

REPORT FOR: **CABINET**

Date of Meeting:	9 May 2013
Subject:	Special Needs Transport Change Programme 3 (SNT3) – Referral by Call-In Sub-Committee
Key Decision:	Yes (this is a reconsideration of the Key Decision made by Cabinet on 11 April 2013)
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services
Portfolio Holder:	Councillor Mitzi Green, Portfolio Holder for Children, Schools and Families Councillor Thaya Idaikkadar, Leader of the Council and Portfolio Holder for Property and Major Contracts Councillor Margaret Davine, Portfolio Holder for Adult Social Care, Health and Wellbeing
Exempt:	No
Decision subject to Call-in:	No/Yes (please see end of report)
Enclosures:	Appendix 1 – Call-In Notice by Members of the Public Appendix 2 – Minutes of the Call-In Sub Committee – 29 April 2013 Appendix 3 – Extract of Cabinet Minutes - 11 April 2013 Appendix 4 – Cabinet Report on the Special Needs Transport Change Programme 3 (SNT3) + EqlAs Appendix 5 – Submission from Corporate Director of Children and Families

Section 1 – Summary and Recommendations

This report sets out the decision of the Call-In Sub-Committee held on 29 April 2013 following the receipt and consideration of a Call-In notice in relation to Cabinet's decision of 11 April 2013 on the Special Needs Transport Change Programme 3 (SNT 3).

Recommendations: That

- (1) in accordance with Committee Procedure Rule 46.8.3, the decision of Cabinet on 11 April 2013, as set out in Appendix 3, in relation to the Special Needs Transport Change Programme 3 be re-considered as result of the decision of the Call-In Sub-Committee;**
- (2) the original Cabinet decision of 11 April 2013 be confirmed or amended in light of the Call-In Sub-Committee's comments and having considered the submission and additional recommendation proposed by the Corporate Director of Children and Families at appendix 5.**
- (3) Cabinet be asked to consider requesting a report that outlines the process of drawing up and approving Equality Impact Assessments (EqIAs) for Cabinet level decisions.**

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 11 April 2013, Cabinet agreed that the progress on the SNT3 programme be noted, that a further progress report with a final draft policy be received for approval in Autumn 2013 and gave delegated authority for the Corporate Director Children and Families, in consultation with the Portfolio Holders for Children, Schools and Families, Property and Major Contracts, and Adult Social Care, Health and Wellbeing, to procure, select and award contracts to the preferred transport services suppliers on such terms as agreed, acting in the best interests of the Council and in doing so promoting local social enterprises and private organisations and to consult on a new transport eligibility policy. The report considered by Cabinet is attached at Appendix 4.

On 19 April 2013, a Call-In Notice signed by over 150 members of the public was received citing the grounds of inadequate consultation with stakeholders prior to the decision, the absence of adequate evidence on which to base the decision and insufficient consideration of legal and financial advice. The Call-In Notice is attached at Appendix 1. Having been validated, a meeting of the Call-In Sub-Committee was held on 29 April 2013 to consider the Call-In notice. The subsequent reference arising from the Sub-Committee meeting is attached at Appendix 2 for Cabinet Members consideration.

The Sub-Committee agreed, unanimously, that the call-in on ground (a) – inadequate consultation with stakeholders prior to the decision - be upheld and referred back to Cabinet for re-consideration. The Members felt that the consultation was limited and the trades' unions had not been engaged properly. The Sub-Committee requested that the previously agreed cross party practice of early trade union engagement was followed. The Sub-Committee also expressed the view that it was best practice to engage with service users where there was a major change to the way a service was delivered.

The Sub-Committee agreed, by majority, that the call-in on the grounds of the absence of adequate evidence on which to base a decision not be upheld due to insufficient grounds. The Sub-Committee unanimously agreed Cabinet be asked to consider requesting a report that outlined the process of drawing up and approving Equality Impact Assessments (EqIAs) for Cabinet level decisions.

The Sub-Committee agreed, unanimously, that the call-in on the grounds of insufficient consideration of legal and financial advice not be upheld due to insufficient grounds.

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 are requested to either confirm or amend their decision of 9 February in relation to this matter.

Options considered

Cabinet are requested to either confirm or amend their decision 11 April 2013 having considered the referral by the Call-In Sub-Committee.

Legal Implications

As set out in the Cabinet report of 11 April 2013

Financial Implications

As set out in the Cabinet report of 11 April 2013

Performance Issues

As set out in the Cabinet report of 11 April 2013

Environmental Impact

As set out in the Cabinet report of 11 April 2013

Risk Management Implications

As set out in the Cabinet report of 11 April 2013

Equalities implications

As set out in the Cabinet report of 11 April 2013

Corporate Priorities

As set out in the Cabinet report of 11 April 2013

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 1 May 2013		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 1 May 2013		

Section 4 – Performance Officer Clearance

Name: Alex Dewsnap	<input checked="" type="checkbox"/>	Divisional Director Strategic Commissioning
Date: 2 May 2013		

Section 5 – Environmental Impact Officer Clearance

Name: John Edwards



Divisional Director
(Environmental
Services)

Date: 2 May 2013

Section 6 - Contact Details and Background Papers

Contact:

Nicola Fletcher
Democratic and Electoral Services Officer
Tel: 020 8416 8050
Email: nicola.fletcher@harrow.gov.uk

Background Papers:

Minutes of the Call-In Sub-Committee – 29 April 2013

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

**Call-in does not apply if
original decision of
Cabinet on 11 April is
confirmed unchanged.**

**However, if original
decision is amended
Call-in will apply.**