

LONDON BOROUGH OF HARROW

Meeting:	Council
Date:	23 October 2003
Subject:	Operation and Provisions for Call in and Urgency
Key decision:	No
Responsible Chief Officer:	Chief Executive
Relevant Portfolio Holder:	Strategy and External Affairs
Status:	Part 1
Ward:	N/A
Enclosures:	None

1. Summary/ Reason for urgency (if applicable)

- 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. Recommendations (for decision by Council)

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

REASON: 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.

3. Consultation with Ward Councillors

- 3.1 N/A

4. Policy Context (including Relevant Previous Decisions)

- 4.1 Council – 28 February 2002 – approval of Council Constitution
- 4.2 Council – reports on use of urgency - 26 September 2002, 23 January 2003, 27 February 2003, 15 May 2003.

4.3 Call-in Sub-Committee - 11 July 2002, 5 November 2002, 5 February 2003

5. **Relevance to Corporate Priorities**

5.1 N/A

6. **Background Information and options considered**

6.1 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.

6.2 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.

6.3 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

6.4 The Council Constitution has been in operation since May 2002. During the municipal year 2002-3, there were 43 urgent individual Portfolio Holder decisions and 82 non-urgent Portfolio Holder decisions. Since the start of the current municipal year, there have been 10 urgent and 27 non-urgent Portfolio Holder decisions (including 1 urgent key decision taken by the Leader) taken to-date. The relevant Head of Service is required to confirm urgency in each case.

6.5 Since the implementation of the Constitution the urgency process has been used on one occasion in relation to decisions of Cabinet. This related to a report considered by Cabinet on 9 September 2003, the details of which are set out below:-

<u>Subject</u>	<u>Reason for Urgency</u>
Further Funding Bid and Implementation Plans for the collection of waste from 12,000 households	The deadline for the submission of the bid to the London Recycling Fund was 15 September 2003.

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

- 6.6 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

- 6.7 Since May 2002, seven decisions, of which one was a key decision, have been called in and referred to the Call-in Sub-Committee for consideration. Of these seven decisions, one was made by a Portfolio Holder and the other six by Cabinet. The Call-in Sub-Committee has met three times, the last meeting of the Sub-Committee considering five called-in decisions. Of the seven decisions called in, one was referred back to the Executive for reconsideration. The Sub-Committee rejected the grounds for four of the call-ins and agreed that the decisions could be implemented straight away. Two of the call-ins (one of which was the key decision) were withdrawn at the Sub-Committee meeting. In addition, two decisions (one Cabinet and one Portfolio Holder) were sought to be called in but were determined to be invalid by the Borough Solicitor.
- 6.8 There are currently no proposals to amend the call in procedure and no options are put forward for change.

7. **Consultation**

- 7.1 None

8. **Finance Observations**

- 8.1 None

9. **Legal Observations**

- 9.1 None.

10. **Conclusion**

- 10.1 There are currently no proposals to review the provisions for call-in and urgency and Members are requested to note this report.

11. **Background Papers**

- 11.1 Council Constitution

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

12. **Author**

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