

# REPORT FOR: **CABINET**

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<b>Date of Meeting:</b>	11 October 2012
<b>Subject:</b>	Public Realm Integrated Services Model: Business Case – Referral by Call-In Sub-Committee
<b>Key Decision:</b>	Yes (this is a reconsideration of the Key Decision made by Cabinet on 13 September 2012)
<b>Responsible Officer:</b>	Hugh Peart, Director of Legal and Governance Services
<b>Portfolio Holder:</b>	Councillor Phillip O'Dell, Portfolio Holder for Environment and Community Safety
<b>Exempt:</b>	No except for appendix 7, by virtue of paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972 in that it contains information relating to the financial and business affairs of the authority holding that information.
<b>Decision subject to Call-in:</b>	No [if original decision is confirmed unchanged]

## **Enclosures:**

- Appendix 1 – Call-In Notice by Members
- Appendix 2 – Call-In Notice by Members of the Public
- Appendix 3 – Reference from the Call-In Sub Committee
- Appendix 4 – Extract of Cabinet Minutes - 13 September 2012
- Appendix 5 – Cabinet Report on the Public Realm Integrated Services Model: Business Case
- Appendix 6 - EqIA
- Appendix 7 (Part II – Exempt) – *Due to its size, appendix 7, has been circulated to Cabinet Members, the Leader and Deputy Leader of the Conservative Group, the Chairman and Vice-Chairman of O&S Committee and key officer(s) only. A hard copy has been placed in the Members' Library and Group Offices.*
- Appendix 8 – Legal Implications

## **Section 1 – Summary and Recommendations**

This report sets out the decision of the Call-In Sub-Committee held on 1 October 2012 following the receipt and consideration of a Call-In notice in relation to Cabinet's decision of 13 September on the Public Realm Integrated Services Model: Business Case.

### **Recommendations: That**

- (1) in accordance with Committee Procedure Rule 46.8.3, the decision of the Cabinet meeting held on 13 September 2012, as set out in Appendix 3, in relation to the Public Realm Integrated Services Strategy: Business Case be reconsidered as a result of the decision of the Call-In Sub-Committee;**
- (2) having considered the legal implications set out at Appendix 8, the original Cabinet decision of 13 September 2012 be confirmed or amended in light of the Call-In Sub-Committee's comments.**

**Reason (For Recommendation):** In accordance with Committee Procedure Rule 46.8.3, Cabinet must reconsider its decision within 10 clear working days of a referral by the Call-In Sub-Committee.

## **Section 2 – Report**

On 13 September 2012, Cabinet agreed the implementation of the Public Realm Integrated Services Model: Business Case and gave delegated authority to the Corporate Director of Environment and Enterprise, in liaison

with the Portfolio Holder for Environment and Community Safety, to take the necessary actions for implementation of the project.

On 19 and 20 September 2012, 9 Members called in the Cabinet decision on the grounds of inadequate consideration of legal advice and inadequate consultation with stakeholders. The Call-In notice is attached at Appendix 1. On 21 September 2012, a Call-In Notice signed by over 150 members of the public was received, citing all 5 grounds for Call-In, as set out in the Council's constitution. The following 3 grounds were deemed to be valid: inadequate consultation with stakeholders prior to the decision; the absence of adequate evidence on which to base a decision; insufficient consideration of legal and financial advice. A meeting of the Call-In Sub-Committee was held on 1 October to consider both Call-In notices. The subsequent reference arising from the Sub-Committee meeting is attached at Appendix 3 for Cabinet Members' consideration.

The Sub-Committee agreed, unanimously, that the call-in on ground (a) – inadequate consultation with stakeholders prior to the decision – should not be upheld, as the Committee did not consider it had been wholly inadequate; however, the Sub-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.

The Sub-Committee agreed, unanimously, that the call-in on ground (b) – the absence of adequate evidence on which to base a decision – should not be upheld due to insufficient grounds.

The Sub-Committee agreed, unanimously, the call-in on ground (f) – insufficient consideration of legal advice – should be upheld, as there was no evidence of legal advice having been provided or considered in the body of the Part 1 report. The Sub-Committee also requested that Cabinet give consideration to the inclusion of a paragraph on 'Legal Implications' in the Cabinet report template.

In accordance with Committee Procedure Rule 46.8.3, Cabinet must reconsider its original decision within 10 clear working days of a referral by the Call-In Sub-Committee. Cabinet is requested to either confirm or amend its decision of 13 September in relation to this matter.

## **Options considered**

Cabinet is requested to either confirm or amend their decision of 13 September 2012 having considered the referral by the Call-In Sub-Committee.

## **Financial Implications**

As set out in the Cabinet report of 13 September 2012.

## **Performance Issues**

As set out in the Cabinet report of 13 September 2012.

## Environmental Impact

As set out in the Cabinet report of 13 September 2012.

## Risk Management Implications

As set out in the Cabinet report of 13 September 2012.

## Legal Implications

Please see Appendix 8.

## Equalities implications

As set out in the Cabinet report of 13 September 2012.

## Corporate Priorities

As set out in the Cabinet report of 13 September 2012.

## Section 3 - Statutory Officer Clearance

Name: Julie Alderson	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 5 October 2012		
Name: Hugh Peart	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 8 October 2012		

## Section 4 – Performance Officer Clearance

Name: Alex Dewsnap	<input checked="" type="checkbox"/>	Divisional Director Strategic Commissioning
Date: 4 October 2012		

## Section 5 – Environmental Impact Officer Clearance

Name:	Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the Divisional Director (Environmental Services)
Date:	4 October 2012		

## Section 6 - Contact Details and Background Papers

Contact:  
Una Sullivan  
Democratic and Electoral Services Officer  
Tel: 020 424 2785  
Email: una.sullivan@harrow.gov.uk

### Background Papers:

Minutes of the Call-In Sub-Committee – 1 October

<b>Call-In Waived by the Chairman of Overview and Scrutiny Committee</b>	Not Applicable  [If original decision of 13 September 2012 is confirmed unchanged, call-in will not apply.  However, if original decision is amended call-in will apply.]
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