

REPORT FOR: COUNCIL

Date of Meeting: 5 July 2012

Subject: OPERATION AND PROVISIONS FOR
CALL-IN AND URGENCY 2011/12

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 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 Cabinet, 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 Notice 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 2011/12 there were 2 urgent individual Portfolio Holder decisions (as set out below) and 36 non-urgent Portfolio Holder decisions as at 1st May 2012. The relevant Head of Service is required to confirm urgency in each case.

<u>Date</u>	<u>Subject</u>	<u>Reason for Urgency</u>
10 April 2012	Harrow Council vs Cusack	Notification of intention required by the Supreme Court by 12 April 2012
17 May 2012	Future Organisation of Roxbourne School	To enable statutory proposals to be published and allow a decision to be taken before the end of the academic year thereby ensuring certainty about leadership arrangements for the new academic year in September 2012

2.7 During the municipal year 2011/12, 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>
Cabinet – 8 March 2012	Wood Farm, Wood Lane, Stanmore - Pear Wood Cottages and Ten Acre Field	Release of capital receipt in 2011/12.

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

2.8 In accordance with 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 occasion during the municipal year 2011/12 and considered the following matters:-

Decision maker	Subject	Date of Call-In Sub-Committee
Cabinet (17 November 2011)	Key Decision - Whitchurch Pavilion and Playing Fields	5 December 2011
Cabinet (9 February 2012)	Key Decision - Transformation Programme Mobile & Flexible Working	28 February 2012

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.