

REPORT FOR: COUNCIL

Date of Meeting: 8 July 2010

Subject: OPERATION AND PROVISIONS FOR
CALL-IN AND URGENCY 2009/10

Responsible Officer: Hugh Peart – Director of Legal and
Governance Services

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 47.7 of the Council's Committee 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 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, the number of Members required to call in a decision which has been made but not implemented is six; being representatives from either two political groups or representatives of the voting co-opted members and at least one political group on Overview and Scrutiny Committee.
- 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.

Use of Urgency Procedures

- 2.6 The Council Constitution has been in operation since May 2002. During the municipal year 2009/10, there were 12 urgent individual Portfolio Holder decisions and 37 non-urgent Portfolio Holder decisions as at 5 May 2010. The relevant Head of Service is required to confirm urgency in each case.
- 2.7 During the municipal year 2009/10, the urgency process has been used on 3 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>
18 March 2010	Budget Update	A Delay in authorising the expenditure indicated in this report would significantly effect implementation. In the case of highways repairs it would extend the period in which there is a safety risk. In the case of the transformation programme it would delay the realisation of benefits.

18 March 2010	Mill Farm Close Regeneration Proposal	The decision is urgent as failure to enter into a binding contract by 31 March 2010 may jeopardise funding from the Homes and Communities Agency (HCA) for the regeneration proposal
18 March 2010	Grant Funding 2010/11	To enable grant agreements to be put in place by 1 April 2010 To allow for the distribution of the grants in a timely manner to the voluntary and community sector from April 2010 so that organisations can deliver services within the community without delay.

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

2.8 In accordance with paragraph 47.6 of the Committee 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 2 occasions during the municipal year 2009/10 and considered the following matters:-

Decision maker	Subject	Date of Call-In Sub-Committee
Portfolio Holder - Environment Services & Community Safety	West Harrow Proposed CPZ	30 July 2009
Portfolio Holder – Communications & Corporate Services	Learning and Development Managed Service	22 September 2009

2.10 For Members' information, the Call in Sub-Committee during the period 2002-2010 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
2009/10	2	2

SECTION 3 – FURTHER INFORMATION

None.

SECTION 4 – FINANCIAL INFORMATION

None.

STATUTORY OFFICER CLEARANCE

Name: George Curran	<input checked="" type="checkbox"/>	on behalf of Chief Financial Officer
Date: 29 June 2010		
Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of Monitoring Officer
Date: 29 June 2010		

SECTION 4: CONTACT DETAILS AND BACKGROUND PAPERS

Contact:

Pauline Ferris, Democratic & Electoral Services Manager. Tel: 020 8424 1269.

Background Papers

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

Council Constitution

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

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

Council – 15 April 2010 – agreed amendments to the Constitution.