

EXTRAORDINARY JOINT MEETING OF THE CHILDREN AND EDUCATION AND GROWTH, RESOURCES AND COMMUNITIES SCRUTINY COMMITTEES	AGENDA ITEM No. 4
2 AUGUST 2024	PUBLIC REPORT

Report of:	Neil McArthur, Director of Law and Governance (Monitoring Officer)	
Contact Officer(s):	Charlotte Cameron, Senior Democratic Services Officer	Tel. 01733 384628

REQUEST TO CALL IN AN EXECUTIVE DECISION - KEN STIMPSON ACADEMISATION JUL24/CAB/15

RECOMMENDATIONS	
FROM: Monitoring Officer and Senior Democratic Services Officer	Deadline date: N/A
<p>It is recommended that the Children and Education and Growth, Resources and Communities Scrutiny Committees consider the request to call-in a decision taken by the Cabinet in respect of the Executive Decision: Ken Stimpson Academisation JUL24/CAB/15 as attached at appendix 1.</p>	

1. ORIGIN OF REPORT

1.1 The report is presented to the Committee on behalf of the Monitoring Officer and Senior Democratic Services Officer.

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 in respect of the Executive Decision: Ken Stimpson Academisation JUL24/CAB/15

2.2 This report is for the Committees to consider under its Terms of Reference No. Part 3, Section 4 - Overview and Scrutiny Functions, paragraph 3.3 (f) 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 16 July 2024, the Cabinet made an Executive Decision relating to the Ken Stimpson Academisation JUL24/CAB/15. The record of this decision was published on 17 July 2024.

On 19 July 2024, Councillors John Fox, Christian Hogg and Sarah Hillier 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.

A copy of the request to call-in is attached at Appendix 1.

4.2 The Monitoring Officer reviewed the request for call-in and accepted it as valid on 23 July 2024.

The reasons for this were:

- Whilst call-in should only be used in exceptional circumstances, the members making the request have provided some evidence that the decision may not have been taken in accordance with the decision-making principles (para 10.3, Part 4, Section 8 – Scrutiny Committee Procedure Rules).
- The request to call-in the decision was received in writing, within the required time, setting out the resolution the members wish to call in and giving the reasons why the Scrutiny Committee should review or scrutinise the decision and consider referring it back to the Executive (para 10.10).
- The Constitution provides that the call-in request will be deemed valid unless any of three criteria apply, and I do not consider that they apply (para 10.11).

5. CONSULTATION

5.1 Please refer to agenda item 5. Response to Call-in of Executive Decision for details of any consultation that has taken place with regard to the Executive Decision taken.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 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 5. Response to Call-in of Executive Decision for details of any financial implications with regard to the Executive Decision taken.

Legal Implications

- 9.2 Please refer to agenda item 5. Response to Call-in of Executive Decision for details of any legal implications with regard to the Executive Decision taken.

Equalities Implications

- 9.3 Please refer to agenda item 5. Response to Call-in of Executive Decision for details of any equalities implications with regard to the Executive Decision taken.

10. BACKGROUND DOCUMENTS

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

- 10.1 [Executive Decision Notice: Ken Stimpson Academisation JUL24/CAB/15](#)

[Cabinet Report – Ken Stimpson Academisation](#)

11. APPENDICES

- 11.1 Appendix 1 – Request to Call-In Decision

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