

REPORT FOR: CABINET

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| Date of Meeting: | 15 February 2018 |
| Subject: | Call-in of part of the Cabinet Decision of 18 January 2018 concerning the Library Management Contract Extension |
| Key Decision: | Yes (this is a re-consideration of the Key decision made by Cabinet on 18 January 2018) |
| Responsible Officer: | Hugh Peart, Director of Legal and Governance Services |
| Portfolio Holders: | Councillor Sue Anderson, Portfolio Holder for Community, Culture and Resident Engagement & Councillor Adam Swersky, Portfolio Holder for Finance & Commercialisation |
| Exempt: | No |
| Decision subject to Call-in: | No/Yes (please see end of report) |
| Wards affected: | All |
| Enclosures: | Appendices 1 A & 1B: Call-In Notice signed by 6 Members of Council Appendix 2: Minutes of the Call-In Sub Committee Meeting of 5 February 2018 Appendix 3: Minute Extract of the Cabinet Meeting of 18 January 2018 Appendix 4 A: Cabinet Report of 18 January 2018 (Library Management Contract Extension) Appendix 4 B – Tabled Addendum |

Section 1 – Summary and Recommendations

This report sets out the decision of the Call-In Sub-Committee meeting held on 5 February 2018 following receipt and consideration of a Call-In notice in relation to resolutions (b) and (d) the Cabinet decision of 18 January 2018 relating to the Library Management Contract Extension.

Resolved to RECOMMEND: (To Cabinet) That

in accordance with Committee Procedure Rule 45.8.3 and 45.9, resolutions (b) and (d) of the decision of Cabinet on 18 January 2018, as set out in Appendix 3, in relation to Library Management Contract Extension be re-considered for confirmation or amendment in light of the decision and comments of the Call-In Sub-Committee.

Reason (For recommendation): In accordance with Committee Procedure Rule 45.8.3 and 45.9, Cabinet must reconsider its decision within 10 clear working days of a referral by the Call-In Sub-Committee.

Section 2 – Report

Introductory paragraph

On 18 January 2018, Cabinet considered a report in relation to the Library Management Contract Extension. Cabinet considered and agreed a set of revised recommendations contained in a tabled addendum, as follows:

‘That the Corporate Director of Community, following consultation with the Portfolio Holders for Community, Culture and Resident Engagement and Finance and Commercialisation, and the Director of Finance, be delegated authority to take all necessary steps to manage the liquidation process and, in particular, authority to:

- a) consider bringing the Library Services in house or to provide the Library Services through other service delivery models;
- b) novate the existing contract to a suitable alternative service provider;
- c) vary or terminate the existing contract as necessary;
- d) conduct a procurement process and award a new contract to a suitable alternative service provider;
- e) enter into any necessary negotiations and agreements to give effect to a)–d) above and the liquidation process.’

The Cabinet report and minutes are attached at Appendices 3 & 4.

On 25 January 2018, a Call-In Notice (Appendix 1) signed by 6 Conservative Members of Council was received calling in resolutions (b) and (d) citing the following constitutional grounds:

- (a) inadequate consultation with stakeholders prior to the decision;
- (b) the absence of adequate evidence on which to base the decision;
- (d) the action is not proportionate to the desired outcome; and
- (f) insufficient consideration of legal and financial advice.

Grounds (a), (b), (d) and (f) were validated by the Monitoring Officer and a meeting of the Call-In Sub-Committee was convened on 5 February 2018 to consider the Call-In notice. The subsequent reference arising from the Sub-Committee meeting is attached at Appendix 2.

Noting the Portfolio Holders' comments that they were also content for the relevant recommendations to be reconsidered by Cabinet, the Sub-Committee agreed that the call-in be upheld on all the grounds cited for the reasons set out below:

- (1) the call-in on ground (a) – inadequate consultation with stakeholders prior to the decision – be upheld as:
 - the Committee wondered why the Tabled Document had not been circulated earlier in the meeting. In view of the special circumstances, the Cabinet meeting of 18 January 2018 could have been postponed by 30 minutes to allow time for members to more fully consider the tabled document in advance of consideration of the item;
- (2) the following grounds for call-in:
 - (i) ground (b) – the absence of adequate evidence on which to base a decision;
 - (ii) ground (d) – the action was not proportionate to the desired outcome;
 - (iii) ground (f) – insufficient consideration of legal and financial advice;

all be upheld for the following reasons:

- the revised recommendation went beyond what had been intended by the Portfolio Holder for Finance & Commercialisation and the Portfolio Holder for Community, Culture and Resident Engagement. The Call-In Sub-Committee recommends that in the future any delegation of authority from Cabinet to officers should be qualified where necessary to reflect Cabinet's intentions accurately.

In accordance with Committee Procedure Rule 45.8.3 and 45.9, 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 the decision of 18 January 2018 in relation to the Library Management Contract having considered the referral by the Call-In Sub-Committee.

Legal Implications

N/A

Financial Implications

N/A

Equalities implications / Public Sector Equality Duty

N/A

Section 3 - Statutory Officer Clearance

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| Name: Dawn Calvert | <input checked="" type="checkbox"/> | Chief Financial Officer |
| Date: 8 February 2018 | | |
| Name: Matthew Adams | <input checked="" type="checkbox"/> | on behalf of the Monitoring Officer |
| Date: 7 February 2018 | | |

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| Ward Councillors notified: | N/A |
| EqIA carried out: | N/A |

Section 4 - Contact Details and Background Papers

Contact: Manize Talukdar, Democratic & Electoral Services Officer, Tel: 020 8424 1323
Email: manize.talukdar@harrow.gov.uk

Background Papers:

None.

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

NOT APPLICABLE

Call-in does not apply if the original decision of Cabinet on 18 January 2018 is confirmed unchanged or Cabinet decides not to reconfirm the original recommendation (b) and (d).

However, if the original decision is amended, call-in will apply.