



Council 11 July 2023

Title	Overview And Scrutiny Rules – Exception to the Call-In (Requisition) Procedure and amendments to the constitution.
Date of meeting	11 th July 2023
Report of	Monitoring Officer
Wards	All
Status	Public
Urgent	No
Appendices	Appendix A – Notice Urgency Provisions Appendix B - Proposed amendment to Part 3A - Council Procedure Rules Appendix C – Proposed amendment to Part 3B – Executive Procedure Rules
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Summary

In accordance with the Council Constitution, Part 3C section 51, decisions taken as a matter of urgency will be reported by the Monitoring Officer to the next available meeting of the Council, together with the reasons for urgency.

Council are being asked to note that an exemption from Call -in was granted for 'Matters associated with the acquisition of properties at Colindale Gardens' report considered at Cabinet on the 26th June 2023.

The Monitoring Officer is also proposing some amendments to the constitution regarding questions from members at cabinet.

Recommendations

1. That the exemption from call-in be noted
2. That the amendments to the Executive Procedure Rules be agreed.
3. That the amendments to the Council Procedure Rules be agreed.

1. Reasons for the Recommendations

- 1.1 At a meeting of Cabinet on the 26th June 2023, a key decision was considered on 'Matters associated with the acquisition of properties at Colindale Gardens'
- 1.2 The report seeks approval of the business case for the acquisition of 249 residential properties within the Colindale Gardens scheme through the Housing Revenue Account (HRA). The acquisition will enable more of the homes to be rented at lower rents than would otherwise come forward under the Section 106 agreement which directly supports the Quality, Affordable Homes priority within Our Plan for Barnet.
- 1.3 The call-in procedure set out in the Constitution shall not apply where the decision being taken by the Executive is an urgent decision. 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's interests.
- 1.4 The Chair of the Overview and Scrutiny Committee must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.
- 1.5 Decisions taken, as a matter of urgency must be reported by the Monitoring Officer to the next available meeting of the Council, together with the reasons for urgency.
- 1.6 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's interests.
- 1.7 The reasons this decision was considered urgent was that there was a unique opportunity to acquire 249 homes in the latest phase of the Colindale Gardens development from the developer, Redrow. The acquisition will enable more of the homes to be rented at lower rents than would otherwise come forward under the Section 106 agreement which directly supports the Quality, Affordable Homes priority within Our Plan for Barnet. To secure the offer, contracts need to be exchanged by the end of June.
- 1.8 After holding a cabinet meeting it is recommended that the executive procedure rules at rule 13.6 is clarified as set out below regarding questions from elected members.
 - 13.6.1 Questions:
 - 13.6.1.1 *A Councillor may ask a Portfolio Holder (Member of the Executive) a question (which depending on its nature may be dealt with in either public or private session) on any matter which is on the cabinet meeting agenda . For the avoidance of doubt, a Member is not limited to asking a single substantive question at any one Executive meeting. No prior notice is required for these questions.*
 - 13.6.1.2 *The first 4 questions will be given to the opposition group, then they will be rotated between the groups in accordance with the order in which they are made to the Chair. Questions may be asked of one Portfolio Holder at a time and one Portfolio Holder may respond only. If the question crosses more than one portfolio then the Leader may respond, but each question may only have a response from one member of the executive.*
- 1.9 That the Council procedure rules be amended as follows:

12.1.2 A limit of 30 minutes shall be given to the asking of written questions by Members. The equivalent of no more than one question per Member from each political group (excluding Portfolio Holders and Scrutiny Chairs) will be allowed. Non-aligned members will be permitted one question per member.

2. Alternative Options Considered and Not Recommended

- 2.1 No alternative options can be considered the rules in the constitution need to be followed and the matter reported to Council.
- 2.2 Regarding the executive and council procedure rules they could remain the same but this would lead to uncertainty in how they should be applied.

3. Post Decision Implementation

- 3.1 That the Monitoring Officer amends the constitution

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

- 4.1 Not applicable

Corporate Performance / Outcome Measures

- 4.2 Not applicable

Sustainability

- 4.3 Not applicable

Corporate Parenting

- 4.4 None

Risk Management

- 4.5 Not applicable

Insight

- 4.6 Not applicable

Social Value

- 4.7 Not applicable

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

- 5.1 N/A

6. Legal Implications and Constitution References

- 6.1 In accordance with the Council Constitution, Part 3C section 51, decisions taken as a matter of urgency will be reported by the Monitoring Officer.

6.2 Amendments to the constitution are a matter for Full Council.

7. Consultation

7.1 The group Leaders have been consulted on the amendments to the constitution.

8. Equalities and Diversity

8.1 Not applicable

9. Background Papers

9.1 Cabinet Agenda – 26th June 2023

<https://barnet.moderngov.co.uk/documents/g11429/Public%20reports%20pack%2026th-Jun-2023%2019.30%20Cabinet.pdf?T=10>