



COUNCIL, 26 NOVEMBER 2014

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.

By exception, this report covers a period commencing from the Council elections in late May 2014.

This report deals with 3 such decisions:

- 1) Arrangements for non-housing repairs:
- 2) Approval of submission to NHS (England) for the Better Care Fund Programme; and
- 3) New Rainham Library site, Flats 1 to 16 Taplow House, 2 Ferry Lane, Rainham. Decision to dispose of 16 new flats on a single long lease to a Registered Provider for onward individual sales as shared ownership units (*PART EXEMPT FROM PUBLICATION*)

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 and avoid call-in procedures after obtaining agreement from the Chairman or in the absence of the Chairman, the Vice Chairman of the relevant overview and scrutiny committee that the decision be treated as urgent.

- 2 **Arrangements for non-housing repairs**

- 2.1 On behalf of Cabinet, Andrew Blake-Herbert, then Group Director of Resources, sought agreement from the Chairman of the Environment Overview & Scrutiny Committee to exempt from call-in a Key Officer decision concerning arrangements for non-housing repairs.

- 2.2.1 The then-Chairman of the Environment Overview and Scrutiny Committee, Councillor Clarence Barrett, gave his agreement to the exemption from call-in for the following reason:

- 2.2.1 In order to meet a specified date for the TUPE transfer of staff in connection with the non-housing repairs Service, an exemption to the call-in rules was agreed.

- 3 **Approval of submission to NHS (England) for the Better Care Fund Programme**

- 3.1 On behalf of Cabinet, Joy Hollister, Group Director for Children, Adults and Housing sought the agreement of the Chairmen of the Individuals Overview & Scrutiny Committee to exempt from call-in

an Executive decision concerning a submission to NHS (England) for the Better Care Fund Programme.

- 3.2 The then-Chairman of the Individuals Overview and Scrutiny Committee, Councillor June Alexander, gave her agreement to the exemption from call-in in order to meet a statutory deadline set by NHS England. The level of funding at risk should the Council fail to meet the submission deadline would be in order of £4.6million for 2014/15 and £18.66million in 2015/16.

4 New Rainham Library site, Flats 1 to 16 Taplow House, 2 Ferry Lane, Rainham. Decision to dispose of 16 new flats on a single long lease to a Registered Provider for onward individual sales as shared ownership units

- 4.1 On behalf of Cabinet, Andrew Blake-Herbert, Group Director Resource, sought the agreement of the Chairman of the Value Overview & Scrutiny Committee to exempt from call-in an Executive decision concerning the decision to dispose of 16 new flats on a single long lease to a Registered Provider for onward individual sales as shared ownership units.
- 4.2 The then-Chairman of the Value Overview and Scrutiny Committee, Councillor Clarence Barrett, gave his agreement to the exemption from call-in as it was considered in the best interests of the Council for this matter to be implemented as a matter of urgency and without delay. The 16 flats were scheduled for completion soon and it was imperative to urgently record to sell all of the flats in bulk to a Registered Provider for onwards sales by them as shared ownership flats and take the matter forward with respective lawyers to achieve the earliest possible completion.

5. Financial Implications and Risks:

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

6. Legal Implications and Risks:

There are none directly associated with this report.

7. Human Resource Implications and Risks:

There are none directly associated with this report.

7. Equalities and Social Inclusion Implications and Risks:

There are none directly associated with this report.

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Background paper List

1. Executive Decision concerning arrangements for the non-housing repairs dated 11 September 2014.
2. Executive Decision relating to the submission to NHS (England) for the Better Care Fund Programme, signed by Councillors Wendy Brice-Thompson, Cabinet Member for Adult Social Services and Health and Roger Ramsey, Leader of the Council, dated 18 September 2014.
3. Executive Decision relating to the Decision to dispose of 16 new flats on a single long lease to a Registered Provider for onward individual sales as shared ownership units signed by Councillor Roger Ramsey, Leader of the Council, dated 22 September 2014. (PART EXEMPT)