

CALL-IN SUB-COMMITTEE MINUTES

2 OCTOBER 2014

Chairman: * Councillor Jerry Miles

Councillors: * Richard Almond * Barry Kendler
* Jeff Anderson * Paul Osborn

In attendance:	Keith Ferry	Minute 6
(Councillors)	Barry Macleod-Cullinane	Minute 6
	Chris Mote	Minute 6
	Janet Mote	Minute 6
	Kanti Rabadia	Minute 6

* Denotes Member present

1. Attendance by Reserve Members

RESOLVED: To note that there were no Reserve Members in attendance.

2. Declarations of Interest

A Member of the Sub-Committee asked officers to look into the call-in procedure where a Member of the Sub-Committee had a spouse who was a Member of Cabinet. The Member asked that a report be prepared for a future meeting of the Constitution Review Working Group.

RESOLVED: To note that the following interests were declared:

Agenda Item 6 – Call-in of the Cabinet Decision (18 September 2014) – Outcome of Consultation on Options for the Council’s Senior Management Arrangements

Councillor Jeff Anderson declared a non-pecuniary interest in that his wife was a Member of Cabinet which had made the decision which had been called-in. He would remain in the room whilst the matter was considered and voted upon.

Councillor Barry Macleod-Cullinane declared a non-pecuniary interest in that he was a Member of the Cabinet which had previously decided to delete the position of Chief Executive. He was also a Member of the Chief Officers' Employment Panel and a previous employee of the Council. He would remain in the room whilst the matter was considered and voted upon.

Councillor Paul Osborn declared a non-pecuniary interest in that he was a Member of the Cabinet which had previously decided to delete the position of Chief Executive and he was also a Member of the Chief Officers' Employment Panel. He would remain in the room whilst the matter was considered and voted upon.

Councillor Chris Mote declared a non-pecuniary interest in that he was a Member of the Cabinet which had previously decided to delete the position of Chief Executive. He would remain in the room whilst the matter was considered and voted upon.

Councillor Janet Mote declared a non-pecuniary interest in that she was a Member of the Cabinet which had previously decided to delete the position of Chief Executive. She would remain in the room whilst the matter was considered and voted upon.

3. Appointment of Vice Chairman

RESOLVED: That Councillor Paul Osborn be appointed as Vice-Chairman of the Sub-Committee for the remainder of the Municipal Year 2014-15.

4. Minutes

RESOLVED: That the minutes of the meeting held on 25 February 2014 be taken as read and signed as a correct record.

RESOLVED ITEMS

5. 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'. He outlined the procedure to be followed at the meeting, and the options open to the Sub-Committee at the conclusion of the process.

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), (c) and (f) had been cited on the Call In notice, and all grounds 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;
- (c) whether the decision was contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
- (d) insufficient consideration of legal and financial advice.

6. Call-In of the Cabinet Decision (18 September 2014) - Outcome of Consultation on options for the Council's Senior Management Arrangements

The Sub-Committee received the papers in respect of the call-in notice submitted by 10 Members of Council in relation to the decision made by Cabinet on Outcome of Consultation on Options for the Council's Senior Management Arrangements.

The Chair advised the Sub-Committee on the suggested order of proceedings and reminded Members of the timings allowed for submissions and questions.

A Member of the Sub-Committee expressed concern that a meeting of the Chief Officers Employment Panel had taken place before the Sub-Committee had met. He commented that the meeting of the Chief Officers' Employment Panel should have been put on hold until this meeting of the Sub-Committee had taken place.

The Chair invited the lead representative of the signatories, Councillor Barry Macleod-Cullinane, to present the reasons for the call-in of the decision to the Sub-Committee.

He stated that:

- the Council had to make a significant financial savings in the next couple of years. By re-establishing the role of the Chief Executive this would add to the savings required;
- there had been an inadequate amount of consultation and this had only involved members of staff. There had been no widening of the consultation to involve residents. Additionally the time period over which the consultation had taken place was too short;
- in a poll conducted by a local newspaper, 66% of residents had indicated that the role of the Chief Executive should remain deleted;
- there had been no engagement with the Overview and Scrutiny Process on the new proposals;
- there was no independent evidence obtained to support the new proposals. The only source of independent evidence from the Council's auditors had not highlighted any issues with the Chief Executive role having been deleted;
- there was no specific evidence contained in the report to Cabinet which supported its decision;
- the Council had passed its Revenue Budget for the financial year. This had included financial savings of up to £1.5 million as a result of the deletion of the role of the Chief Executive. By re-instating the position this would be contrary to the Budget Framework;
- re-establishing the role of the Chief Executive was contrary to the Council's adopted Pay Policy Statement;
- the Corporate Plan also referred to the Council achieving Value for Money. Re-introducing the role of the Chief Executive would be contrary to this principle.

The Deputy Leader, on behalf of the Leader of the Council, responded by stating the following points:

- officers of the Council were entitled to commence making preparations for the decision made by Cabinet even if it had been called-in;
- there was no legal requirement for Cabinet to consult when it had considered the proposals which were subsequently agreed. However an extensive consultation had taken place with all members of staff;
- the consultation with the staff had indicated a preference to re-instate the position of the Chief Executive;

- the role of the Chief Executive had been deleted on 22 February 2014 and the Financial Year ended on 31 March 2014. This had meant that the Council's auditors did not have a sufficient period of time to determine whether the deletion of the role of the Chief Executive had significantly impacted upon the Council.

In response to questions raised by the Lead Signatory and Members of the Sub-Committee, the Deputy Leader made the following points:

- the consultation with staff had been based on questions which the administration considered were relevant and appropriate;
- it was not considered that a Portfolio Holder Decision was required to initiate the consultation with staff. The proposal to re-instate the position of the Chief Executive was a manifesto commitment of the current administration;
- the results of a local newspaper survey, on whether the post of Chief Executive should be re-instated or not, would not be able to be verified and so should not be relied upon;
- a Chief Executive for the Council was required to oversee major strategic projects including regenerations which would take place in Harrow;
- it was not considered that information obtained in relation to the experiences of other Councils and the Chief Executive role should be contained in the background papers as this was factual information which was available publicly;
- it was appropriate to consult on the new proposals with staff only and not residents. Residents were ultimately interested in how efficient the Council was and its performance in the services which it provided;
- if a Chief Executive was appointed, it was not expected that a person would be in the post until February 2015 at the earliest. There would therefore only be a small financial impact on the current financial year;
- there was no distinction made in the consultation with staff on whether they lived in the borough or not. It was believed that all members of staff were concerned about the Council.

In response to questions from Members of the Sub-Committee, the Lead Signatory responded as follows:

- there had been no attempt made to consult with residents on the proposals despite the administration stating that engagement with residents was important for them;
- the decision had been arrived without reference to a good evidence base.

(The Sub-Committee then adjourned from 7.12 pm until 7.29 pm for its deliberations.)

RESOLVED: That the challenge to the decision should be taken no further and the decision be implemented.

(Note: The meeting, having commenced at 5.30 pm, closed at 7.31 pm).

(Signed) COUNCILLOR JERRY MILES
Chairman