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| Meeting: | Council |
| Date: | 12 July 2007 |
| Subject: | Operation and Provisions for Call-In and Urgency |
| Key Decision: (Executive-side only) | No |
| Responsible Officer: | Director of Legal and Governance Services |
| Portfolio Holder: | Strategic Overview, HSP, External Affairs and Property |
| Exempt: | No |
| Enclosures: | None |

SECTION 1 – SUMMARY AND RECOMMENDATIONS

RECOMMENDATION:

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

SECTION 2 - REPORT

2.1 Brief History/Options Considered

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 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 or, in relation to Executive decisions on education matters only, any six Members of the Council and the voting co-opted members of the Children and Young People Scrutiny Sub-Committee can call in a decision of the Executive which has been taken but not implemented. Additionally, since the February Council meeting, any Member of the Overview and Scrutiny Committee, or 150 members of the public who are registered on the electoral roll of the Borough, can also invoke call-in.
- 2.1.4 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 public interest. The Chairman 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

- 2.1.5 The Council Constitution has been in operation since May 2002. During the Municipal Year 2006/07, there were 17 urgent individual Portfolio Holder decisions and 63 non-urgent Portfolio Holder decisions. The relevant Head of Service is required to confirm urgency in each case.
- 2.1.6 During the Municipal Year 2006/07, the urgency process was used on ten occasions in relation to decisions of Cabinet, the details of which are set out below:

| <u>Date</u> | <u>Subject</u> | <u>Reason for Urgency</u> |
|---------------|---|---|
| 8 June 2006 | Corporate Plan 2006-09 | To meet the statutory deadline, 30 June 2006, for publication of the draft Plan. |
| 8 June 2006 | Draft London Plan Alterations – Housing Provision Targets – Examination in Public | In order that the Greater London Authority could be advised of the Cabinet decision by the 13 June 2006 deadline |
| 3 August 2006 | Kenton Learning Centre (Adult Learning Centre) | Demolition and asbestos removal had to be carried out during the 2006 summer holidays if the project timetable was to be achieved and the conditions of the Learning and Skills Council met |

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|------------------|---|--|
| 9 November 2006 | Appointments to Cabinet Advisory Panels and Membership of the Business Transformation Project Partnership Board | As the bodies were meeting soon thereafter and to clarify to Members that they were a member of the body with immediate effect |
| 14 December 2006 | Draft Further Alterations to the London Plan (Spatial Development Strategy for Greater London) | In order to adhere to the deadline for submissions to the Greater London Authority of 22 December 2006 |
| 18 January 2007 | Scrutiny Report on Children Looked After | To adhere to the deadline for the submission of the Council's response to the Green Paper of 15 January 2007 |
| 18 January 2007 | Appointments to Cabinet Advisory Panels | As the bodies were meeting soon thereafter and to clarify to Members that they were a member of the body with immediate effect |
| 15 February 2007 | Organisational Structure | The decisions needed to be implemented immediately otherwise there would have been a significant impact on the delivery of the Council's Medium Term Budget Strategy |
| 15 March 2007 | Consultation on Proposed Changes to Adult Community Care Services – Spring 2007 | To enable the 12 week formal consultation to commence by 26 March 2007 |
| 15 March 2007 | Local Development Scheme 2007 – Saved Policies | To meet the submission deadline to the Secretary of State of 1st April 2007 |

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

2.1.7 In accordance with paragraph 23.6 of the Overview and Scrutiny Procedure Rules decisions taken as a matter of urgency have been reported to 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

2.1.8 The Call-In Sub-Committee met on three occasions during the Municipal Year 2006/07 and considered the following matters:

| | <u>Decision maker</u> | <u>Subject</u> | <u>Date of Call-In Sub</u> |
|---|-----------------------|---|----------------------------|
| 1 | Cabinet | Financial Position – Item 17 – Focus Clothing Grants on Real Need | 3 August 2006 |
| 2 | Cabinet | Financial Position – Item 76 – Cease Music Teaching Subsidy | 3 August 2006 |
| 3 | Cabinet | Financial Position – Item 44 – Public Realm Maintenance – Parks Locking | 3 August 2006 |
| 4 | Cabinet | Financial Position – Item 27 – Reduce Subsidised Legal Support to Schools | 3 August 2006 |
| 5 | Cabinet | Financial Position – Item 67 – Close Harrow Teachers’ Centre Library | 3 August 2006 |
| 6 | Cabinet | Financial Position – Item 77 – Cancel Involvement in Community Sports Coaching Scheme | 3 August 2006 |
| 7 | Cabinet | Financial Position – Item 5 – Civic Centre Car Parking Subsidies | 3 August 2006 |
| 8 | Cabinet | Financial Position – Item 14 – Harrow Saves | 3 August 2006 |
| 9 | Cabinet | Financial Position – Item 35 – Peel | 3 August 2006 |

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|----|---|---|-----------------|
| | | House Car Park, Wealdstone – Reduce Opening Hours to 8.30pm | |
| 10 | Cabinet | Financial Position – Item 46 – Withdraw from Town Centre Management Initiative | 3 August 2006 |
| 11 | Cabinet | Financial Position – Item 47 – Stop Indemnity Insurance Cover Provided for Building Control Surveyors | 3 August 2006 |
| 12 | Cabinet | Financial Position – Item 47 – Reduce Agency Staff in Development Control and Reduce Contract and Permanent Staff within Conservation and Design | 3 August 2006 |
| 13 | Portfolio Holder for Property, Housing, Planning (Development) and Planning (Strategic) | Vaughan Centre | 17 October 2006 |
| 14 | Cabinet | Outcome of Statutory Consultations on Three Particular Community Care Services (Decision relating to Home Care Charges) | 8 January 2007 |
| 15 | Cabinet | Outcome of Statutory Consultations on Three Particular Community Care Services (Decision relating to the Proposed Reprovision of Services Currently at Wiseworks) | 8 January 2007 |

The Call-In Sub-Committee rejected the grounds for call-in and the decision was implemented in the cases above, with the exception of items 1, 2, 3, 6, 9 and 12, which were upheld on the grounds of inadequate consultation with stakeholders prior to the decision, and referred back to Cabinet for reconsideration; and item 15, which was upheld on the grounds of the absence of adequate evidence on which to base a decision, and the decision referred back to Cabinet for reconsideration.

- 2.1.9 Council amended paragraph 22.2 of the Overview and Scrutiny Procedure Rules on 22 February 2007 to enable individual members of the Overview and Scrutiny Committee, or 150 members of the public, to call-in a decision, and also added a new paragraph 22.3 limiting the number of decisions that may be subject to call-in in any one year to 10. It is now proposed to amend the call-in procedure further, and the proposals for change are outlined elsewhere on this Summons, in the report of the Constitution Review Working Group.

SECTION 3 - STATUTORY OFFICER CLEARANCE

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|-------|-----------------|-------------------------------------|-------------------------|
| Name: | Myfanwy Barrett | <input checked="" type="checkbox"/> | Chief Financial Officer |
| Date: | 26 April 2007 | | |
| Name: | Hugh Peart | <input checked="" type="checkbox"/> | Monitoring Officer |
| Date: | 4 July 2007 | | |

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact:

Kate Boulter, Senior Democratic Services Officer – 020 8424 1269

Background Papers:

Council – 28 February 2002 – approval of Council Constitution

Council – 13 July 2006 – operation and provisions for call-in and special urgency

Council – 19 October 2006 – operation and provisions for call-in and special urgency

Council – 22 February 2007 – operation and provisions for call-in and special urgency

IF APPROPRIATE, does the report include the following considerations?

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| 1. | Consultation | N/A |
| 2. | Corporate Priorities | N/A |
| 3. | Manifesto Pledge Reference Number | N/A |