

**9 March 2015**

## **Audit and Scrutiny Committee**

### **Call-in of decision 458 of the Asset and Enterprise Committee 18 February 2015, *Hutton Community Centre – New Lease***

**Report of:** *Ben Bix, Corporate and Democratic Services Manager*

**Wards Affected:** *Hutton North*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 This report summarises the constitutional provisions of 'Call-in' (attached in full as Appendix 5)
- 1.2 All of the rules and procedures relating to call-in seek to recognize that in a Committee System every non-delegated decision is taken in a politically balanced committee, where all Councillors who are members of that committee have the opportunity to question and debate the issues in hand in public forum and participate in the decision-making process.

#### **2. Recommendation(s) That the Committee must resolve *one* of the following:**

- 2.1 To allow the decision to be implemented without further delay;
- 2.2 To refer the decision back to the Asset and Enterprise Committee together with the observations (to be stated) of the Audit and Scrutiny Committee. The Asset and Enterprise Committee will then take the final decision and that decision may not be called in;
- 2.3 To request that the Chair of Asset and Enterprise allow further time for the Audit and Scrutiny Committee to consider the issue and make observations at a later date; or
- 2.4 Referral to the Monitoring Officer and/or the Section 151 Officer for further consideration (for exceptional/complex matters).

#### **3. Introduction and Background**

- 3.1 Call-in is intended to be used only in exceptional circumstances, the procedure being seen as a last resort through which Councillors may request scrutiny of a decision they believe to be contrary to the authority's

decision making principles. The process cannot be used simply because members disagree with a decision that has been taken.

- 3.2 A call-in form, complying with the requirements set out in Part 4.4 of the Council's Constitution, was received within the permitted timescale following the publication of decision 458 of the Asset and Enterprise Committee, on 20 February 2015.
- 3.3 Part 4.4 of the Constitution, paragraph 1.3 states that "No member may participate in the scrutiny of a decision in which he/she has been directly involved unless he/she attends a meeting for the purpose of making representations, answering questions or giving evidence." The relevant decision makers precluded from the scrutiny of this decision are Councillors Sapwell, Aspinell, Mrs Coe, Hirst, Kerslake, Morrissey, Sleep, Kendall, Le-Surf and Mrs McKinlay.
- 3.4 Decisions can be called-in by eight individual Councillors. Councillor Hossack started the call-in procedure. Councillors Cloke, Mrs Coe, Hirst, Mrs Hones, Kerslake, Mrs McKinlay and Ms Sanders were signatories in support of the call-in.
- 3.5 The Chair, Vice Chair and Caller-in agreed the procedure for the meeting on 4 March 2015.

#### **4. Issue, Options and Analysis of Options**

- 4.1 The options before the Committee are described in stages 3 and 4 of the Council's call-in procedure as follows:
  - 1. To allow the decision to be implemented without further delay
  - 2. To refer the decision back to the Asset and Enterprise Committee together with the observations (to be stated) of the Audit and Scrutiny Committee. The Asset and Enterprise Committee will then take the final decision and that decision may not be called in
  - 3. To request that the Chair of Asset and Enterprise allow further time for the Audit and Scrutiny Committee to consider the issue and make observations at a later date
  - 4. Referral to the Monitoring Officer and/or the Section 151 Officer for further consideration (for exceptional/complex matters).

#### **5. Reasons for Recommendation**

- 5.1 To comply with Part 4.4 of the Council's Constitution – Overview and Scrutiny Procedure Rules

## **6. Consultation**

- 6.1 As required by paragraph 10 of Part 4.4 of the Constitution the Monitoring Officer and the Chair of Audit and Scrutiny were consulted.

## **7. References to Corporate Plan**

- 7.1 *A Modern Council*. The Council adopted its amended Constitution in April 2014 enabling improved 'governance arrangements leading to faster, more effective decision-making'.

## **8. Implications**

### **Financial Implications**

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- 8.1 The call-in procedure has no direct financial implications.

### **Legal Implications**

**Name & Title:** Christopher Potter, Monitoring Officer and Head of Support Services

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- 8.2 The power to 'call-in' a decision taken but not yet implemented is sourced from *The Local Authorities (Committee System) (England) Regulations 2012* as interpreted in Part 4.4 of the Council's Constitution.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 None

## **9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

- 9.1 Background papers relating to the decision of the Asset and Enterprise Committee can be found on the Council's website. There were two exempt appendices Appendix A Expressions of interest received, and Appendix B Summary of the expressions of interest received.

## **10. Appendices to this report**

- Appendix 1 – Call-in form received and validated by the Monitoring Officer, including a statement from the Caller-in
- Appendix 2 – Procedure for the meeting
- Appendix 3 – Report to Asset and Enterprise Committee 18 February 2015
- Appendix 4 - Published decision of 18 February 2015
- Appendix 5 - Call-in extract from the Council's Constitution

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