

Meeting:	Council
Date:	12 May 2005
Subject:	Operation and Provisions for Call in and Urgency
Responsible Officer:	Chief Executive
Contact Officer:	Alison Brooker, Cabinet Co-ordinator tel:020 8424 1266
Portfolio Holder:	Strategic Overview and External Affairs
Key Decision:	No
Status:	Public

Section 1: Summary

Decision Required

That the operation of the call-in and urgency procedures be noted.

Reason for report

In accordance with paragraph 23.7 of the Overview and Scrutiny Procedure Rules, Members are required to consider the operation of the provisions for call-in and urgency on an annual basis.

Benefits

None in the context of this report.

Cost of Proposals

None in the context of this report.

Risks

None in the context of this report.

Implications if recommendations rejected

The Council would not be adhering to the Rules set out in the Constitution.

Section 2: Report

2.1 Brief History

- 2.1.1 Paragraph 23.7 of the Council's Overview and Scrutiny Procedure Rules states that the operation of the provisions for call-in and urgency shall be monitored annually and a report submitted by the Head of Paid Service to Council with proposals for review if necessary.
- 2.1.2 Call-in is the process whereby a decision of the Executive, Portfolio Holder or officer (when taking a key decision) taken but not implemented may be examined by the Overview and Scrutiny Committee prior to implementation. They may recommend that the Executive re-consider the decision.
- 2.1.3 Any six Members of the Council and/or the voting co-opted members on the Lifelong Learning Scrutiny sub-committee may invoke call-in. Decisions of the Executive shall not be implemented for 5 clear working days following the publication of the decision and a decision can only be called in during this period. This does not, however, apply to urgent decisions. 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 interest. The Chair of the Overview and Scrutiny Committee must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.

Urgency

- 2.1.4 The Council Constitution has been in operation since May 2002. During the municipal year 2004-5, there were 19 urgent individual Portfolio Holder decisions and 67 non-urgent Portfolio Holder decisions as at 12 April 2005. The relevant Head of Service is required to confirm urgency in each case.
- 2.1.5 During the municipal year 2004/5, the urgency process has been used on 5 occasions in relation to decisions of Cabinet, the details of which are set out below:-

	<u>Subject</u>	<u>Reason for Urgency</u>
24 June 2004	Best Value Performance Plan 2004/5	The statutory deadline for the publication of the Plan was 30 June 2004.
16 December 2004	Proposed Schools Budget	The Council was required

	2005/6		to notify the Secretary of State for Education of the Proposed Schools Budget by 31 December 2004.
13 January 2005	Funding Organisations for 2005/6	Voluntary	The deadline to advise the ALG of the Council's formal acceptance was 21 January 2005.
14 April 2005	Determination of Admission Arrangements for the 2006/7 academic year		The deadline for Admission Authorities to determine admission arrangements was 15 April 2005.
14 April 2005	Grant of right of way for New Pinn Medical Centre		An urgent decision was required to enable a letter of intent to the partners of the medical practice to secure the PCT funding for the development, which otherwise have been lost.

The urgency process has not been used in relation to officer decisions.

2.1.6 In accordance with paragraph 23.6 of the Overview and Scrutiny Procedure Rules decisions taken as a matter of urgency have been reported the next available Council meeting following taking of the decision. The reports to Council have set out the reason for urgency in each case.

Use of Call in procedure

2.1.7 The Call in Sub-Committee met on 3 occasions during the municipal year 2004/5 and considered the following matters:-

<u>Decision maker</u>	<u>Subject</u>	<u>Date of Call – in Sub</u>
Environment and Transport Portfolio Holder	Cedars School/ Whittlesea Road 20mph zone (PHD 006/04)	30 June 2004
Environment and Transport Portfolio Holder	Proposed Pelican Crossing in Station Road South of its Junction with Gayton Road, Harrow	3 November 2004
Environment and Transport Portfolio Holder	Stanmore CPZ – Consultation results	11 January 2005
Environment and Transport Portfolio Holder	Petts Hill Bridge – Scheme design and Consultation Results	11 January 2005

The Call in Sub-Committee rejected the grounds for Call in and the decision was implemented in each of the above cases with the exception of the call-in in relation of

paragraph (5) Stanmore CPZ – Consultation results, which was upheld on the grounds of inadequate consultation with stakeholders prior to the decision. This part of the decision was referred back to the Portfolio Holder for re-consideration.

2.1.8 There are currently no proposals to amend the call in procedure and no options are put forward for change.

2.2 Consultation

None

2.3 Financial Implications

None

2.4 Legal Implications

None

2.5 Equalities Impact

None

Section 3: Supporting Information/Background Documents

Background Papers

Council Constitution

Any person wishing to inspect the background papers should telephone 0208 424 1266

Background Information

Council – 28 February 2002 – approval of Council Constitution

Council – reports on use of urgency - 22 January 2004, 26 February 2004 and 29 April 2004

Council – reports on use of special urgency procedure – 23 October 2003 and 29 April 2004
urgency

Council – 23 October 2003 – operation and provisions for call in and special urgency

Council – 21 October 2004– operation and provisions for call in and special urgency