

CALL-IN REQUEST FORM

This form must be completed, signed by at least two members of any Scrutiny Commission or Scrutiny Committee and returned to the Scrutiny Team within 3 working days of the decision being published (*not including the day of publication*)

Decision taker:	Leader of the Council
Date of publication of decision:	19/3/10
Decision Called in :	Nene Park Trust – Appointment of Council Representative

	REASONS FOR CALL-IN	Tick which reason applies
1.	Decision contrary to the policy framework?	
2.	Decision contrary or not wholly consistent with the budget?	
3.	Decision is Key but it has not been dealt with in accordance with the Council's Constitution.	
4.	Decision does not follow principles of good decision-making set out in Article 12 of the Council's Constitution.	✓
If reason 4, please tick which specific element of Article 12 the decision maker has not followed, did he or she not:		
(a)	Realistically consider all alternatives and, where reasonably possible, consider the views of the public.	✓
(b)	Understand and keep to the legal requirements regulating their power to make decisions	
(c)	Take account of all relevant matters, both in general and specific, and ignore any irrelevant matters.	
(d)	Act for a proper purpose and in the interests of the public.	
(e)	Keep to the rules relating to local government finance.	
(f)	Follow procedures correctly and be fair.	✓
(g)	Make sure they are properly authorised to make the decisions.	
(h)	Be responsible for their decisions and be prepared to give reasons for them.	
(i)	Take appropriate professional advice from officers.	

Detailed Reason(s) for Call-in. Please explain below why one of the reasons for call-in applies (eg. For number 1 - which major policy affected and how/why)

On 15 February, a vacancy on Nene Park Trust was notified to group secretaries by Democratic Services, caused by the withdrawal of Cllr Sharp, and it was stated that "the Trust has requested that the new appointee has a genuine interest in the activities of the Nene Park trust" and "the new appointee is usually from the same political group as the outgoing representative." Nominations were called for by 22 February.

By 22 February, Democratic Services advised that the only nominees were Cllrs John Fox and Graham Murphy and if that were still the case by 15 March, the Leader would be entitled to determine the appointment. On 24 February, Cllr Fox indicated his willingness to withdraw his nomination and this was notified to Democratic Services on 1 March, leaving Cllr Graham Murphy as the only nominee.

No decision was made, but on 10 March the Leader himself nominated Cllr Samantha Dalton for the vacancy on the Nene Park Trust, which was duly notified by Democratic Services the same day, together with the statement that "if this dispute still exists by close of business on Monday 15 March, according to the Constitution, the Leader must determine the appointment."

On 19 March, the Leader made the decision to appoint Cllr Samantha Dalton to the vacancy.

For the last eight years, the two appointees have been from different parties – one Conservative and one from another party, and since 2002 Councillor Ridgeway (Mr Ridgeway since 2008) occupies the "Conservative" position. The other position has been held by Labour, Liberal Democrat and Independent Members in various years.

In addition, the decision notice states that "the City Council is entitled to appoint two representatives to the Nene Park Trust", but the Memorandum and Articles of Association of the Nene Park Trust state that "up to three Board members may be appointed by Peterborough City Council." Custom and practice has been for an officer to fill one role, without formal appointment, a clear error in practice that leaves the officer appointment unauthorised through the correct channels and (in formal terms) a third vacancy unfilled and the "appointee" not properly authorised by the Council to serve in that role.

The correct procedures set out in part 3 section 6 of the Council's constitution have not been followed because:

1. There was no discussion between Group Secretaries to try and reach agreement on the dispute over nominees Cllr Murphy and Cllr S Dalton (6.3.4(a))
2. Members now occupy only one of the three positions, and one has no authority for appointment, contravening the general rule that "elected Members will fill all formal appointments available" (6.3.4(a))
3. Paragraph 6.3.4(c) states that "seats in the community engagement category....will then be allocated equitably amongst the Council's declared political groups". The English Democrats have no seats, but the Labour Group with the same number of Council Members has one; this is clearly inequitable.
4. There is no evidence that the Conservative Group Secretary took any part in the process at all (in general contravention of the principles of paragraph 6.3.4 and 6.3.5), with the Conservative nomination being made by the Leader of the Council, who then himself made the decision to appoint his own nominee.
5. The replacement representative is not a nominee of the same political group, and breaks with a fair approach to seat allocation that has been honoured since at least 2002, depriving opposition groups of a role and representative on Nene Park Trust.
6. If the Conservative Group and their nominee has a genuine interest in the activities of the Nene Park Trust (a request made by the Trust itself), why was the nomination only put forward after it was clear who the other nominees were, and some 16 days after the administrative deadline for the submission of names of nominees?

The Leader was not fair in his decision because, by both proposing the nominee and making the decision, he broke the bias rule of the principles of natural justice (*nemo iudex in causa sua*), which says no-one ought to be judge in his or her case, the deciding authority must be unbiased and decision-makers should be careful to avoid the appearance of bias. This will undermine public confidence in the Council's processes.

The Leader did not realistically consider all the alternatives because:

- A. No discussions took place with the English Democrats Group or Cllr Murphy himself as to why he wished to take on the role, so no proper assessment of the respective appointee's experience, skills, interest, potential contribution and benefit to the Trust and Council can have been made.
- B. The option of asking Mr Ridgeway to make way for a Conservative representative, in order to maintain the fair approach to seat allocation that has been honoured since at least 2002, was not considered.
- C. There is a third Board member place on Nene Park Trust that remains unofficially occupied, which does not appear to have been considered when making the decision.

	Name (please print)	Signature	Date
1.	Cllr S Goldspink	Stephen Goldspink	24 March 2010
2.	Cllr N Sandford	Nick Sandford	24 March 2010
3.			

THIS PART OF THE CALL-IN REQUEST FORM IS TO BE COMPLETED BY THE CHIEF EXECUTIVE (OR HIS/HER REPRESENTATIVE)

Date form received:		24 March 2010	
Form processed by (name):		Louise Tyers	
Was Call-in request received within timescales?	YES	If No, reject and inform parties, initial and date this box to show completed	
Is the request form signed at least 2 members of any Scrutiny Commission or Scrutiny Committee?	YES	If No, reject and inform parties, initial and date this box to show completed	
URGENCY			
1.	In the view of the decision-maker, was the decision made of an urgent or special urgent nature, and if so, why?		
2.	In the view of the Chairman of the Environment Capital Scrutiny Committee, is the decision under consideration sufficiently urgent that it should not be available for call-in, and if so, why?		
To be considered by which Scrutiny Commission/Committee		Strong and Supportive Communities Scrutiny Committee	
Date for Scrutiny Commission/Committee to consider request for call-in		6 April 2010	
Result of the Scrutiny Commission/Committee's considerations			
If necessary, which decision-maker is to reconsider decision and by which date?		Decision-maker	Date
Signature and date of officer completing Call-in request form		Signature	Date
		Name (please print)	