

**Council Meeting**  
**8 September 2009**

REPORT OF THE DEMOCRATIC SERVICES MANAGER  
AGENDA ITEM 5.3

**1. REPORTS EXEMPTED FROM THE CALL-IN PROCESS BECAUSE THEY ARE URGENT:**

These matters are reported to the Council to meet Constitutional requirements. No action is required by the Council and the decision has been implemented.

In the case listed below, the Chairman of the Business Management Overview and Scrutiny Sub-Committee agreed that the decisions proposed were reasonable in all the circumstances, were urgent and therefore had consented to the proposed decisions being exempted from call-in:

- (i) Due to the recession and Government funding delays, the West Hendon Regeneration Scheme required an extension of time to the existing commercial agreement between the Council and its development partners. The report authorised a Deed of Variation which extended;
  - a) the Principal Development Agreement (PDA) for a further six months up to 15 February 2010.
  - b) the deadline date for finalising the TUPE agreement and the period for the development partners to provide information relating to the above expiry date.

The PDA is the legal contract between the Council and the development framework for the development and regeneration of the West Hendon Estate and associated areas.

The PDA expired on Monday 10 August 2009 and the next meeting of the Business Management Overview and Scrutiny Sub-Committee was not until the 7 September 2009. Delay in sealing the Deed of Variation could cause the agreement to fall and seriously prejudice the Council's or the public's interest.

**2. EXECUTIVE DECISIONS AND THE OPERATION OF THE CALL-IN AND URGENCY PROCESS – REVIEW**

The Council's Constitution requires the Democratic Services Manager to report to the Council on the operation of the provisions of the call – in and urgency process with proposals for review if necessary.

The process was last reviewed by Council on 4 November 2008 (minute 97) who noted the situation.

With regard to the review for the year 2008/2009, set out below is the current situation. To aid comparison the situation for the period 2007/08 is set out below.

Year	No. of Cabinet Decisions	No. of Cabinet Resources Committee Decisions	No. of Cabinet Member delegated powers reports	No of Area Environment Committee Decisions
Sept 2007 to Nov 2008	0	0	5	0
Dec 2008 to Sept 2009	1	1	8	0

In the majority of the these cases cited above exemption was necessary as the decisions needed to be implemented by specific date. The date of the next Overview and Scrutiny Committee that the decision could go to fell after the deadline.

The Chief Executive is continuing, personally, to monitor requests for exemptions from the call – in process and will take immediate action if he considers that there are areas for concern, in consultation with the Chairman of the Business Management Overviews and Scrutiny Sub-Committee.

Prior to July 2009, this was in consultation with Chairman of the Cabinet Overview and Scrutiny Committee.

**RECOMMEND – That the report of the Democratic Services Manager relating to Executive Decisions and the operation of the Call-In and Urgency Process - Review be noted.**

**3. PROPOSED SPECIAL RESPONSIBILITY ALLOWANCE FOR THE CHAIRMAN OF THE SPECIAL COMMITTEE (CONSTITUTION REVIEW)**

In presenting their proposals for 2007/08, the Independent Review Panel recommended the Council to allocate a Special Responsibility Allowance at the then Scale 4 (now Scale 3 under the revised Scheme) (0.75 of the Basic Allowance) to the Chairmanship of the Special Committee (Constitutional Review).

Council at that time did not accept that proposal; the conclusion of the 2008/09 review of the Constitution has prompted a reconsideration of the duties of this post. The size and intricacy of the task of reviewing the constitution and of steering through complex and inter-relating amendments to it have been particularly highlighted by this year's exercise, which featured a major restructuring of the Overview & Scrutiny function and revisions to Financial Regulations and Contract Procedure Rules amongst many other issues.

The Independent Review Panel have again been consulted on the appropriateness of recognising the duties of this post and have reiterated their earlier recommendation that a Scale 4 Allowance be allocated.

**RECOMMEND - That the 2009/10 Scheme of Members' Allowances be amended by the addition of a Special Responsibility Allowance at Scale 3 to the Chairman of the Special Committee (Constitutional Review).**

**4. CHIEF OFFICER APPOINTMENT PANEL**

In order to facilitate the re-structuring approved by the General Functions Committee of 5 August, there is a need to constitute the a Chief Officer Appointment Panel to undertake the selection process.

The Panel will need to comprise:

- Four Conservative Members
- Two Labour Members
- One Liberal Democrat Member

plus two substitute members for each political group.

The Constitution provides that the Panel must include the Leader of the Council or another member of the Executive.

**RECOMMEND – That the Chief Officer Appointment Panel be appointed on the basis of**

**4 Conservatives**

**2 Labour**

**1 Liberal Democrat**

**2 substitutes from each Group**

**and that a Chairman and Vice-Chairman be appointed**

**5. COMMENTS ON THE WORK OF CABINET – AGENDA ITEM 6.1**

Comments in the name of:

(i) Councillor Alison Moore

To comment further on fire safety in council and social housing in Barnet.

David Seabrooke  
Democratic Services Manager