

PUBLIC

AGENDA ITEM No 8e.

DERBYSHIRE COUNTY COUNCIL

COUNCIL MEETING

23 September 2015

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 Chair 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 decision are reported –

(1) Meeting – Cabinet 26 May 2015.

Decision – Changes to the B-line Concessionary Fares Scheme.

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 and the public interest and that the decision proposed was reasonable in all the circumstances.

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

(2) Meeting – Cabinet 16 June 2015.

Decision – Outcome of the consultation regarding the proposal to transfer the Erewash Key Stage 3 Pupil Referral Unit from Breadsall to Ilkeston and to transfer Breadsall CE Primary School to a new site.

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 and the public interest and that the decision proposed was reasonable in all the circumstances.

Prior to the meeting, Councillor D Charles, Chair of the Improvement and Scrutiny Committee – People, had agreed that 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.

Background Papers

None.

OFFICER'S RECOMMENDATION

That the report be noted.

John McElvaney
Director of Legal Services