

ADULTS AND COMMUNITIES SCRUTINY COMMITTEE	AGENDA ITEM No. 3
28 OCTOBER 2019	PUBLIC REPORT

Report of:	Director of Law and Governance	
Cabinet Member(s) responsible:	Cabinet Member for Housing, Culture and Recreation Cabinet Member for Strategic Planning and Commercial Strategy and Investments	
Contact Officer(s):	Paulina Ford, Senior Democratic Services Officer David Beauchamp, Democratic Services Officer	Tel. 01733 452508 Tel. 01733 384628

REQUEST TO CALL IN AN EXECUTIVE DECISION - AUTHORITY FOR THE ACQUISITION OF HOUSING FOR TEMPORARY ACCOMODATION – OCT19/CMDN/45

R E C O M M E N D A T I O N S	
FROM: Director of Law and Governance	Deadline date: N/A
<p>It is recommended that the Adults and Communities Scrutiny Committee:</p> <ol style="list-style-type: none"> 1. Consider a request to call-in a decision taken by the Cabinet Member for Housing, Culture and Recreation and the Cabinet Member for Strategic Planning and Commercial Strategy and Investments. 	

1. ORIGIN OF REPORT

1.1 The report is presented to the Committee on behalf of the Director of Law and Governance.

2. PURPOSE AND REASON FOR REPORT

2.1 The report is being presented to the Committee so that they may consider a request to call-in a decision taken by the Cabinet Member for Housing, Culture and Recreation and the Cabinet member for Strategic Planning and Commercial Strategy and Investments in respect of the Executive Decision: Authority for the acquisition of housing for temporary accommodation - OCT19/CMDN/45.

2.2 This report is for the Adults and Communities Scrutiny Committee to consider under its Terms of Reference No. Part 3, Section 4 - Overview and Scrutiny Functions, paragraph 3, Scrutiny, sub paragraph 3.3 Hold the Executive to account for the discharge of functions in the following ways:

- (f) By exercising the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or key decisions which have been delegated to an officer;

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

4.1 On the 10 October 2019, the Cabinet Member for Housing, Culture and Recreation and the Cabinet Member for Strategic Planning, Commercial Strategy and Investments made an Executive Decision relating to: Authority for the acquisition of housing for temporary accommodation - OCT19/CMDN/45. In accordance with the Constitution this decision was published on 10 October 2019.

4.2 On 15 October 2019 Councillor Mohammed Jamil and Councillor Ikra Yasin submitted a request to call-in the decision on the following grounds:

Criteria 3. Decision does not follow principles of good decision-making set out in Part 2, Article 11 (Decision Making) of the Council's Constitution, specifically that the decision maker did not:

(f) Follow procedures correctly and be fair

A copy of the request to call-in is attached at Appendix 1 and a copy of the decision notice is attached at Appendix 2.

4.3 After considering the request to call-in and all relevant advice, the Committee may either:

- (a) refer it back to the decision-making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;
- (b) if it considers that the decision is outside the Council's Budget and Policy Framework, refer the matter to the Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or
- (c) decide to take no further action, in which case the original executive decision will be effective immediately.

4.4 If referred back to the decision taker they shall then reconsider, amending the decision or not, before adopting a final decision. Once a decision has been reconsidered by the decision taker it may not be the subject of further call-in.

5. CONSULTATION

5.1 Please refer to agenda item 4. Response to Call-in of Executive Decision, Appendix 1 for details of any consultation that has taken place with regard to the Executive Decision taken.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 Possible outcomes: The Committee may either:

- a) refer it back to the decision making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;
- b) if it considers that the decision is outside the Council's Budget and Policy Framework, refer the matter to the Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or

- c) decide to take no further action, in which case the original executive decision will be effective immediately.

7. REASON FOR THE RECOMMENDATION

- 7.1 Call-in is the exercise of a Scrutiny Committee's statutory powers under section 9F(2) and 9F (4) of the Local Government Act 2000 (as amended by the Localism Act 2011) to review an Executive Key Decision before it is implemented. Where a decision is called-in and the Scrutiny Committee decides to refer it back to the decision maker for reconsideration, it cannot be implemented until the call-in process is complete.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Please refer to Appendix 2 of the report for details of alternative options considered with regard to the Executive Decision taken.

9. IMPLICATIONS

Financial Implications

- 9.1 Please refer to agenda item 4. Response to Call-in of Executive Decision, Appendix 1 for details of any financial implications with regard to the Executive Decision taken.

Legal Implications

- 9.2 Please refer to agenda item 4. Response to Call-in of Executive Decision, Appendix 1 for details of any legal implications with regard to the Executive Decision taken.

Equalities Implications

- 9.3 Please refer to agenda item 4. Response to Call-in of Executive Decision, Appendix 1 for details of any equalities implications with regard to the Executive Decision taken.

Rural Implications

- 9.4 *N/A*

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 Executive Decision Notice: Authority for the acquisition of housing for temporary accommodation - OCT19/CMDN/45.

11. APPENDICES

- 11.1 Appendix 1 – Request to Call-In Decision
Appendix 2 - Copy of Decision Notice: Executive Decision: Authority for the acquisition of housing for temporary accommodation - OCT19/CMDN/45.

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