



## **COUNCIL, 27 January 2016**

### **REPORT OF THE CHIEF EXECUTIVE**

**SUBJECT: OVERVIEW AND SCRUTINY RULES – EXCEPTIONS TO THE CALL-IN (REQUISITION) PROCEDURE**

#### **SUMMARY**

Under paragraph 18e of the Overview and Scrutiny Procedure Rules, the Leader of the Council is required to submit reports to Council on decisions taken by himself, Cabinet or individual Cabinet members, or key decision made by a member of staff in the circumstances set out in Rule 18 (exemption to the call-in (requisition) procedure) in the preceding three months.

This report deals with 3 such decisions:

- 1) Implementation of the Nursery Class at Crownfield Infants School – whether to proceed
- 2) London Borough of Havering 2016/17 LIP Annual Spending Submission – Approval of submission to Transport for London
- 3) Romford Leisure Development – Award of contract

#### **RECOMMENDATIONS**

That the report be noted.

**REPORT DETAIL**

- 1 Rule 18 of the Overview and Scrutiny Committee Procedure Rules provides that:
  - (a) The call-in procedure shall not apply where a decision being taken by Cabinet or an individual Cabinet member, or a key decision made by a member of staff is urgent. 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 interests. The record of the decision and notice by which it is made shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.**
  - (b) The decision making person or body can only take an urgent decision under (a) above and avoid the call-in procedures after obtaining agreement from the Chairman of the Board that the decision be treated as urgent.**
- 2 On behalf of Cabinet, Isobel Cattermole, Interim Deputy Chief Executive Children, Adults & Housing, sought agreement from the Chairman of the Board to exempt from call-in a non-key decision by the Cabinet Member for Children & Learning concerning the implementation of a Nursery Class at Crownfield Infants School.
  - 2.1 The Chairman of the Overview & Scrutiny Board, Councillor Gillian Ford, gave her agreement to the exemption from call-in for the following reason:
    - 2.2 The decision on whether to proceed had to be made within a period of 2 months of the end of the representation period otherwise the matter would be referred to the Schools Adjudicator. The end of the representation period was 3 July, hence the decision needed to be published by 3 September. The decision by the Schools Adjudicator would likely take between 6-8 weeks which meant that the Council would not receive a decision in time for the school to commence the enrolment process, recruit staff, etc. in order for the Nursery to open in January 2016.
3. London Borough of Havering 2016/17 LIP Annual Spending Submission – Approval of submission to Transport for London
  - 3.1 On behalf of Cabinet, Andrew Blake-Herbert, Deputy Chief Executive Resources and Communities, sought agreement from

the Chairman of the Board to exempt from call-in a Key decision by the Cabinet Member for Environment concerning the approval for the submission to Transport for London of the London Borough of Havering's 2016/17 Local Implementation Plan Annual Spending.

- 3.2 In the absence of the Chairman of the Board the Vice-Chairman, Councillor Lawrence Webb, gave his agreement to the exemption from call-in for the following reason:
- 3.3 An exemption is required in order to meet a statutory deadline set by TfL. The level of funding put at risk should the Council fail to meet this deadline is in the order of £3m in 2016/17 (and similar amounts in the following years). The decision is required urgently as any delay likely to be caused by the call-in process would seriously prejudice the Council's interests.
- 4 Romford Leisure Development – Award of contract
  - 4.1 On behalf of Cabinet, Andrew Blake-Herbert, Deputy Chief Executive Resources and Communities, sought agreement from the Chairman of the Board to exempt from call-in a Key decision by the Leader of the Council; Cabinet Member for Financial Management and the Cabinet Member for Culture & Community Engagement concerning the contract award for the Romford Leisure Development.
  - 4.2 The Chairman of the Overview & Scrutiny Board, Councillor Gillian Ford, gave her agreement to the exemption from call-in for the following reason:
  - 4.3 The financial risk to the Authority was such that immediate action was required to prevent a significant escalation in price. A letter of intent needed to be with Wilmott Dixon for orders to be placed before 17 December 2015, for the contract price to hold.

**Financial Implications and Risks:**

While there were financial implications around the decisions described in this report, there are none directly associated with this report.

**Legal Implications and Risks:**

There are no immediate legal implications directly associated with this report.

**Human Resource Implications and Risks:**

There are none directly associated with this report.

**Equalities and Social Inclusion Implications and Risks:**

There are none directly associated with this report.

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**Background paper List**

1. Non-key decision by the Cabinet Member for Children & Learning concerning the implementation of a Nursery Class at Crownfield Infants School, dated 3 September 2015.
2. Key Decision by the Cabinet Member for Environment concerning the London Borough of Havering's 2016/17 LIP Annual Spending Submission – Approval of submission to Transport for London, dated 6 October 2015
3. Key decision by the Leader of the Council; Cabinet Member for Financial Management and the Cabinet Member for Culture & Community Engagement concerning the contract award for the Romford Leisure Development, dated 16 December 2015