

24 July 2014		ITEM: 3
Corporate Overview and Scrutiny Committee		
Call-in to Cabinet Decision 01104302 – Shaping the Council 2015 and Beyond		
Wards and communities affected: All	Key Decision: Key	
Report of: Fiona Taylor, Head of Legal & Democratic Services		
Accountable Head of Service: Karen Wheeler, Head of Strategy and Improvement; Sean Clark, Head of Corporate Finance,		
Accountable Director: Graham Farrant, Chief Executive		
This report is Public		

Executive Summary

This report outlines the call-in made to the above Cabinet decision, highlighting the reasons why the call-in was made and the alternative proposals being put forward.

This report offers advice to the committee on how to manage the call-in through the committee process and should be used as a summary document to help understand the overview of this particular call-in.

1. Recommendation(s)

That Committee can either:

- 1.1 If it is concerned about the original decision in light of the call-in, refer recommendation 1.4 (Decision: 01104302, Shaping the Council 2015 and Beyond) to Cabinet for reconsideration, setting out in writing the nature of its concerns.**
- 1.2 Reject the call-in stating the reasons why.**

2. Introduction and Background

- 2.1 On Monday 14 July 2014, Councillors Robert Gledhill, James Halden and Shane Hebb called in recommendations 1.3 and 1.4 of the Cabinet report 'Shaping the Council 2015-16 and Beyond' (decision 01104302), in their capacity as three non-executive Members.**

2.2 For information, details of recommendations that have been called in are provided below:

Recommendation 1.3:

“Cabinet agree savings for 2014/15 – 2017/18 for further development and public consultation as set out in Appendix 3.”

Recommendation 1.4:

“That officers bring back a further report to Cabinet in August 2014 with the results of initial consultation and further proposals to meet the remaining budget deficits.”

2.3 The reason for making the call in (in accordance with Chapter 4, Part 3, Rule 10.4 of the Constitution) has been cited as a failure of the decision maker to take the decision in accordance with the following decision-making principles:

- a. *Due regard for individuals and communities served by Thurrock.*
- c. *Due consultation*

For clarification there was no “b.” listed on the call in form.

2.4 The alternative proposal stated on the call in form is:

1.3 *Cabinet refer the savings for 2014/15 – 2017/18 to overview and scrutiny committee(s) and relevant stakeholders for consultation.*

1.4 *The results of the consultations be referred to full council for consideration and agreement/refusal.*

1.5 *Further proposals to meet any remaining budget deficits to follow the same process as at 1.3 and 1.4 (listed above).*

2.5 The decision of the Monitoring Officer, based on the information included on the call in form and further to the points of clarification provided by Members under Rule 10.12 of the Constitution, was to:

(i) Reject the following alternative proposals

1.3 Cabinet refer the savings for 2014/15 – 2017/18 to overview and scrutiny committee(s) and relevant stakeholders for consultation.

1.5 Further proposals to meet any remaining budget deficits to follow the same process as at 1.3 and 1.4 (listed above).

(ii) Allow the following alternative proposal to go forward for consideration by the Corporate Overview and Scrutiny Committee on Thursday 24 July.

1.4 The results of the consultations be referred to full council for consideration and agreement/refusal.

2.6 The Monitoring Officer provided the following reasons for the rejection of two of the alternative proposals :

Proposal 1.3

The alternative proposal to ensure Appendix 3 is properly consulted on through Overview and Scrutiny and stakeholder engagement is the same as the original intention of the Cabinet recommendation. Cabinet have agreed for the savings in Appendix 3 be taken through Overview and Scrutiny and stakeholder consultation as you desire. This is currently underway at each O&S committee in July.

Proposal 1.5

The alternative proposal at 1.5 relates to decisions that have yet to happen and therefore cannot be applied when assessing the validity of the call-in.

3. Issues, Options and Analysis of Options

3.1 When considering the call-in, the Committee is recommended to adhere to the following schedule:

- The person who made the call-in to briefly introduce the reasons for the call-in and their alternative proposal(s).
- The portfolio holder and officers to respond to the call-in and advise the Committee of any points that may be relevant.
- If applicable, the Committee should receive comments from third parties that may be directly involved in the original cabinet decision.
- The person who made the call-in to summarise.
- The Committee should then weigh up evidence and ask any relevant questions to those in attendance.
- The Committee should decide to do one of the following:
 - a) if it is concerned about the original decision in light of the call-in, refer it to the decision maker (Cabinet) for reconsideration, setting out in writing the nature of its concerns; or
 - b) reject the call-in stating the reasons why.

4. Reasons for Recommendation

4.1 The Committee are requested to manage the call-in in accordance with the provisions set out in Chapter 4, Part 3 of the Constitution.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Not applicable.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The call-in has a positive impact on corporate policies as it allows for the proper exercise of the democratic function, namely for Members to call-in a Cabinet decision based on valid arguments.

6.2 The role of Overview and Scrutiny in this function will allow for issues to be discussed in a public arena with cross party involvement and will give the opportunity for interested parties to join the debate and make representations

7. Implications

7.1 Financial

Implications verified by: **Sean Clark**
Head of Corporate Finance

The Council faces significant financial difficulties in both the current year and the remainder of the medium term financial strategy – 2015/16-2017/18. The approach is to bring forward savings at the earliest opportunity although ensuring that all required consultation takes place. Any delays to the approval of budget proposals puts their timely delivery at risk adding further pressure to 2015/16.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal

There are no specific legal implications directly arising from the recommendations beyond the procedural matters cited at the start of this report. The Council Constitution provides for Call-In of Cabinet decisions in Chapter 4, Part 3, Rule 10.

The Cabinet decision 1.4, outlined within the report does not fall outside the Policy and Budget framework and therefore is required to be referred back to the decision making body – Cabinet, for approval.

The process for setting the budget as outlined in Chapter 3, Part 3 of the Council Constitution.

Cabinet shall prepare a draft Budget for the authority and shall submit it to the Chief Executive for report to Council for approval.

Cabinet shall refer the draft Budget to the relevant Overview and Scrutiny Committee for Members to consider and prepare a recommendation to Cabinet.

The Council is required to set a balanced budget at the February Council meeting.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
Community Development and Equalities
Manager

There are no direct equality implications arising from this call in. Any alternative proposals would need to be reviewed and any equality implications arising from them would be stated as part of the proposals.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- Appendix 1: Call-in form.

Report Author:

Stephanie Cox
Senior Democratic Services Officer
Legal & Democratic Services