

**SUBJECT: REQUEST TO CALL- IN EXECUTIVE DECISIONS**

**REPORT BY: DIRECTOR OF RESOURCES**

**LEAD OFFICER: CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)**

**1. Purpose of Report**

1.1 To submit a request for the ‘call-in’ of three separate Executive decisions made at the meeting held on 25 March 2013 in respect of the following items:-

- a) Closure of the Urban Rangers Service
- b) Closure of the Commons Warden Service
- c) Cessation of the Ward Budgets Scheme.

**2. Background**

**2.1 Applications for Call in**

2.2 On 3 April 2013 Councillors H Spratt and R Hills submitted an application to call-in three decisions of the Executive.

2.3 The application sought to call-in the Executive’s decisions in respect of the Urban Ranger Service, Commons Warden Service and Ward Budgets made at their meeting on 25 March 2013. The applications are detailed below. Copies of the Executive reports and associated minutes of the meeting held on 25 March 2013 are attached as **appendices A, B and C**.

2.4 A copy of Councillors H Spratt and R Hill’s application along with the grounds under which the request has been made is attached at **Appendix D**.

**3. Applications for call in to be considered by committee**

3.1 Each application needs to be dealt with separately as these relate to three separate executive decisions. Each will follow the procedure detailed in Section 4 below. The individual requests are detailed below along with the relevant Executive minute.

**3.2 Urban Rangers**

3.3 The “decision” to which the application for call-in relates has been extracted from the minutes and is set out below:

- 1. That the proposed closure of the Urban Ranger service be approved.
- 2. That the Director of Housing and Community Services be authorised to

issue notices of redundancy to the three affected members of staff and proceed with the implementation of the decision in accordance with the Council's Management of Change policy and procedures.

3.4 The call – in application states that the grounds for call in are:

1. That the decision maker has failed to give adequate reasons, take relevant considerations and not considered any viable alternative.

### 3.5 **Commons Warden**

3.6 The “decision” to which the application for call-in relates has been extracted from the minutes and is set out below:

1. That the proposed closure of the Commons Warden service be approved.

2. That the Director of Housing and Community Services be authorised to issue a notice of redundancy to the one affected member of staff and proceed with the implementation of the decision in accordance with the Council's Management of Change policy and procedures.

3.7 The call – in application states that the grounds for call in are:

1. That the decision maker has failed to give adequate reasons, take relevant considerations and not considered any viable alternative.

### 3.8 **Ward Budgets**

3.9 The “decision” to which the application for call-in relates has been extracted from the minutes and is set out below:

That the Ward Budgets scheme be discontinued

3.10 The call – in application states that the grounds for call in are:

1. That the decision maker has failed to give adequate reasons, take relevant considerations and not considered any viable alternative.

## 4. **Call in Process**

4.1 In an application for a call – in, the Committee must first decide whether it agrees to the request for the call-in of an Executive decision. In making this judgment members may ask themselves whether the grounds set out within the Constitution and application are met and whether there is sufficient concern with the decision to call it in.

4.2 Paragraph 14.5 of the Scrutiny Procedure Rules sets out the relevant grounds for an application for call in, and they are set out below:-

- that having regard to the nature of the decision, and the circumstances in which it was made, the decision has been taken on the basis of inappropriate or insufficient consultation.
- that the decision maker has failed to give adequate reasons for the decision
- that the decision maker has failed to take relevant considerations, or has taken irrelevant considerations into account, or has come to a decision which no reasonable decision maker, taking everything properly into account, could have come to
- that the decision is contrary to the policy framework.
- that the decision is contrary to, or not wholly in accordance with, the budget
- that the decision cannot be justified and is open to challenge on the basis of the evidence considered
- That a viable alternative was not considered

4.3 The procedure adopted by this committee in addressing call in applications is set out below :-

1. The Chairman of the meeting will introduce the item and allow one of the members making the application to speak to it. The second member making the application may also speak with the Chairman's permission. The member in presenting their application for call in may refer to documents not contained within the application but should ensure copies are available for the meeting. (Democratic Support Officers will copy any documents received in good time before the meeting.)
2. Members of the committee may ask any questions of the members making the application for call in.
3. The Chairman may also ask for a short response from the relevant Executive member, addressing in particular from their perspective any factual discrepancies with the application for call in.
4. Members of the Committee may ask the relevant Executive member any questions of clarification .The Committee should then decide whether or not to call in the decision.
5. If the decision is to be called in for review the Chairman will seek to establish from all the members of the Committee the scope of the committees concerns and summarise the parameters of the review of the decision to be called in.

6. The committee should then determine whether it has all relevant information and persons before it to enable it to proceed and consider the call in directly. If further information or other persons attendance is required the Chairman will outline the requisite requests and adjourn the item to a future meeting of the Committee.
7. If members decide that they can safely proceed on the basis of the information before it the Chairman will set out the scope of the committees concerns and seek a full response from the decision maker.
8. The Executive member will respond referring to any relevant documents. Copies of any documentation referred to by the decision maker should be available for members of the Committee.
9. Members of the committee may then ask any questions of the Executive member.
10. Having considered the information, the Committee may resolve: -
  - To take no further action
  - To refer the decision to the decision maker, with a recommendation as to whether the decision maker should rescind the decision, or amend it, and if so how and why.
  - To refer the matter to full Council for the Council to exercise the power of scrutiny and review (this latter option is most appropriate where committee believes that the executive decision is contrary to the budget and policy framework agreed by Council ).

## **5. Equality Implications**

- 5.1 There are no equality implications arising purely from the possible call-in.

## **6. Financial Implications**

- 6.1 There are no financial implications resulting purely from the consideration of the application for call-in.

## **7. Recommendation**

- 7.1 That Committee considers each separate request for call – in and decide whether they wish to agree to the request for call-in and, if so, what action should be taken to review the decision to enable the Committee to make a resolution in accordance with the above.

### **List of Background Papers:**

Request for Call-In dated 3 April 2013

### **Lead Officer:**

Carolyn Wheater, Assistant Director (Legal and Corporate Support Services)