



COUNCIL, 19 SEPTEMBER 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 3 such decisions:

- 1) Department for Communities and Local Government Weekly Collection Support Scheme;
- 2).The use of Section 106 commuted sums for the provision of affordable housing; and
- 3) Building works to Hilldene Primary School.

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

- 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 **Department for Communities and Local Government Weekly Collection Support Scheme**
 - 2.1 On behalf of Cabinet, Cynthia Griffin, Group Director Culture & Community sought the agreement of the Chairman of the Environment Overview & Scrutiny Committee to exempt from call-in a Cabinet decision concerning the submission of two bids for the Department for Communities and Local Government's (DCLG) Weekly Collection Support Scheme.
 - 2.2 The Chairman of the Environment Overview and Scrutiny Committee, Councillor Jeff Brace, gave his agreement to the exemption from call-in for the following reason:
 - 2.2.1 Feedback had been received from the DCLG on the Council's outline bids on 22 June; the deadline for submission of the final bids had been set for 17 August 2012. The DCLG prospectus identified the time in-between these dates for Authorities to prepare their final bids and to complete the internal approval process. The Cabinet timetable of meetings did not allow for a report to be submitted between these two dates and a report could therefore not have been added to the Forward Plan..

3 The use of Section 106 commuted sums for the provision of affordable housing.

3.1 On behalf of Cabinet, Cynthia Griffin, Group Director Culture & Communities sought the agreement of the Chairmen of the Value and Towns & Communities Overview & Scrutiny Committees to exempt from call-in an Executive decision concerning the use of Section 106 commuted sums for the provision of affordable housing.

3.2 The Chairman of the Value Overview and Scrutiny Committee, Councillor Robby Misir, and the Chairman of the Towns & Communities Overview and Scrutiny, Councillor Damian White, gave their agreement to the exemption from call-in as the availability for the use of Section 106 funds for the acquisition of houses on the market, as approved by Cabinet on 16 May 2012, was time limited with a requirement to commit expenditure of £281,800 by 4 July 2012 with the remaining sum (£650,800) being committed by 8 August 2012. Failure to commit funds by 4 July would result in the first tranche of money being repaid to Barrett Homes Ltd.

4 Building works to Hilldene Primary School

4.1. On behalf of Cabinet, Andrew Blake-Herbert, Group Director Finance & Commerce sought the agreement of the Chairman of the Children & Learning Overview & Scrutiny Committees to exempt from call-in an Executive decision concerning the construction of a new Learning Support Unit, rebuilding the existing staff facilities and associated remodelling works to provide appropriate reception facilities at Hilldene Primary School totalling £626,024.66.

4.2. The Chairman of the Children & Learning Overview and Scrutiny Committee, Councillor Sandra Binion, gave her agreement to the exemption from call-in as the works proposed had to commence with immediate effect in order that they be completed in time for the start of the new academic year.

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. Cabinet report **dated** 15 August **2012**. Department for Communities and Local Government Weekly Collection Support Scheme
2. **Executive Decision relating to** the use of Section 106 commuted sums for the provision of affordable housing **Signed by Councillors** Lesley Kelly, Cabinet Member **for Housing and Public Protection** and Roger Ramsey, Cabinet Member **for Value**, dated 2 July 2012.
3. **Executive Decision relating to Hilldene Primary School. Signed By Andrew Blake-Herbert, Group Director Finance and Commerce**, dated 26 July 2012.