

CALL-IN SUB-COMMITTEE MINUTES

1 OCTOBER 2012

Chairman: * Councillor Jerry Miles

Councillors: * Sue Anderson * Ajay Maru (2)
* Susan Hall * Paul Osborn

In attendance: Graham Henson Minute 26
(Councillors)

* Denotes Member present
(2) Denotes category of Reserve Member

19. Attendance by Reserve Members

RESOLVED: To note the attendance of the following duly constituted Reserve Members:

Ordinary Member

Reserve Member

Councillor Ann Gate

Councillor Ajay Maru

20. Declarations of Interest

RESOLVED: That the following interests were declared:

Item 7 – Call-In of Cabinet decision (13 September 2012)
Public Realm Integrated Services Model: Business Case

Councillor Susan Anderson declared a non-pecuniary interest in that she was a member of Unison, although not of the branch involved in the call-in. She would remain in the room while the matter was considered and voted upon.

Councillor Miles declared a non-pecuniary interest in that he was a Unison convenor in the Ealing branch, by virtue of his work with a charity organisation. He would remain in the room while the matter was considered and voted upon.

RESOLVED ITEMS

21. Appointment of Vice-Chairman

RESOLVED: To appoint Councillor Paul Osborn as Vice-Chairman of the Call-In Sub-Committee for the 2012/2013 Municipal Year.

22. Minutes

RESOLVED: That the minutes of the meeting held on 28 February 2012 be taken as read and signed as a correct record.

23. Terms of Reference of the Call-In Sub-Committee

RESOLVED: That the terms of reference of the Call-In Sub-Committee be noted.

24. Protocol for the Operation of the Call-In Sub-Committee

The Chair drew attention to the document 'Protocol for the Operation of the Call-In Sub-Committee and outlined the procedure to be followed at the meeting. He explained that, in accordance with Committee Procedure Rule 46.5, a notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:-

- (a) inadequate consultation with stakeholders prior to the decision;
- (b) the absence of adequate evidence on which to base a decision;
- (c) the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
- (d) the action is not proportionate to the desired outcome;
- (e) a potential human rights challenge;
- (f) insufficient consideration of legal and financial advice.

He informed the Sub-Committee that the grounds (a), (b) and (f) had been cited and had been deemed to be valid for the purposes of Call-In.

RESOLVED: That the Call-In would be determined on the basis of the following grounds:

- (a) inadequate consultation with stakeholders prior to the decision;

- (b) the absence of adequate evidence on which to base a decision;
- (f) insufficient consideration of legal and financial advice.

25. Exclusion of the Press and Public

Following advice from an officer in relation to Members' view that the meeting should be conducted in private, as some Members would be making reference to confidential information in presenting and discussing the case for call-in, and upon comments from other officers it was

RESOLVED: That in accordance with Part I of Schedule 12A to the Local Government Act 1972, the press and public, except for representatives from Unison, be excluded from the meeting for the following item for the reasons set out below:

<u>Item</u>	<u>Title</u>	<u>Reason</u>
7.	Call-In of Cabinet Decision (13 September 2012) – Public Realm Integrated Services Model: Business Case	Appendix 2 of the report contains information under paragraph 3 (contains information relating to the financial or business affairs of any particular person (including the authority holding that information)).

26. Call-In of Cabinet Decision (13 September 2012) - Public Realm Integrated Services Model: Business Case

The Sub-Committee received papers in respect of 2 Call-In notices, the first served by nine Members of the Council, the second served by over 150 members of the public.

The Chairman invited the Member representative of the Councillor signatories and the Unison representative of the public signatories to present their reasons for call-in to the committee.

Each representative outlined their case for call-in; Members considered the points made and the responses provided.

(The Sub-Committee then adjourned from 9.25 pm – 9.55 pm to receive legal advice).

Having re-convened, the Chair announced the decision of the Sub-Committee, and it was

RESOLVED: (unanimously) That

- (1) the call-in on ground (a) – inadequate consultation with stakeholders prior to the decision – not be upheld, as the Sub-Committee did not consider it had been wholly inadequate; however, the Committee stated that it would, in future, look unfavourably on items for decision

which might reasonably have been included on the Key Decision Schedule, but which had been omitted;

- (2) the call-in on ground (b) – the absence of adequate evidence on which to base a decision – not be upheld due to insufficient grounds;
- (3) the call-in on ground (f) – insufficient consideration of legal and financial advice – be upheld, as there was no evidence of legal advice having been provided or considered in the body of the Part 1 report;
- (4) that Cabinet give consideration to the inclusion of a paragraph on 'Legal Implications' in the Cabinet report template.

27. Termination of Meeting

In accordance with the provisions of Committee Procedure Rule 14 (Part 4B of the Constitution) it was

RESOLVED: At 9.25pm to continue until 10.30pm.

(Note: The meeting, having commenced at 7.46 pm, closed at 10.07 pm).

(Signed) COUNCILLOR JERRY MILES
Chairman