:

Instead of using the site for the development of a four star hotel, it could be developed as a three star hotel, but this does not meet the objective of raising the standard of accommodation within both the Central Business District and across Blackpool.

4.0 Council Priority:

4.1 The relevant Council Priority is:
'Expand and promote our tourism, arts, heritage and cultural offer'

5.0 Background Information

5.1 The Council and Muse Developments Ltd have been working in partnership to develop the Central Business District since entering into a Development Agreement which was signed on 12 March 2009. The Masterplan contained in the Development Agreement was varied following Executive approval on 18th September 2009.

5.2 The Development Agreement was not varied to reflect the new Masterplan as it was considered that as development went on supplement deeds would record the variations which were needed at that time. In this respect the First Supplemental Deed was signed on the 23rd December 2010 for the delivery of a supermarket, Council office, Banks Street Car Park and refurbished Talbot Road Multi-Storey Car Park (EX73/2010 refers).

5.3 Now that the initial phase has been completed, Muse is looking at the next phase for development. In this respect, the original Masterplan made provision for three hotels to be developed, including a 130 room hotel as part of the supermarket complex. The variation provided for the relocated of this hotel to the site which was originally identified as a multi-storey car park, following the decision to refurbish the existing Talbot Road Multi-Storey Car Park. Muse is now looking at progressing this site for the development of a four star 130 room hotel and therefore need to enter into another (Second) Supplemental Deed in order to allow this development to proceed.

5.4 Site Appraisal
Muse has commissioned ES Group to carry out a market appraisal for the viability of a four star hotel on the site. The appraisal confirms that four star "Branded" hotels

rarely own hotels outright, preferring instead to lend their name and reputation to approved hotel operators. The view, therefore, is that in marketing a four star hotel it should be on the basis of finding an approved operator to provide a "fully serviced" hotel under a recognised brand.

- 5.5 Market testing by ES Group has involved Hilton Worldwide, Accor Group and Intercontinental Hotels Group, all three of which would support their Brand being represented in Blackpool by a third party manager. The recommendation from the ES Group market appraisal is for the selection of Intercontinental Hotels Group.
- 5.6 Intercontinental Hotels Group has 4,602 hotels in the group. They own outright 10 hotels, directly manage another 658 where they have a lease and have granted 3,934 agreements for third party operators to use their brand.
- 5.7 It is considered that using Intercontinental Hotels Group as the Brand would have added benefits such as:
- being part of an international brand with established global sales
 - being part of the 'Priority Club' guest reward programme with 71million members worldwide
 - connection to the Intercontinental Hotels Group reservation system offering 24/7 booking solution which handles approximately 70% of room revenue throughout the 4,500 Intercontinental Hotels Group family
 - having UK headquarter support in specialist overhead departments such as financial control and personnel.
- 5.8 The Intercontinental Hotels Group brand includes Crowne Plaza and Holiday Inn, and the recommendation from ES Group, having held initial discussions with Intercontinental Hotels Group, is that the preferred brand would be Holiday Inn.
- 5.9 The Holiday Inn brand handles over 100 m guest nights each year. Globally there are 1227 Holiday Inn hotels with 227,112 rooms with a further 245 hotel in the pipeline.
- 5.10 Marketing
ES Group, on behalf of Muse and the Council, has also carried out a soft marketing exercise with hotel operating companies to seek their views on managing a serviced hotel, and following on from the initial feedback they were asked to submit an original proposal based on a 130 room Holiday Inn.
- 5.11 Intercontinental Hotels Group has provided a brief specification for a Holiday Inn "Branded" hotel together with estimated costs and Muse Development has worked up a development appraisal which indicates that costs are in the region of £14m.
- 5.12 Interstate, Redefine BDL and Branded Hotel Management have been shortlisted as third party managers. Each has confirmed they would charge a basic management

fee of 2% of the turnover, however they would also seek to agree an incentive fee applied upon performance. Based on the initial proposal, it would appear that each operator anticipates that it will take 3 to 4 years to establish a stable turnover with the anticipated earnings before interest, tax and depreciation and amortisation being sufficient to meet the Council's financial debit costs plus the necessary capital cost of periodic internal refurbishment and replenishment of equipment.

5.13 Options

1. Muse could seek a third party investor for the hotel development who would still need to appoint a management company as above. An appraisal has been carried out on this basis and, for an investor, this scheme would not be viable without additional funding in the order of £2.745m. Since the scheme could only proceed with additional funding, it would be expected that the Council would include the land in the transaction for a nil consideration. In this respect Secretary of State consent was obtained in February 2012 to disposal at less than best value with this particular site being referred to as 'parcel 5'.

2 Aspirations could be reduced from offering a four star brand to a three star brand. For comparison purposes the same appraisal has been carried out on the basis of a 120 bed Holiday Inn Express (the 3 star Holiday Inn brand). The building cost, turnover and profits are all reduced, but for an investor, additional funding would still be required and therefore it would still be expected that the land would be transferred at nil consideration.

3. The Council could fund the development and retain full ownership of the property and appoint an operating company to manage the hotel on its behalf. The construction would be financed through Prudential borrowing and repaid out of the earnings before interest, tax and depreciation and amortisation over the life of the Project.

5.14 Proposal

Subject to final appraisal, it is proposed that the Council forward fund the construction of a 130 room four star hotel to Holiday Inn standard, with Muse Development procuring the same as part of the services provided under the terms of the Development Agreement.

Under the Disposal and Letting Strategy within the Development Agreement, Muse are not obliged to seek Council approval in obtaining a hotel operator who is either "Branded" or at least 3 stars standard, however, as the proposal is now for the Council to retain ownership, the Council will be involved in the final selection of the hotel operator.

It is proposed that the arrangement with the "brand" is kept separate from the operator. This provides the opportunity to retain the brand whilst changing the

operator if circumstances require this action in the future.

It is proposed to investigate the possibility of creating a Special Purchase Vehicle company to manage the investment and to maximize the potential for the Council capital allowances.

5.15 Does the information submitted include any exempt information? No

5.16 **List of Appendices:**

None

6.0 Legal considerations:

6.1 The Development Agreement has not been varied to reflect the approved changes to the Masterplan and Supplemental Deeds are required when dealing with development parcels which are at variance to the Development Agreement.

6.2 Before entering any agreement it is necessary to ensure the selection processes are legally compliant.

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 The cost of the scheme is estimated at £14m, and it is intended that the Council's contribution shall be financed by prudential borrowing. Key Assumptions:-- Earnings before interest, tax and depreciation and amortisation increase from year 1 to year 4 in equal annual increments and is then stable -A sinking fund is established in order to meet the cost of the refurbishment and replenishment of fixtures, furniture and equipment.

10.0 Risk management considerations:

10.1 The appraisals assume a 60% occupancy in the first year rising to 72% in the third year. During this time, when the Prudential Borrowing costs are at the highest, the projected return may not be sufficient to meet the full cost. If the projected rise in occupancy is not as forecast, it will take longer for the project to generate a positive return.

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 Market appraisal carried out by ES Group

13.0 Background papers:

13.1 EX23/2008 re Development Agreement EX44/2009 re Variation to Masterplan EX73/2010 re First Supplemental Deed

14.0 Key decision information:

14.1 Is this a key decision? NO

14.2 If so, Forward Plan reference number:

14.3 If a key decision, is the decision required in less than five days? N/A

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? NO

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed: N/A

Date approved: N/A

17.0 Declarations of interest (if applicable):

17.1 None

18.0 Executive decision:

18.1 The Executive agreed the recommendations as outlined above namely:

1. To approve the terms of the Supplemental Deed Agreement with Muse for delivery of the hotel development as part of the Talbot Gateway Project.
2. To agree in principle the Forward Funding of the hotel development, on the basis of the Hotel earnings covering the Prudential Borrowing costs.
3. To agree to the principle of nominating a Brand to promote a four star hotel with third Party managing the same on behalf of the Council.
4. To delegate authority to the Chief Executive to agree the terms of the supplemental deed.
5. To delegate authority to the Chief Executive to negotiate the terms of management agreement with a Brand and a third party operator and to take any further action as he considers necessary to give effect to the above decisions.

18.2 Date of Decision:

6th October 2014

19.0 Reason(s) for decision:

The development appraisals confirm that without additional funding, the development of either a 3 star or 4 star hotel is not viable. As such an investor would expect to pay only a peppercorn rent, with the Council receiving a nil consideration for the land. If the Council were to develop the site, it would utilise Prudential Borrowing to fund the development with the operational profits generated used towards the meeting the costs of the development.

19.1 Date Decision published:

7th October 2014

20.0 Executive Members in attendance:

20.1 Councillor Jackson, in the Chair

Councillors Cain, Collett, Cross, Jones, Rowson and Wright

Apologies were received from Councillor I Taylor who was otherwise engaged on Council business.

21.0 Call-in:

21.1

22.0 Notes:

22.1

REQUEST FOR CALL-IN OF EXECUTIVE OR CABINET MEMBER DECISION, OR OFFICER KEY DECISION

WHAT TO CONSIDER BEFORE CALLING-IN A DECISION

An Executive Decision, a Cabinet Member Decision, or an Officer Key Decision, may only be called-in within three working days of the publication of that decision.

Members are advised to contact Mark Towers in Democratic Services (Tel: 477127) to discuss the timing of submission of any call-in request. This will enable officers to ensure the efficient administration of called-in decisions. Democratic Services Officers will also be able to advise about the wording of the call-in request.

NOTE: If the original decision has been marked as urgent, it is essential that the call-in request is submitted as quickly as possible, otherwise the decision may be implemented without further restriction. A decision cannot be called-in after it has been implemented. Where a decision has not yet been implemented, the approval of the Chairman of the Scrutiny Committee will normally be required determine whether the matter is in fact urgent.

CALL-IN REQUEST

I ((Insert Name))	Cllr. Tony Williams		
In accordance with Paragraph 15 (c) of the Overview and Scrutiny Procedure Rules at Part 4 of the Council's Constitution, give notice of a request to call-in the following decision:			
Decision Name:	CENTRAL BUSINESS DISTRICT - FOUR STAR HOTEL DEVELOPMENT		
Decision No.	EX50/2014	Decision Maker:	Cllr. S Blackburn

GUIDANCE ON REASONS FOR CALL-IN

Members must provide (overleaf) a summary of their reasons for the call-in request. The reasons given should be clear and concise and, in so far as it is possible, include enough information to enable the Scrutiny 'Call In' Sub Committee to understand fully the grounds for the call-in and to be made aware of any relevant facts, prior to the meeting.

Reasons for calling in a decision may include the following:

- A fundamental disagreement with the initial decision taken
- A disagreement about one or more elements of the decision taken
- Concern about the timing, extent or implications of the decision taken
- Concern about the way in which the decision has been taken
- Concern about the levels of consultation prior to taking the decision
- Concern that the full facts were not taken into account when making the decision

- Concern that the decision is insufficiently clear
- Concern that the decision is outside policy or not within the budget

The above list is not exhaustive.

REASONS FOR CALL-IN

My reasons for requesting the call-in of the above decision are as follows:

- A fundamental disagreement with the initial decision taken
- Concern that the full facts were not taken into account when making the decision
- A disagreement about one or more elements of the decision taken
- Concern about the levels of consultation prior to taking the decision

MEMBER RECOMMENDATION TO THE SCRUTINY 'CALL IN' SUB COMMITTEE

Members are asked to recommend a particular course of action for the Scrutiny 'Call In' Sub Committee to consider when deciding its response to the call-in, which may be either:

- To refer the matter to the original decision maker, or
- To refer the matter to Council

In either case, Members may also recommend a form of words for the Committee to consider including with any referral.

NOTE: The Scrutiny 'Call In' Sub Committee may decide to take no further action in respect of the called-in decision.


**I wish to recommend that the Scrutiny 'Call In' Sub Committee undertake the following action in respect of the call-in:-
To refer the matter to Council**

ATTENDANCE AT THE SCRUTINY 'CALL IN' SUB COMMITTEE

I intend to be present at the relevant Scrutiny 'Call In' Sub Committee meeting	Y
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I wish for the following person to speak at the Scrutiny 'Call In' Sub Committee meeting on my behalf:	
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MEMBER AUTHORISATION

Signed:		Date:	9 th October 2014
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15 **Call-in procedure**

- (a) When a decision is made by the Executive, an individual member of the Executive or a Committee of the Executive, or a key decision is made by an officer or an area Committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within three working days of being made. Copies of each such decision statement will be made available to all Members of the Council within the same timescale by the person responsible for publishing the statement.
- (b) The decision statement will bear the date on which it is published and will come into force, and may then be implemented, on the expiry of three working days after publication of the statement unless objection is made to it and it is called-in within that period.
- (c) The Head of Democratic Services shall call-in a paragraph 15(a) executive decision for scrutiny by the Scrutiny (Call-In) Sub-Committee if so requested within the call-in period by any Member of the Council.
- (d) The Head of Democratic Services shall call a meeting of the Scrutiny (Call-In) Sub-Committee to be held on such date as he/she may determine, where possible after consultation with the Chairman of that Committee, and in any case within five working days of having received the call-in request. If the Sub-Committee does not meet within that period, the decision shall take effect on the expiry of that period.
- (e) Having considered the decision called-in, the Scrutiny (Call-In) Sub-Committee may-
 - (i) refer the decision back to the decision maker for reconsideration or refer the matter to full Council with, in either case, details of the Committee's concerns; or
 - (ii) take no further action on the decision (whereupon the decision will come into force and may be implemented immediately).
- (f) A decision referred back will be reconsidered by the decision maker within 15 working days of the referral and may be affirmed, amended or revoked as the decision maker thinks fit.
- (g) A decision referred to the full Council will be considered by the Council not later than at its next ordinary meeting. If the Council fails to consider the decision or, having considered it, decides to take no further action in respect of it, the decision will come into force and may be implemented with effect from the date of the Council meeting. If the Council does object to the decision and is one which is contrary to the policy framework or contrary to or not wholly consistent with the approved budget, the Council may affirm, amend or revoke the decision as it thinks fit. If the decision is not contrary to the policy framework or budget, the Council will refer the decision to the decision maker together with its views on the decision. The decision maker will reconsider the decision within fifteen working days of the Council meeting and may then affirm, amend or revoke the decision.
- (h) A decision may not be the subject of more than one request for call-in.

16. **Call-In and Urgency**

The call-in procedure set out above shall not apply where the decision taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would be prejudicial. If a decision is thought by the decision maker to be urgent, the relevant decision statement will indicate that fact and will record the reasons for urgency. In those circumstances, the decision will not be subject to call-in unless, on the application of the Member or Members requesting call-in, the Chairman of the Scrutiny (Call-In) Sub-Committee or, if he/she is absent or otherwise unable to act, the Vice-Chairman of the Sub-Committee, expresses in writing the opinion that the decision is not urgent and does so before the decision is implemented and, in the case of an executive decision, within three working days of the decision statement having been published or, in the case on a non-executive decision, within three days of the decision having been taken. In the event of that happening, the decision will be deemed to be called-in and will be dealt with accordingly.

Extract from the Protocol on Scrutiny Committee/ Cabinet Member/ Officer Relations (section relating to Call-In).

- 6.3 Cabinet Members will normally be expected to attend any meeting of the Scrutiny Call-In Sub-Committee at which it is intended to consider a Call-In request in relation to his/her area of responsibility.
- 6.4 At Call-In meetings, the purpose of the Cabinet Member's attendance is to answer questions of fact and not to present the item. Cabinet Members need to be careful not to be drawn into the debate, so as to avoid any possible allegations of becoming involved in the scrutiny of their own decisions which may bring them into conflict with the Code of Conduct. It is therefore important to draw the distinction between answering questions of fact and becoming involved in the Committee debate into the issue in question.
- 6.5 Unless there are extenuating circumstances, the decision maker (or the relevant Cabinet Member if the decision maker is the Executive) should always attend a Call-In meeting. It is accepted however that Officers are often better placed to present greater detailed information that led up to the decision and this is deemed to be acceptable although it should always be the decision maker that is held to account.
- 6.6 The following procedure should take place at Call-In meetings:
1. The Member who called in the decision should speak first.
 2. The Chairman would then invite the Cabinet Member (decision maker) to respond.
 3. The Committee can then ask questions of the decision maker who may ask a relevant officer to supply further information if necessary.
 4. The Committee debates the issue and votes on the outcome.
- 6.7 In the event of a situation where the decision maker cannot attend a Call-In meeting, the Leader of the Council or Deputy Leader should attend in their absence. In the event of both the Leader and Deputy Leader being unavailable, they should nominate another Cabinet Member to attend and be accountable for the decision.

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