



COUNCIL, 24 JULY 2024

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: OVERVIEW AND SCRUTINY RULES – EXCEPTION 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 decisions made by a member of staff in the circumstances set out in Rule 18 (exemption to the call-in (requisition) procedure) within the previous 3 months.

This report details Key Decisions that have been taken in the circumstances set out in Rule 18 (exemption to the call-in (requisition) procedure) for the six month period covering 1st November 2023 to 31st May 2024.

- 1) Tithe Barn National Highways Company Funding Application
- 2) Delivering Better Value (DBV) Programme Grant acceptance and Delivery Approval
- 3) To enter into the Mayor's Care & Support Fund Contract with the Greater London Authority to support the development of the Mawney Close and Mowbrays Close developments

This represents a significant decrease in the number of decisions taken under Urgency Provisions in comparison with the period from 1st November 2022 – 31st May 2023, when there were nine matters exempted from call-in.

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

1. Rule 18 of the Overview and Scrutiny Committee Procedure Rules provides that:

(b) 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.

(c) 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, the Strategic Director of Place, sought agreement from the Chairman of the Board to exempt from call-in a key decision by the Leader of the Council concerning an application for £650,000 grant funding.
 - 2.1 The Chairman of the Overview & Scrutiny Board, Councillor Gerry O' Sullivan, gave his agreement to the exemption from call-in for the following reason:
 - 2.2 The National Highways Company offered the Council a grant for remedial works on the Tithe Barn in Upminster, a Scheduled Ancient Monument that is at high risk of deterioration. The terms of the grant required essential improvements to be complete by March 2025. In order to meet the tight work schedule and avoid further damage to the fabric of the building, call-in was waived so that spending could take place straightaway.
3. On behalf of Cabinet, the Assistant Director of Education, sought agreement from the Chairman of the Board to exempt from call-in a key

Council, 24 July 2024

decision by the S151 Officer concerning the acceptance of £1million grant funding from the Department for Education.

- 3.1 The Chairman of the Overview & Scrutiny Board, Councillor Gerry O' Sullivan, gave his agreement to the exemption from call-in for the following reason:
- 3.2 The Department for Education confirmed the award of grant funding by letter on the 24th November, with the requirement to accept and confirm the Memorandum of Understanding by the 30th November. As the decision to proceed contributed positively to the Council's financial position and presented a way to mitigate increasing costs on the SEND budget, call-in was waived in order to meet the deadline of 30th November.
4. On behalf of Cabinet, the Strategic Director of Place, sought agreement from the Chairman of the Board to exempt from call-in a key decision by the S151 Officer concerning the acceptance of £2.03million supported housing grant funding from the Greater London Assembly.
 - 4.1 The Chairman of the Overview & Scrutiny Board, Councillor Gerry O' Sullivan, gave his agreement to the exemption from call-in for the following reason:
 - 4.2 The Council was advised by The GLA on 13th March that the funding agreement must be accepted, and first grant claim made by 28th March, which was the last working day of the financial year 2023/24. Failure to meet this deadline would result in the withdrawal of funding. Under normal governance arrangements, the decision was due to be made on 18th April. Since accepting the funding was in the Council's best interests, call-in was waived in order that the report could be expedited and meet the 28th March deadline.

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.

Council, 24 July 2024

Equalities and Social Inclusion Implications and Risks:

There are none directly associated with this report.

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Background paper List

None