



## **COUNCIL, 13 JUNE 2012**

### **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 quarterly 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 three such decisions:

- 1) The disposal of Pages Barn, Pages Lane, Harold Wood, Romford; and
- 2) Revision to the agreed Executive Decision of 9 August 2011 for the disposal of the existing Rainham Library and the acquisition of land for a new library at the junction of Ferry Lane and the Broadway, Rainham.
- 3) Use of Section 106 commuted sums for provision of affordable housing

#### **RECOMMENDATIONS**

That the report be noted.

<b>REPORT DETAIL</b>
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- 1 Rule 18 of the Overview and Scrutiny Committee 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 The disposal of Pages Barn, Pages Lane, Harold Wood, Romford
  - 2.1 On behalf of Cabinet, Andrew Blake-Herbert, Group Director Finance & Commerce sought the agreement of the Chairman of the Value Overview & Scrutiny Committee to exempt from call-in an Executive decision concerning the disposal of Pages Barn, Pages Lane, Harold Wood.
  - 2.2 The Chairman of the Value Overview and Scrutiny Committee, Councillor Robby Misir, gave his agreement to the exemption from call-in so that the property could be included in the final auction of the 2011/12 financial year as the Council required the capital receipts from its sale.
- 3 Revision to the agreed Executive Decision of 9 August 2011 for the disposal of the existing Rainham Library and the acquisition of land for a new library at the junction of Ferry Lane and the Broadway, Rainham
  - 3.1 On behalf of Cabinet, Andrew Blake-Herbert, Group Director Finance & Commerce sought the agreement of the Chairman of the Value Overview & Scrutiny Committee to exempt from call-in an Executive decision concerning a revision to the agreed Executive Decision of 9 August 2011 for the disposal of the existing Rainham Library and the

acquisition of land for a new library at the junction of Ferry Lane and the Broadway, Rainham.

3.2 The Chairman of the Value Overview and Scrutiny Committee, Councillor Robby Misir, gave his agreement to the exemption from call-in so as to meet a deadline set by the Greater London Authority for the exchange of contracts between the Council and a developer in relation to the redevelopment of Rainham Village which includes the provision of a new library.

4 Use of Section 106 commuted sums for provision of affordable housing

4.1 On behalf of Cabinet, Cynthia Griffin, Group Director Culture & Community sought the agreement of the Chairman of the Towns and Communities Overview & Scrutiny Committee to exempt from call-in a Cabinet decision concerning the use of Section 106 commuted sums for provision of affordable housing.

4.2 The Chairman of the Towns and Communities Overview and Scrutiny Committee, Councillor Fred Osborne, gave his agreement to the exemption from call-in as it was necessary for the Council to spend unallocated capital resources received from a housing developer by no later than 4 July 2012 and 8 August 2012 respectively to avoid the risk of having to refund the monies to the developer.

4.3 In addition, Councillor Osborne also gave his agreement to the exemption of the item from inclusion on the Council's Forward Plan for the same reasons as detailed in the previous paragraph.

4.4 The Council is statutorily required to give notice of key decisions it intends to take through the monthly publication of a document known as the 'Forward Plan.' A decision is only 'key' if it meets the following criteria:

- i) a capital scheme in excess of £500k expenditure or
- ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority

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 relating to the disposal of Pages Barn, Pages Lane, Harold Wood, Romford. Signed by Councillor Roger Ramsey, Cabinet Member for Value, dated 8 February 2012.**
- 2. Executive Decision relating to the revision to the agreed Executive Decision of 9 August 2011 for the disposal of the existing Rainham Library and the acquisition of land for a new library at the junction of Ferry Lane and the Broadway, Rainham. Signed by Councillor Michael White, Leader of the Council, dated 13 April 2012. (Part-exempt from public disclosure)**
- 3. Cabinet report, dated 16 May 2012 entitled, 'Use of s106 commuted sums for provision of affordable housing.'**