
REPORT FOR: CABINET

Date of Meeting:	20 June 2019
Subject:	Re-consideration of the Cabinet Decision of 30 May 2019 concerning the Harrow Strategic Development Partnership
Key Decision:	Yes (this is a re-consideration of the Key Decision made by Cabinet on 30 May 2019)
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services
Portfolio Holder:	Councillor Keith Ferry, Deputy Leader and Portfolio Holder for Planning, Regeneration and Employment Councillor Adam Swersky, Portfolio Holder for Finance and Resources
Exempt:	No
Decision subject to Call-in:	No, except for Part II appendices (Enclosure Appendix 4 refers) to the report originally considered by Cabinet on 30 May 2019 which are exempt under paragraph 3 of Schedule 12a of the Local Government Act 1972 (as amended) in that they relate to the financial or business affairs of any particular person including the authority
Wards affected:	All
Enclosures:	Appendix 1 – Call-In Notice signed by 11 Councillors Appendix 2 – Draft Minutes of the Call-In Sub-Committee meeting of 17 June 2019 Appendix 3 – Cabinet Report and Part I and Part II appendices

Section 1 – Summary and Recommendations

This report sets out the decision of the Call-in Sub-Committee on 17 June 2019 following receipt and consideration of a Call-In Notice about the Cabinet decision of 30 May 2019 relating to the Harrow Strategic Development Partnership.

The Call-in Sub-Committee recommended to Cabinet:

To reconsider its decision dated 30 May 2019 in relation to the Harrow Strategic Development Partnership in the light of its comments and any further officer advice.

Reason: (For recommendations)

Committee Procedure Rules 46.8.3, 46.9, and 46.13 require Cabinet to reconsider its decision at its next meeting and within 10 clear working days of a referral by the Call-In Sub-Committee.

Section 2 – Report

Introductory paragraph

On 30 May 2019, Cabinet considered a report in relation to the Harrow Strategic Partnership. Having considered the report and the confidential appendices, Cabinet agreed that:

- (1) the Regeneration Programme Objectives, as set out in paragraph 3.2 of the officer report, be approved;*
- (2) a Strategic Development Partnership, established through a partnership vehicle, be agreed as the preferred delivery approach for the development of Core Sites in the Regeneration Programme;*
- (3) the commencement of the proposed procurement exercise to identify a Strategic Development Partner, as set out in paragraph 7.1 of the officer report, be approved;*
- (4) the proposition to be put to the market, as part of the procurement exercise, and as set out in confidential Appendix 5 to the officer report be agreed;*
- (5) the Corporate Director, Community, following consultation with the Portfolio Holder for Planning, Regeneration and Employment and the Portfolio Holder for Finance and Resources, be authorised to:*
 - a. make any necessary amendments to the draft procurement documentation and agree the final versions for publication; and*

b. take all other necessary steps to conduct the procurement exercise, including shortlisting and deselection of bidders in accordance with the Public Contract Regulations 2015; and

(6) the Corporate Director, Community, be authorised to procure support for external commercial and legal advice to support the procurement exercise, the costs of which must be contained within the agreed financial capacity stated at paragraph 9.1. to the officer report.

Reason for Decision: *In order to progress the delivery of the Council's Regeneration Programme for Core Sites in its ownership which would contribute to Harrow's regeneration ambitions.*

The Cabinet report and the relevant minute are attached at Appendices 3 and 4.

On 7 June 2019, a Notice signed by 11 Conservative Members was received calling in the above decision and citing the following grounds, full details of which are set out at Appendix 1:

- 1) inadequate consultation with stakeholders prior to the decision;
- 2) the absence of adequate evidence on which to base a decision;
- 3) the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework; and
- 4) insufficient consideration of legal and financial advice.

In accordance with Appendix 1 of the Committee Procedure Rules, the Chair and the Designated Member of the Overview and Scrutiny Committee were consulted and determined that that the Notice was valid. Thereafter, a meeting of the Call-In Sub-Committee was convened on 17 June 2019 to consider the Notice.

Given the call-in, Cabinet's decision has not been implemented.

The Call-In Sub-Committee agreed that the decision be referred back to Cabinet on ground 2 - *the absence of adequate evidence on which to base a decision* for the reasons set out in an extract from the draft minutes of the meeting attached at Appendix 2.

In accordance with the Committee Procedure Rules referred to above Cabinet must reconsider its original decision at its next meeting and within 10 clear working days of a referral by the Call-In Sub-Committee.

Cabinet is requested to reconsider its decision of 30 May 2019 in relation to the Harrow Strategic Development Partnership having considered the referral by the Call-In Sub-Committee and the information provided by officers in Appendix 5.

Section 3 - Statutory Officer Clearance

Name: Dawn Calvert

Chief Financial Officer

Date: 19 June 2019

Name: Hugh Peart

Monitoring Officer

Date: 19 June 2019

Section 4 - Contact Details and Background Papers

Contact: Bob Wearing, Temp Democratic Services Officer

Email: bob.wearing@harrow.gov.uk

Background Papers: Council's Constitution

<http://www.harrow.gov.uk/www2/ieListDocuments.aspx?CId=1092&MId=64702&Ver=4&Info=1>