

CHILDREN AND EDUCATION SCRUTINY COMMITTEE	AGENDA ITEM No. 3
12 FEBRUARY 2020	PUBLIC REPORT

Report of:	Director of Law and Governance		
Cabinet Member(s) responsible:	Cabinet Member for Children’s Services, Education, Skills and the University		
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 - PROPOSAL TO OPEN A VOLUNTARY AIDED ROMAN CATHOLIC PRIMARY SCHOOL - JAN20/CMDN/78

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 Children and Education Scrutiny Committee:</p> <ol style="list-style-type: none"> 1. Consider a request to call-in a decision taken by the Cabinet Member for Children’s Services, Education, Skills and the University; and 2. Receive and debate the Petition: New Faith School in Hampton Waters 	

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 Children’s Services, Education, Skills and the University in respect of the proposal to open a voluntary aided Roman Catholic primary school.

2.2 This report is for the Children and Education Scrutiny Committee to consider under its Terms of Reference 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:

i. By exercising the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or 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 27 January 2020, the Cabinet Member for Children’s Services, Education, Skills and the University made an Executive Decision relating to the Executive Decision: Proposal to open a voluntary aided Roman Catholic primary school - JAN20/CMDN/78. In accordance with the Constitution this decision was published on 27 January 2020.

4.2 On 28 January 2020 Councillor Haynes, Councillor Day and Councillor Sandford 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:

(a) Realistically consider all alternatives and, where reasonably possible, consider the views of the public.

(d) Act for a proper purpose and in the interests of the public.

(f) Follow procedures correctly and be fair

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

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. Petition – New Faith School on Hampton Water

5.1 A petition has been received by the Council with contains more than 50 signatures from people who live, work or study in the city. As such, the right to a debate of the petition by a meeting of Scrutiny or Cabinet has been triggered in accordance with the Council’s Petitions Scheme.

5.2 On 6 January 2020 a petition was received by the Council from Tracy Butler. Following the undertaking of a verification process, the petition was confirmed to include 240 eligible signatures.

5.3 Ms Butler requested that the petition be presented to one of the scrutiny committees for debate as set out in the Council’s Petitions Scheme.

5.4 The petition is titled ‘New Faith School on Hampton Water’. The petition states: *We the undersigned petition the council to "reject proposals for a religiously selective voluntary aided Catholic primary school in Hampton Water, and support a well-established alternative proposal for a community ethos school, suitable for pupils of all backgrounds."*

A new faith school has been submitted to Peterborough city council and they are currently going through a consultation process for this. Residents want a catchment school that is inclusive of all children. Children should not be excluded from education using public money based on faith.

- 5.5 The petition was referred to the Director for Education in order that the concerns and questions raised were responded to.

A response was provided to the lead petitioner as attached at Appendix 4

6. CONSULTATION

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

7. ANTICIPATED OUTCOMES OR IMPACT

- 7.1 Possible outcomes of call-in:
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.

8. REASON FOR THE RECOMMENDATION

- 8.1 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 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.

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 Please refer to agenda item 4. Response to Call-in of Executive Decision for details of any alternative options considered with regard to the Executive Decision taken.

10. IMPLICATIONS

Financial Implications

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

Legal Implications

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

Governance Implications

- 10.3 The petition will be taken into consideration as part of the call-in process. The Lead Petitioner will be given up to five minutes to present the petition in accordance with the Petition Scheme rules as set out for Full Council debate of a petition. This will be included as part of the call-in speaking scheme which allows other Members or members of the public who have registered to speak and who support the call-in. Part 4, Section 8 – Scrutiny Committee Procedure Rules, Speaking Scheme for Call in. Paragraphs 10.21 (b).

The petition relates to the call-in and therefore will be considered as being in support of the call-

in and therefore debated as part of the call-in process and not as a separate item on the agenda.

Equalities Implications

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

Rural Implications

10.5 N/A

10.6 Carbon Impact Assessment

N/A

11. BACKGROUND DOCUMENTS

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

- 11.1 Executive Decision: [Proposal to open a voluntary aided Roman Catholic primary school - JAN20/CMDN/78](#)
[Cabinet Member decision notice](#)
Petition: [New faith School](#)
[Petition Scheme](#)

12. APPENDICES

- 12.1 Appendix 1 – Request to Call-In Decision
Appendix 2 - Copy of Decision Notice: Executive Decision: Proposal to open a voluntary aided Roman Catholic primary school
Appendix 3 – Petition – New Faith School
Appendix 4 – Response to Petition – New Faith School