

Meeting:	Council
Date:	9 July 2009
Subject:	Operation and Provisions for Call-In and Urgency 2008/09
Responsible Officer:	Chief Executive
Portfolio Holder:	Councillor David Ashton – Portfolio Holder for 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 comprising Members from at least two Political Groups can call in a decision of the Executive which has been taken but not implemented. In relation to Executive decisions on education matters only, any six Members of the Council, comprising Members from at least two Political Groups, and the voting co-opted members on Overview and Scrutiny Committee may invoke call-in.
- 2.4 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 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.
- 2.5 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.
- 2.6 Members of the public may call in no more than two decisions in any municipal year.

Use of Urgency Procedures

- 2.6 The Council Constitution has been in operation since May 2002. During the municipal year 2008/09, there were 11 urgent individual Portfolio Holder decisions and 71 non-urgent Portfolio Holder decisions as at 6 May 2009. The relevant Head of Service is required to confirm urgency in each case.
- 2.7 During the municipal year 2008/09, the urgency process has been used on 7 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>
19 June 2008	Leisure Connection Ltd/Leisure in the Community Ltd, Novation and Variation of Management Agreement at Harrow Leisure Centre, Bannister Sports Centre and Hatch End Pool and Lease at Harrow Leisure Centre.	Due to the financial implications of delaying the decision of £20,000 per month. In addition, as this sat directly within the Council's identified savings plan, this would have a knock on effect with other financial planning.

19 June 2008	Commissioning of Information, Advice and Guidance Contract.	It related to the issue of a new contract on 1 August 2008 and involved the TUPE transfer of staff from one organisation to another. Officers needed to ensure that time was given for a statutory consultation period. The transfer of the contract to the new provider over the summer ensured minimal disruption to services to schools and colleges, where the majority of work was carried out. It would also ensure that the new provider was established in time to support students with A-level and GCSE result days. The waiver of the call in period enabled officers to spend a greater length of time with the two companies to ensure a smooth transition.
17 July 2008	Homelessness Strategy 2008-2013	The deadline for the submission of the new Homelessness Strategy was 31 July 2008. If the call in procedure had been invoked, this deadline would not have been met. The Council would then be subject to legal challenge for not having a current homelessness strategy in place as required by the Homelessness Act 2002.
18 September 2008	Changes in Panel and Advisory Committee Memberships.	To enable the changes in membership to be implemented with immediate effect.
15 January 2009	London Councils – London Borough Grants Scheme 2009/10.	In order to adhere to the deadline for the submission of the Council's response to London Councils on the recommended level of London Councils Grants Committee Budget for 2009/10. The deadline was 16 January 2009.
26 March 2009	Council Insurance Renewal 1 April 2009	To enter into the insurance contracts and to ensure that there were no gaps in cover.
26 March 2009	Approval to purchase a property in Stanmore.	To purchase a property which had recently come onto the market. The seller's closing date was 3 April and the property was important to maximise the development of a key site in Stanmore district centre.

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 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

- 2.9 The Call in Sub-Committee met on 1 occasion during the municipal year 2008/09 and considered the following matters:-

<u>Decision maker</u>	<u>Subject</u>	<u>Date of Call-In Sub-Committee</u>
Major Contracts and Property Portfolio Holder	Tennis Courts, West Harrow Recreation Ground, West Harrow	7 April 2009

- 2.10 For Members' information, the Call in Sub-Committee during the period 2002-2009 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
2008/09	1	1

SECTION 3 – FURTHER INFORMATION

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

None.

STATUTORY OFFICER CLEARANCE

Name: Sheela Thakrar



on behalf of Chief Financial Officer

Date: 24 June 2009

Name: Jessica Farmer



on behalf of Monitoring Officer

Date: 29 June 2009

SECTION 4: CONTACT DETAILS AND BACKGROUND PAPERS

Contact:

Miriam Wearing, Senior Democratic Services Officer. Tel: 020 8424 1542.

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.