

**PUBLIC**

**AGENDA ITEM No.8 (j)**

**DERBYSHIRE COUNTY COUNCIL**

**COUNCIL MEETING**

**13 September 2017**

**Report of the Director of Legal Services**

**WAIVER OF THE CALL-IN PROVISIONS**

**Purpose of the Report**

To report agreements to waive the call-in provisions.

**Information and Analysis**

The Council's Constitution provides for a report to be submitted to the next available Council meeting where the call-in provisions have been waived in view of the urgent nature of a decision taken by the Cabinet or a Cabinet Member.

A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. The record of the decision states whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the appropriate Improvement and Scrutiny Committee has to agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

The following decisions are reported –

(1) Meeting – Cabinet on 9 June 2017.

Decision – Approval to the holding of a public referendum with residents living within the Chesterfield Borough Council area under Section 116 of the Local Government Act 2003 - Exempt item

Cabinet considered that this was an urgent matter and should not be subject to call-in, in view of the need to implement the decision immediately in order that the referendum may be held without delay and, if possible, in advance of the further SCR consultation.

Prior to the meeting, Councillor S Bull, the Chairman of the Improvement and Scrutiny Committee – Places, had agreed that the decisions should be regarded as urgent and that the decisions proposed were reasonable.

(2) Meeting – Cabinet meeting – 9 June 2017.

Decision – Review of the Council’s Senior Management Model - Exempt item.

Cabinet considered that this was an urgent matter and should not be subject to call-in, as any delay likely to be caused by the call-in process would seriously prejudice the Council’s interests.

Prior to the meeting, Councillor T Kemp, the Chairman of the Improvement and Scrutiny Committee – Resources had agreed that the decisions should be regarded as urgent and that the decisions proposed were reasonable.

**Considerations**

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

**Background Papers**

None.

**OFFICER’S RECOMMENDATION**

That the report be noted.

**John McElvaney  
Director of Legal Services**