

DERBYSHIRE COUNTY COUNCIL

COUNCIL MEETING

19 September 2012

Report of the Director of Legal Services

AGREEMENT TO WAIVE 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 3 July 2012 - Church Gresley Infant School Replacement site - Pennine Way, Church Gresley (Exempt item),

Cabinet considered that this was an urgent matter and should not be subject to call-in, in view of the fact that contractors were due to commence works on site immediately and any delay would seriously prejudice the Council's and the public interest.

Prior to the meeting, the Chairman of the Improvement and Scrutiny Committee (Councillor P Murray) had agreed that the decisions should be regarded as urgent and that the decisions proposed were reasonable.

(2) Meeting – Cabinet 24 July 2012 – Kitchen Ventilation Schemes (Exempt item).

Cabinet considered that this was an urgent matter and should not be subject to call-in, in view of the fact that urgent works were required for

Health and safety reasons and any delay would seriously prejudice the Council's and the public interest.

Prior to the meeting, the Chairman of the Improvement and Scrutiny Committee (Councillor P Murray) 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 and transport considerations.

OFFICER'S RECOMMENDATION

That the report be noted.

John McElvaney
Director of Legal Services