

BROMSGROVE DISTRICT COUNCIL

SCRUTINY BOARD

19TH JANUARY 2010

**CONSIDERATION OF CALL IN –
LOCAL NEIGHBOURHOOD PARTNERSHIPS**

Responsible Portfolio Holder	Councillor G. Denaro
Responsible Head of Service	Mrs. C. Felton – Head of Legal, Equalities and Democratic Services
Non-Key Decision	

1. SUMMARY

- 1.1 To consider a call in of the decision of the Cabinet made on 2nd December 2009 in relation to the closure of all Local Neighbourhood Partnerships as at 31st March 2010.

2. RECOMMENDATION

- 2.1 The Scrutiny Board is requested to consider the call in request received and either:
- 2.1.1 dismiss the call in; or
- 2.1.2 refer the Decision back to the Cabinet for reconsideration, setting out why it has decided that the Decision should be reconsidered.

3. BACKGROUND

- 3.1 At its meeting on 2nd December 2009 the Cabinet decided that:
- (a) all Local Neighbourhood Partnerships (LNPs) be closed as at 31st March 2010;
- (b) that it be noted that the closure will produce a revenue saving of £90,000 in 2010/2011 and £120,000 in 2011/2012;
- (c) it be noted that the continued expansion of the LNPs would have resulted in a saving of £150,000 in 2012/2013 if the LNPs had continued to expand at a cost of £30,000 per annum (the existing Medium Term Financial Plan runs until 2011/2012);
- (d) the Charford LNP be closed with immediate effect and the resulting 2009/10 revenue saving of £10,000 be directed to The Trunk;

- (e) £25,000 of the annual revenue saving for 2010/11, 2011/12 and 2012/13 be used to fund the shortfall in the Medium Term Financial Plan.

3.2 On 9th December 2009 the Decision was called in by five Members of the Council who are not members of the Cabinet.

3.3 The Scrutiny Procedure Rules (“the Rules”) provide that the Chief Executive shall call in a decision for scrutiny by the Board if so requested by the Chairman of the Scrutiny Board, any three members of the Scrutiny Board or by any five members of the Council who are not members of the Cabinet. The call in will be considered by the Scrutiny Board at either the next scheduled meeting of the Scrutiny Board, or a special meeting of the Scrutiny Board to be convened by the Chief Executive within 10 working days or receipt of the request to call in, or such other date as agreed by the Chief Executive in consultation with the author of the call in and the Chairman of the Scrutiny Board.

3.4 The rules state that call in should only be used in exceptional circumstances when Members of the Board have evidence which suggest that the Cabinet did not take a decision in accordance with the principles of Decision Making in article 13. Those principles are:

- a. proportionality (i.e. the action must be proportionate to the proposed outcome);
- b. due consultation and the taking of professional advice from officers;
- c. respect for human rights;
- d. a presumption in favour of openness;
- e. clarity of aims and desired outcomes;
- f. due regard for the Council’s environmental objectives;
- g. due regard for the Council’s duties in relation to crime and disorder
- h. clear explanations of the options considered and the reasons for the decision reached.

3.5 The Decision has been called in on the basis that:

- there was no consultation with members involved in LNP’s .
- Respects of Human Rights, i.e. many of the (*members of the*) committees are members of the public and should have the right to comment.
- The decision demonstrates a lack of openness and transparency and is against Council’s objective of Well Being and Community Cohesion.

It is therefore suggested that the Cabinet did not take the decision in accordance with the principles of decision making set out in Article 13 as no clear explanation was given as to the options it considered other than the closure of all LNPs at 31st March 2010.

- 3.6 The constitution provides that the Scrutiny Board will determine the call-in in such manner as it considers appropriate but in any event expeditiously and within a maximum of 20 working days from the date of the meeting at which the call-in is first considered by the Scrutiny Board. If more detailed evidence or consideration of the issues is required to determine the call-in, the Board may during that period hold one or more additional meetings to determine the call-in.
- 3.7 In deciding whether to refer the Decision back to the Cabinet for reconsideration the Board must decide whether or not the Decision was taken in accordance with the principles of decision making. In reaching this decision the Board may consider evidence, either written evidence or oral evidence. The Assistant Chief Executive's report to the Cabinet dated 2nd December 2009 is appended and he has also been invited to attend the meeting to answer questions.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no significant financial implications of the call in.

5. LEGAL IMPLICATIONS

- 5.1 The call in process was introduced and is governed by the Local Government Act 2000 and operated under part 8 of the Constitution – Scrutiny Procedure Rules.

6. COUNCIL OBJECTIVES

- 6.1 Improvement – Reputation. A robust scrutiny process enhances public confidence in local government.

7. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 7.1 The main risks associated with the details included in this report is the possibility of a legal challenge to the decision of the Cabinet if the principles of decision making were not followed.

- 7.2 These risks are being managed as follows:

Risk Register: Legal & Democratic
Key Objective Ref No: 2
Key Objective: Effective Ethical Governance

8. CUSTOMER IMPLICATIONS

8.1 The call in of the Decision ensures the decision of the Cabinet is taken in accordance with the principles of decision making which is in the interests of all customers. The delay to the implementation of the Decision by reason of the call in is not likely to cause any significant customer implications.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 There are no implications directly relating to this report for the Council's Equalities and Diversity Policies.

10. VALUE FOR MONEY IMPLICATIONS

10.1 None for the purpose of this report.

11. CLIMATE CHANGE AND CARBON IMPLICATIONS

11.1 There are no implications directly relating to this report for the Council's Climate Change and Carbon policies.

12. OTHER IMPLICATIONS

Procurement Issues	None
Personnel	None
Governance/Performance Management	The call in process enables sound and robust decision making.
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Biodiversity	None

13. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director - Partnerships and Projects	No
Executive Director - Services	No
Assistant Chief Executive	Yes

Head of Service	Yes
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

14. WARDS AFFECTED

All Wards

15. APPENDICES

Appendix 1 Report of the Assistant Chief Executive to Cabinet dated 2nd December 2009.

Appendix 2 Minutes of the Cabinet meeting held on 2nd December 2009.

16. BACKGROUND PAPERS

None

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