

**REPORT TO THE RESOURCE
AND PERFORMANCE SCRUTINY PANEL**

DATE: 4th OCTOBER 2012

Status: For Recommendation
Title: Call-in of Executive Decision
Originator: Edward O'Neill, Democratic Officer
Where from: Decision Called-in by Councillors
Where to next: To be recommended by the Scrutiny Panel

Objective: to review the decisions made by the Executive at its meeting on 19th September 2012 on the Strategic Development Area Master Plan.

1. Outcome sought from Panel

1.1 Comments and recommendations on the decisions made by the Executive at its meeting on 19th September 2012.

2 Background

2.1 At its Meeting on 19th September 2012 the Executive considered a report on the Strategic Development Area Master Plan.

2.2 At its Meeting on 19th September 2012 the Executive resolved that:

- (i) the SDA comprise the highest possible amount of houses in order to maximise its ability to meet the majority of Market Harborough's future housing land requirement;
- (ii) the area of the SDA comprise a combination of residential Options B, C and D and provide for between 1,500 and 1,800 houses in the period up to 2031;
- (iii) housing numbers across the SDA be phased, providing up to 1000 houses in the period 2012 – 2022, and between 500 and 800 houses in the period 2023 – 2031;
- (iv) employment Option G of up to 13.4ha to be taken forward as the location for meeting a significant proportion of Market Harborough's future employment land supply;
- (v) the consortium of landowners and developers with interests in the SDA be invited to jointly prepare a detailed Master plan; and
- (vi) Corporate Management Team review the resources required in order to effectively manage the delivery of the master plan and the risks

- associated at this critical stage, and in liaison with the Portfolio Holder allocate from the LDF Reserve Fund the necessary resources required.
- (vii) the Master plan review when completed will be presented to full Council at the first available opportunity.

2.3 A request for a Call-in of the Executive's decision was received from eight Councillors. The request for the Call-in stated that:

"In line with Page 79, Part 4 of Harborough District Council Constitution, Section 5 - 5.01 and Page 81/82:

The detail laid out in the so called Strategic Development Master Plan, decided upon under report one to the Executive Meeting of Wednesday September 19th 2012 was an item with substantial financial, environmental, structural, future planning issues, cultural and quality of life significance to the Council and the District we serve. It is an item that impacts on all wards of the Council, within Market Harborough and the surrounding area in particular, but the whole of the District in general. It is potentially of considerable impact to all or many of the communities we serve and has not been subject to significant public consultation on the impact of 1800 homes specifically or questionably, to full Scrutiny in its entirety by the appropriate Scrutiny body within the Council.

We have a duty to ensure that decisions taken are the best for the people we serve and that all areas of significant concern, distress or impact to individuals has been considered in full along with maximising the opportunity to explore advantages and disadvantages.

This is an item that has emanated from the Executive and would only be presented to Full Council in the form of a full and complete Master Plan offering, as Officers have confirmed, no opportunity to amend at presentation any or part of the included information/ points.

Against this backcloth we have to ask, have the majority of members had the opportunity to scrutinise the item in full? We request that this item be called into Scrutiny for full debate, investigation and consideration, allowing Scrutiny the opportunity to consider the matter properly after which Scrutiny may then make appropriate recommendations and observations to the Executive.

This will also serve to allow all members other than the Executive to consider this subject in its entirety and to ensure that they have the opportunity to request all and any appropriate information to assist in their considerations to assist us in delivering the best possible future, service and benefit to our community. We would request that the Leader of the Council be asked to attend the meeting to enable Scrutiny to raise points and questions as appropriate"

Signed - Councillors Simon Galton - Sarah Hill - Roger Dunton - Peter Callis - Barbara Johnson - Phil Knowles - Julie Simpson, Amanda Burrell."

2.4 The request for the Call-in was agreed as being in compliance with the Council's Constitution by the Chairman of the Scrutiny Commission and B. Jolly, Assistant Director Corporate Resources (acting as Deputy Chief Executive).

3 Points for discussion

3.1 Call-in to be discussed by Panel.

4 Equality Impact Assessment Implications/Outcomes (attach completed EIA)

4.1 Not applicable.

5 Impact on Communities

5.1 The delay of the Executive decision will result in maintenance of status quo. Therefore no impact on communities will be observed as a result of this report.

6 Legal Issues

6.1 The Council's Constitution prescribes how "Delaying the Implementation of Executive Decisions (Call-in)" should be administered. Part 4, Section 5, Paragraphs 5.01 and 5.02 of the Council's Constitution refer to this and are set out below:

5.01 Procedure

- a) Scrutiny Panels may, within four working days of the publication of the report that sets out an Executive decision made but not yet implemented, call-in any such decision.
- b) Call-in shall be effected by the Chief Executive, in consultation with the Chairman of the Scrutiny Commission, after receipt of a request for call-in of a specified decision:
 - i) from the Chairman, from any Member of the Scrutiny Commission or at least two other Members;
 - ii) within the time frame set out at (a) above; and
 - iii) stating, with particular regard to the criteria set out at Rule 5.02 below, the reasons for the call-in.
 - iv) in-line with the extended structure of the Call-In process outlined in 5.04 below, where appropriate.

In determining whether to call-in a proposal in response to a request, the Chief Executive shall have regard to the criteria set out below.

- c) Where the Chief Executive calls in a proposal, he or she will:

- i) notify the decision-taking body directly;
 - ii) arrange that a meeting of the relevant Scrutiny Panel is held:
 - 1) within seven clear working days of the receipt by the proper officer of the request for Call-in where he or she considers that any further delay could prejudice the public interest or the interests of the Council; or
 - 2) at such other time as the Chief Executive, in consultation with the Chairman of the Scrutiny Commission, considers appropriate, but which shall be no later than the next ordinary meeting of that Scrutiny Panel and that decision shall not be implemented until the end of the meeting of the Scrutiny Panel.
- d) At the meeting to consider the called-in decision, the Scrutiny Panel shall:
- i) consider that item of business before any other ordinary business of the meeting; and
 - ii) the Chairman of the Scrutiny Commission shall preside for the consideration of that item or, if he or she is not present, a Panel Member (other than the Panel Chairman) appointed to do so by those present shall preside for the consideration of that item.
- e) The Scrutiny Panel can, at its meeting, resolve as follows:
- i) to make a recommendation to the decision-taker to alter the decision, or reconsider any part of it. In this case, the implementation of the initial decision shall be delayed until such a recommendation has been considered;
 - ii) to make no recommendation to the decision-taker. In this case, the initial decision shall be implemented at any time after the end of the meeting of the Scrutiny Panel;
 - iii) to make recommendation(s) to the Council or Executive in terms of improvement(s) to services or procedures (unless the initial decision is solely based on improvements to services or procedures, in which case either i) or ii) above or iv) below shall be applied). In this case, the initial decision shall be implemented at any time after the end of the meeting of the Scrutiny Panel; or
 - iv) to defer consideration of the proposal for further reports. In this case, the Scrutiny Panel must set a date and time for such deferred consideration, and the decision shall not be implemented until the end of that subsequent meeting unless the decision-taker uses the urgency procedure in respect of the proposal.

- f) On consideration of a proposal, the Scrutiny Panel may recommend to the decision-taker, the Executive or to the Council that a function be discharged in a different manner, or that a relevant policy, plan or strategy be prepared, amended or withdrawn. Such a recommendation, as opposed to a recommendation under e) (the above), shall not cause any deferment of any implementation of a decision.
- g) After consideration of the recommendation of the Scrutiny Panel, the decision-taker may resolve to:
 - i) confirm the decision with or without amendment;
 - ii) not to confirm the decision; or
 - iii) to refer the decision as a proposal to the Council for decision.

**Harborough District Council
Constitution (Part 4, Section 5:
Scrutiny Procedures Rule 5.01)**

5.02 Criteria for Call-in

“In administering the Call-in procedure, the Chief Executive shall have regard to the following criteria to enable a Call-in to be effected:

- a) Does the proposal affect more than one Portfolio?
- b) Does the proposal affect more than one Ward?
- c) Is the proposal one against which the Council has received substantial public representations?
- d) Are there significant legal, financial or propriety issues relating to the proposal?
- e) Has the decision-taker failed to seek or to take into account any views previously expressed by the relevant Scrutiny Panel?
- f) Is the decision likely to cause significant concern or distress to the local community or prejudice to individuals within it?
- g) Has more than one Member of Scrutiny or more than two other Members requested the Call-in?
- h) Is the issue one which has not been the subject of significant consultation?
- i) Will any damage to the interests of the Council from delay in taking or implementing the decision be insignificant?”

**Harborough District Council
Constitution (Part 4, Section 5:
Scrutiny Procedures Rule 5.02)**

7 Resource Issues

7.1 The Call-in process is facilitated through existing resources.

8 Community Safety Implications

8.1 None arising directly from this report.

9 Carbon Management Implications

9.1 None arising directly from this report.

10 Risk Management Implications

10.1 Not applicable.

11 Consultation

11.1 The Call-in process was overseen by the Chairman of the Scrutiny Commission and B. Jolly, Assistant Director Corporate Resources (acting as Deputy Chief Executive).

12 Background Papers

12.1 N/A.

Information Issued Under Sensitive Issue Procedure: No

Appendices:

A. Report 1 from the Meeting of the Executive held on 19th September 2012.