

# REPORT FOR: **CABINET**

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| <b>Date of Meeting:</b>             | 28 May 2013  |
| <b>Subject:</b>                     | Special Needs Transport Change Programme 3 (SNT3) – Referral by Call-In Sub-Committee  |
| <b>Key Decision:</b>                | Yes (this is a reconsideration of the Key Decision made by Cabinet on 11 April 2013)   |
| <b>Responsible Officer:</b>         | Hugh Peart, Director of Legal and Governance Services  |
| <b>Portfolio Holder:</b>            | Councillor Zarina Khalid, Portfolio Holder for Children, Schools and Families<br><br>Councillor Thaya Idaikkadar, Leader of the Council and Portfolio Holder for Property and Major Contracts<br><br>Councillor Krishna James, Portfolio Holder for Adult Social Care, Health and Wellbeing  |
| <b>Exempt:</b>                      | No   |
| <b>Decision subject to Call-in:</b> | No/Yes (please see end of report)  |
| <b>Enclosures:</b>                  | Appendix 1 – Call-In Notice by Members of the Public<br>Appendix 2 – Minutes of the Call-In Sub Committee – 29 April 2013<br>Appendix 3 – Extract of Cabinet Minutes - 11 April 2013<br>Appendix 4 – Cabinet Report on the Special Needs Transport Change Programme 3 (SNT3) + EqIAs<br>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<br>Chief Financial Officer |
| Date: 1 May 2013   |                                     |   |
| Name: Sarah Wilson | <input checked="" type="checkbox"/> | on behalf of the<br>Monitoring Officer      |
| Date: 1 May 2013   |                                     |   |

## **Section 4 – Performance Officer Clearance**

|                    |                                     |   |
|--------------------|-------------------------------------|---|
| Name: Alex Dewsnap | <input checked="" type="checkbox"/> | Divisional Director<br>Strategic<br>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.**