

To: The Chief Executive

1. NOTICE OF CALL-IN OF EXECUTIVE DECISION

Rec'd in Room 131

In accordance with Overview and Scrutiny Procedure Rule 22, we, the undersigned, hereby give notice that we wish to call-in the Executive decision detailed in section 2 below:-

<u>NAME (PLEASE PRINT)</u>	<u>SIGNATURE</u>
PADDY LYNE	<i>[Signature]</i>
S. THORN TON	<i>[Signature]</i>
JOHN S W BRANCH	<i>[Signature]</i>
MARILYN ASHTON	<i>[Signature]</i>
CUNIS MOTE	<i>[Signature]</i>
David Ashton	<i>[Signature]</i>

HARROW COUNCIL LONDON
 Local Authority
 11 MAY 2005
 Rec'd in Room 131

2. DETAILS OF EXECUTIVE DECISION

The details of the Executive decision are as follows:-

Decision: PHD/093/04 - Release of Restrictive Covenant Brook Hill

Made by: MR. NAVIN SHAH - Leader
(Cabinet/relevant Portfolio Holder)

Published On: 5 May 2005
(Date)

3. GROUNDS FOR CALL-IN

Please specify below the grounds for the call-in, in accordance with Overview and Scrutiny Procedure Rule 22.5 (the grounds on which an Executive decision may be called in are set out overleaf). Please note that the considerations of the Call-in Sub-Committee will focus on the grounds stated, and the Sub-Committee will seek evidence to support them. Please therefore also set out below details of the evidence to support the grounds for call-in, continuing on a separate sheet if necessary.

- a) Inadequate consultation with stakeholders prior to decision
- b) The absence of adequate evidence on which to base a decision
- f) Inadequate consideration of legal and financial advice

Once completed, please forward this form to Claire Vincent in Room 138, Civic Centre or send it by fax to 020 8424 1557 WITHIN 5 WORKING DAYS OF THE DATE OF PUBLICATION OF THE DECISION.

Extract from Overview and Scrutiny Procedure Rule 22 – Call-in

Call-in is the process whereby a decision of the Executive, Portfolio Holder or Officer (where the latter is taking a Key Decision) taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation. They may recommend that the Executive reconsider the decision.

The process for call-in

Any six of the Members of the Council and the co-opted members on the Lifelong Learning Scrutiny sub-committee can call in a decision of the Executive which has been taken but not implemented. Only decisions relating to Executive functions, whether delegated or not, may be called in.

Decisions of the Executive shall not be implemented for 5 clear working days following the publication of the decision and a decision can only be called in within this period. This Rule does not apply to urgent decisions (see Overview and Scrutiny Procedure Rule 23). The notice of the decision will state the date on which the decisions may be implemented if not called in.

Call-in must be by notification to the Chief Executive in writing or by fax, signed by all six Members requesting the call-in. A request for call-in by e-mail will require a separate e-mail from each of the six Members concerned.

Requirement to Give Reasons

A notice by Members to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:-

- (a) inadequate consultation with stakeholders prior to the decision;
- (b) the absence of adequate evidence on which to base a decision;
- (c) the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
- (d) the action is not proportionate to the desired outcome;
- (e) a potential human rights challenge;
- (f) insufficient consideration of legal and financial advice.

Referral to the Call-in sub-committee

Subject to 22.6.1 and 22.6.2 below once a notice invoking the call-in procedure has been received the decision may not be implemented until the Call-in sub-committee has considered it. The Borough Secretary and Solicitor to the Council shall arrange a meeting of the Call-in sub-committee to be held within seven clear working days of the receipt of the request for call-in.

22.6.1 Where the Call-in sub-committee fails to meet within seven clear working days of the call-in request being received by the Chief Executive, the decision may be implemented on the day following twelve clear working days from the date the decision was published.

22.6.2 Where the Call-in sub-committee meets within seven clear working days of the receipt of notification of a call-in request, but fails to refer the matter back to the Executive, Portfolio Holder or officer (if a key decision), the decision may be implemented on the day following the Call-in sub-committee.

Process for Consideration of Called-in Items at the Call-in Sub-Committee

22.7 The Call-in sub-committee will consider the decision and the reasons for call-in. The sub-committee may invite the Executive decision taker and a representative of those calling in the decision to provide information at the meeting.

The sub-committee may come to one of the following conclusions:-

- (a) that the challenge to the decision should be taken no further and the decision may be implemented;
- (b) that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework, and should therefore be referred to the Council. In such a case the Call-in sub-committee must set out the nature of its concerns for Council; or
- (c) that the matter should be referred back to the decision taker for reconsideration. In such a case the Call-in sub-committee must set out the nature of its concerns for the decision taker.