

Meeting:	Council
Date:	10 July 2008
Subject:	Operation and Provisions for Call-In and Urgency 2007/08
Responsible Officer:	Chief Executive
Portfolio Holder:	Councillor David Ashton – Strategy, Partnership and Finance
Exempt:	No
Enclosures:	None

SECTION 1 – SUMMARY

RECOMMENDATION:

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

SECTION 2 – REPORT

Background

- 2.1 In accordance with paragraph 23.7 of the Council's Overview and Scrutiny Procedure Rules, Members are required to consider the operation of the provisions for call-in and urgency on an annual basis and a report submitted by the Head of Paid Service to Council with proposals for review if necessary.

- 2.2 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.
- 2.3 Any six Members of the Council or any Member of Overview & Scrutiny Committee and, in relation to Executive decisions on education matters only, any six Members of the Council and/or voting co-opted members on Overview & Scrutiny 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 Chairman of Overview and Scrutiny Committee must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.
- 2.4 Call-In of a decision of the Executive, which has been taken but not implemented, may also be invoked by 150 members of the public (defined as anyone registered on the electoral role of the Borough) upon receipt of a signed request setting out the grounds for the Call-In.
- 2.5 There is a limit applied of two decisions that may be called in by members of the public in any singly municipal year.

Use of Urgency Procedures

- 2.6 The Council Constitution has been in operation since May 2002. During the municipal year 2007/08, there were 19 urgent individual Portfolio Holder decisions and 60 non-urgent Portfolio Holder decisions as at 7 May 2008. The relevant Head of Service is required to confirm urgency in each case.
- 2.7 During the municipal year 2007/08, the urgency process has been used on 1 occasion 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>
21 June 2007	Corporate Plan 2007-2010	To meet the statutory deadline for publication of the Best Value Performance Plan of 30 June 2007.

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

- 2.8 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

2.9 The Call in Sub-Committee met on 3 occasions during the municipal year 2007/08 and considered the following matters:-

<u>Decision maker</u>	<u>Subject</u>	<u>Date of Call-In Sub-Committee</u>
Cabinet (25/7/07)	Outcome of Spring Consultations on Community Care Services – Fair Access to Services. Call-in rejected and the decision be implemented.	13 August 2007 (members of public Call-In process)
Cabinet (8/11/07)	Development of Leisure and Cultural Services Facilities: GAYTON ROAD. Call-in rejected and the decision be implemented.	29 November 2007 (Six Members of the Council from at least two political groups)
Cabinet (8/11/07)	Development of Leisure and Cultural Services Facilities: BYRON PARK. Call-in rejected and the decision be implemented.	29 November 2007 (Six Members of the Council from at least two political groups)
Cabinet (17/1/08)	Amalgamation of First & Middle Schools. Call-in rejected and the decision be implemented.	Call-In (Education) 30 January 2008 (members of public Call-In process)

2.10 There are currently no proposals to amend the call in procedure and no options are put forward for change.

2.11 For Members' information, the Call in Sub-Committee during the period 2002-2008 has met as follows:

<u>Municipal Year</u>	<u>Number of occasions Call in Sub-Committee Met</u>	<u>Number of Issues Considered</u>
2002/03	3	7
2003/04	0	0
2004/05	3	4
2005/06	3	4
2006/07	3	16
2007/08	3	4

SECTION 3 – FURTHER INFORMATION

Consultation / Financial Implications / Legal Implications / Equalities Impact / Section 17 Crime and Disorder Act 1998 considerations

None.

STATUTORY OFFICER CLEARANCE

Name:	Jennifer Hydari	<input checked="" type="checkbox"/>	on behalf of Chief Financial Officer
Date:	1 July 2008		
Name:	Helen White	<input checked="" type="checkbox"/>	on behalf of Monitoring Officer
Date:	1 July 2008		

SECTION 4: CONTACT DETAILS AND BACKGROUND PAPERS

Contact:

Pauline Ferris, Senior Professional Democratic Services. Tel: 020 8424 1269.

The Council's Constitution, the Cabinet Minutes as well as all public reports and decision notices are available through the 'Council and Democracy' Page at www.harrow.gov.uk

Background Papers

Council Constitution

Council – 12 May 2005 - operation and provisions for call in and special urgency

Council – 27 April 2006 – agreed amendments to the Constitution.