

MIDDLESBROUGH COUNCIL

AGENDA ITEM 3

OVERVIEW AND SCRUTINY BOARD

16 JANUARY 2018

<p>CALL-IN – MEMBERS SMALL SCHEME ALLOCATIONS– SUBMITTED TO EXECUTIVE SUB COMMITTEE FOR PROPERTY – 20 DECEMBER 2017</p>
--

PURPOSE OF THE REPORT

1. In accordance with Middlesbrough Council's Call In Procedure, to allow Members of the Overview and Scrutiny Board (OSB) the opportunity to review a decision made by the Executive Sub-Committee for Property.

RECOMMENDATION

That the Overview and Scrutiny Board considers the decision of the Executive Sub-Committee for Property and determines whether it should be referred back to the decision making body for reconsideration.

EXECUTIVE DECISION – 20 DECEMBER 2017

2. A meeting of the Executive Sub-Committee for Property was held on 20 December 2017. At that meeting, consideration was given to a report of the Executive Member for Finance and Governance/Executive Director of Growth and Place in respect of bids received in respect of the initial bidding round for the Members Small Scheme Allocations which took place through August /September 2017.

Members were to consider the bids received and to either approve, reject or defer each bid taking into account the information provided within the report.

3. A copy of the above report, which outlined the background to the bids received, is attached at **Appendix 1**.
4. Following consideration of the submitted report, the Executive Sub-Committee for Property agreed as follows:

That Option 1 - To agree to fund all of the schemes totalling £121,000 through the current budget allocation of £106,000 and drawing down £15k from the 18/19

budget allocation (£60,000), be approved, if funding is required for next year's scheme, additional resources could be sought from the allocated capital funding.

That when parks/footpaths be installed, Environmental services be mindful of the budgets allocated to ensure the necessary repairs/updates are undertaken.

This decision was supported by the following reason:

The schemes submitted have been appraised and scored in accordance with the member's small scheme allocation and members to consider which schemes are to be approved in accordance with either Option 1 or Option 2.

CALL IN PROCEDURE

5. The power to call in a decision of a local authority executive body was introduced under the Local Government Act 2000. The process is intended to hold decision makers to account and ensure that executive powers are discharged properly. Call in ensures that a decision can be reviewed and reconsidered before it is implemented.
6. The procedure allows Members the opportunity to call in decisions for review by the Overview and Scrutiny Board as follows:
 - A decision made by The Executive;
 - A decision made by an individual Member of the Executive;
 - A decision made by a committee or sub-committee of the Executive;
 - A key decision made by an officer with delegated authority from the Executive; or
 - A decision made under joint arrangements.
7. The process is initiated by at least five Members of the Council requesting a decision to be reviewed within five working days following publication of the decision and submitting a form that outlines the reason(s) for the call in.
8. Following the meeting of the Executive Sub-Committee for Property on 20 December 2017, the required call in form signed by seven Members supporting the request to call in the decision outlined above was received. The form was signed by Councillor Rathmell (who initiated the call in) and Councillors C Hobson, J Hobson, Hubbard, Mohan, McTigue and Saunders.
9. The reasons for the call in, as submitted to the Council's Monitoring Officer, are as follows:

The decision failed to follow process, procedural and governance guidance; in addition, the report is factually incorrect and misleading. Clarification was requested regarding the reasons for Call-in but no further information was forthcoming.
10. To assist the Overview and Scrutiny Board in the call in process, Councillor C Rooney, Chair of the Executive Sub-Committee for Property, the Executive Member for Finance and Governance and appropriate Council officers will be present at the meeting. The Executive Members and officers will explain the reasons and rationale behind the report and the decision that was made. The Member who initiated the call in will also be present to explain their views and concerns in respect of the decision. The Member that initiated the call-in has

requested to call a number of witnesses. The Chair of the Overview and Scrutiny Board will make a decision with regards to this request.

11. A copy of the procedure to be followed at the meeting is attached at **Appendix 2**.
12. Following the outcome of the Call-in request, the Overview and Scrutiny Board has two courses of action available:
 1. To refer the decision back to the Executive Sub-Committee for Property for reconsideration. In that case, OSB should set out in writing the nature of its concerns about the decisions.
 2. To determine that it is satisfied with the decision making process that was followed and the decision that was taken by the Executive Sub Committee for Property. In that event, no further action would be necessary and the Executive decision could be implemented immediately.
13. In the event that the decision is referred back to the Executive Sub-Committee, a further meeting of the sub-committee would be arranged within ten further working days. The sub-committee would then make a final decision in the light of any recommendations made by OSB.
14. Where the recommendations of OSB are not accepted in full by the relevant Executive body, the body should notify the OSB of this and give reasons for not accepting the recommendations.

BACKGROUND PAPERS

15. The following background papers were used in the preparation of this report:
 - Middlesbrough Council's Constitution/Call-In Procedure.
 - Report to Executive Sub-Committee for Property - 20 December 2017.

Contact Officer:

Bryn Roberts
Monitoring Officer
Legal and Democratic Services
Tel: 01642 729738 (direct line)
e-mail: bryn_roberts@middlesbrough.gov.uk