

REPORT FOR: COUNCIL

Date of Meeting: 7 July 2011

Subject: OPERATION AND PROVISIONS FOR
CALL-IN AND URGENCY 2010/11

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 Six Members of the Council 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 shall be six Councillors or, in the alternative, six persons comprising representatives of the voting co-opted members and at least one political group on Overview and Scrutiny Committee. Only decisions relating to Executive functions, whether delegated or not, may be called 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.

Use of Urgency Procedures

- 2.6 The Council Constitution has been in operation since May 2002. During the municipal year 2010/11 there were 6 urgent individual Portfolio Holder decisions and 43 non-urgent Portfolio Holder decisions as at 9 May 2011. The relevant Head of Service is required to confirm urgency in each case.
- 2.7 During the municipal year 2010/11, the urgency process has been used on 4 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>
Cabinet – 17 March 2011	Leisure Facilities Management Contract	To allow a proper timescale for seamless transfer of staff under the TUPE provisions, and also to minimise any potential disruption to the service.
Cabinet – 18 November 2010	Draft Admission Arrangements and Consultation process for the 2012/13 Academic Year	There was a statutory requirement to consult and the consultation period was to last for a minimum of eight weeks between 1 November and 1 March. To meet this requirement, the Harrow Admissions

		Forum had recommended the consultation period as 29 November 2010 to 28 January 2011. If call in was to proceed these timescales could not be met.
Cabinet meeting 15 July 2010	Creation of a Major Developments Panel	An early meeting of the Panel was required to confirm the approach to be adopted in a master planning exercise for the Harrow and Wealdstone Intensification Area, which needed to commence as soon as possible to ensure that the Corporate Plan Flagship Action – to prepare an Area Action Plan for the Heart of Harrow by December 2010 - was achieved.
Cabinet meeting 14 September 2010	Building Regulations Charging Scheme	The Scheme had to be implemented by 1 October 2010 at the latest, or the Council would be in breach of the associated legislation. Due to a delay in publishing the legislation and associated guidance, it was not possible to produce the Scheme and report to Cabinet any earlier.

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 1 occasion during the municipal year 2010/11 and considered the following matters:-

Decision maker	Subject	Date of Call-In Sub-Committee
Cabinet (7 April 2011)	Key Decision - Grant Funding 2011/12	4 May 2011

2.10 For Members' information, the Call in Sub-Committee during the period 2002/11 has met as follows:

Municipal Year	Number of occasions Call in Sub-Committee Met	Number of Issues Considered
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
2010/11	1	1

SECTION 3: CONTACT DETAILS AND BACKGROUND PAPERS

Contact:

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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 – various agreed amendments to the Constitution.