

SUSTAINABLE GROWTH SCRUTINY COMMITTEE	Agenda Item No. 3
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Report of the Solicitor to the Council

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REQUEST FOR CALL-IN OF AN EXECUTIVE DECISION: LOCAL AUTHORITY MORTGAGE SCHEME

1. PURPOSE

- 1.1 To consider a request to call-in an executive decision made by the Cabinet.

2. RECOMMENDATIONS

- 2.1 That the Sustainable Growth Scrutiny Committee considers a request to call-in a decision taken by the Cabinet in respect of the Local Authority Mortgage Scheme.

3. BACKGROUND

- 3.1 On 13 June 2011, the Cabinet made an executive decision relating to the Local Authority Mortgage Scheme. In accordance with the Constitution this decision was published on 15 June 2011.

- 3.2 On 17 June 2011, Councillors Ed Murphy and Mohammed Jamil submitted a request to call-in this decision on the following grounds:

- (i) Decision contrary to the policy framework.
- (ii) The decision does not follow the principles of good decision making set out in Article 12 of the Council's Constitution, specifically that the decision maker did not:
 - (a) realistically consider all alternatives and, where reasonably possible, consider the views of the public

After further consideration Councillors Murphy and Jamil decided to retract the reason (i) for Call-In as there was no reasonable grounds to call the decision in that was contrary to the policy framework. Therefore the reason for Call-in is based solely on the grounds of (ii) above.

- 3.3 A copy of the request to Call-In is attached at Appendix 1 and a copy of the report considered by the Cabinet is attached at Appendix 2.

- 3.4 After considering the request to call-in and all relevant advice, the Committee may either:
- (a) not agree to the request to call-in, when the decision shall take effect;
 - (b) refer the decision back to the decision maker for reconsideration, setting out its concerns; or
 - (c) refer the matter to full Council.

4. IMPLICATIONS

- 4.1 Any implications are contained within the Cabinet report at Appendix 2.

5. BACKGROUND DOCUMENTS

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

None

6. APPENDICES

Appendix 1 – Request to Call-In Decision

Appendix 2 – Report Considered by the Cabinet