

**TO HEAR THE CALL IN OF ANY DECISIONS MADE AT CABINET ON
28 MAY 2009 OR MADE BY CABINET MEMBERS, OTHER COUNCIL COMMITTEES OR A DELEGATED OFFICER AND PUBLISHED
WITHIN FIVE WORKING DAYS OF THE MEETING. ITEM 1**

Contact Officer: Khalid Ahmed
Telephone: 01895 250833

REASON FOR REPORT

To provide information to Committee Members on their powers to call in decisions made by Cabinet, Cabinet Members and officers with delegated power from Cabinet.

OPTIONS OPEN TO THE COMMITTEE

To note the contents of this report and use it to inform the process of, first, deciding whether to call in decisions and then, at this meeting, hearing any called in decisions made at Cabinet on 28 May 2009 or made recently by Cabinet Members, other Council Committees or a delegated officer.

The options open to the Committee on a called in decision are to:

- i. Refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of the Committee's concerns, or
- ii. Refer the matter to full Council, but only in the circumstances set out in the rules of procedure (included earlier in this agenda and reports), or
- iii. Decide not to refer back the decision. If the Committee wishes, it may give advice or feedback to the decision-maker and/or officers.

INFORMATION

Criteria and process for deciding a call-in

1. Advisory criteria agreed by the Committee for deciding whether or not to call in a decision are attached in Annex 1. If a decision is called in, the criteria will be referred to in the call-in notification, to give reasons for the Committee's decision.

2. The advisory criteria may be amended at any time, if the Committee feels they do not adequately reflect the range of reasons for calling in decisions.
3. An informal meeting of the Committee will be held in Committee Room 7 immediately after the end of the Cabinet meeting on 28 May 2009 to decide whether to question or call in any decisions made at Cabinet. The formal meeting of the Committee is scheduled to take place within 5 working days of the Cabinet meeting.
4. Any Member of the Committee may also propose a decision for call in by contacting the Scrutiny Advisor, the Chairman of the Committee or the lead representative of the majority party on the Committee. It is recommended that this is done either before the Cabinet meeting or within 2 working days of the Cabinet meeting in order to allow time for the Committee to be consulted before the deadline for considering the decision expires. Any proposals will be notified to the whole Committee for comment and agreement.
5. The Scrutiny Advisor should normally be notified of all called-in decisions agreed by the Committee within 3 working days of the Cabinet meeting or of the Cabinet Member taking a decision. Officers and/or the Cabinet Member responsible for the called-in decision will be notified and asked to attend the call in.

Cabinet agendas and decisions

6. All Members of this Committee are on the Cabinet team mailing lists to receive printed copies of the Cabinet meeting agendas and decisions.

Education decisions

7. Representative Members for Education on the Committee can only vote education issues. They may speak on education and other matters.
8. Reports on education or with education elements listed on the Cabinet Agenda for 28 May 2009 are:

Part II (Members, Press & Public):

Acceptance for Tender for a two storey for classroom extension at Pinkwell Primary School

Cabinet Members' and officers' decisions

9. The Forward Plan lists planned Cabinet Members' decisions and may be used to guide scrutiny of Cabinet Members' decisions. All Members

of this Committee also receive an e-mail copy of all requests for Cabinet Members' decisions. All Councillors receive e-mail copies of Cabinet Members' decisions when made, which may be published at any time. Call-in on these decisions can only take place within 5 working days of the decision being published.

10. As advised at the Committee's first meeting, Government Guidance states that day-to-day decisions by officers should be excluded from scrutiny. There is no central record of officers' delegated decisions. Cabinet Members are briefed on the more significant delegated decisions at Directors' briefing. Directorates should keep records of delegated decisions.

BACKGROUND PAPERS

Annex 1 – Criteria for call-in as agreed at the first meeting of the Committee in 2006.

Members should bring their copies of the Cabinet agenda and decisions and the Forward Plan to the meeting.

SUGGESTED SCRUTINY ACTIVITY

- Refer to the attached criteria when considering Cabinet decisions for call-in, noting those that are mandatory and those that are advisory.
- Decide within 3 working days of Cabinet whether to call in any decisions taken at Cabinet on 28 May 2009.
- If a vote is taken, Education representatives may only vote on items or elements of item reports concerning education (listed at 8 above).
- Consider recent Cabinet Member decisions – decide whether to call-in any of these.

Annex 1 – Criteria for call-in agreed at the Executive Scrutiny Committee’s first meeting

Mandatory

- a. A majority of the Committee agrees to call-in the decision (this is required by the Constitution)

Advisory

- b. The expenditure or savings resulting from the decision are £25,000 or greater (to stop trivial call-ins)

and one or more of the following:

- c. The recommendations that lead to the decision do not adequately reflect the evidence contained in the report.
- d. There is evidence that does not appear to have been considered in reaching the decision.
- e. There is a high level of public interest or concern, perhaps evidenced by many complaints or a petition to Councillors.
- f. The decision appears to be contrary to an Auditor’s or an Inspector’s recommendation.
- g. Cabinet has not accepted a recommendation from another O&S committee.

