

## CALL-IN OF EXECUTIVE DECISION FROM THE MEETING OF CABINET ON 19 SEPTEMBER 2023

Scrutiny – 27 September 2023

**Report of:** Chief Executive, Pav Ramewal

**Status:** For decision

**Executive Summary:** To consider the decision as set out at Minute 30 taken at Cabinet on 19 September.

**Contact Officer:** Charlotte Sinclair Ext. 7165

**Recommendation to Scrutiny Committee:** to either

- a) Take no action, and the decision be implemented,
- b) Ask Cabinet to reconsider the decision,
- c) Refer the matter to Council with or without a recommendation.

**Reason for recommendation:** In compliance with section 18.30, Appendix C of the Councils' Constitution.

### Introduction and Background

1 Following the publication of the Minutes of Cabinet, held on 19 September 2023, five cross party non-executive Members of the Council, Cllrs Gustard, Leaman, Manston, Silander and Skinner have notified the Chief Executive of their request to call in the decision of Minute 30 (a), (b) (i and ii) and (c).

2 The full resolution is as follows:

Resolved: That the

- a) Properties listed in recommendation (b) below, be declared surplus to the Council's requirements;
- b) Disposal of land at
  - i) Forstall, Leigh, by auction be approved;
  - ii) Clarks Lane, Halstead by auction or private treaty, be approved;
- c) Strategic Head of Commercial and Property following consultation with the Head of Legal and Democratic Services and Portfolio Holder for

Finance & Investment, be delegated authority to undertake and enter into the necessary agreements for such land transactions.

- 3 The Members have stated that “in our view they all hang together and are dependent on each other.”

### **Process of the meeting**

- 4 As set out in the constitution, The Chairman will invite one of the signatories to the call-in to address the Committee to outline the reason for the call-in, and the principal points they wish to be addressed (5 minutes).
- 5 Other Members of the Scrutiny Committee may be allowed to raise (in summary form) any additional information they wish to be addressed.
- 6 Any non-Member of the Scrutiny Committee who has signed a request to “call-in” should be allowed to speak at meeting, at the discretion of the Chairman.
- 7 The relevant Cabinet Members should be asked to explain the rationale for the Cabinet’s decision. At the end of the conclusion, other Cabinet Members, may be invited, at the Chairman’s discretion, to address the Committee.
- 8 Relevant Officers may support in order to explain or answer technical, legal or financial points.
- 9 Following these initial stages, any Member of the Committee may ask further questions of the Leader/Portfolio Holder, or in the case of clarification of technical details, the officers.
- 10 Care should be taken to avoid the signatories to the call-in being questioned by other members of the Committee as to their motives, previous views, etc. The purpose of the meeting is to review Cabinet’s decision, not what may have happened at some previous instance.
- 11 The Chairman may sum up the debate before reaching the Committee’s final decision. The options for the Committee are to decide not to intervene, to ask the Cabinet to reconsider the decision, or in an extreme case, to refer the matter the Council with or without a recommendation.
- 12 It should be noted that neither the Council or the Committee may overturn a Cabinet decision.

### **Other options Considered and/or rejected**

The options available to the Committee are set out above.

## **Key Implications**

### Financial

None directly arising from this report. Financial implications have already been considered within the Cabinet report.

### Legal Implications and Risk Assessment Statement.

The power to “call-in” decisions are set out in the Local Government Act 2000, under section 9F(2)(a) it states:

“to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive.”

And section 9F(4) which states that:

“the power of an overview and scrutiny committee under subsection (2)(a) to review or scrutinise a decision made but not implemented includes power –

- (a) to recommend that the decision be reconsidered by the person who made it,  
or
- (b) to arrange for its function under subsection (2)(a), so far as it relates to the decision, to be exercised by the authority”.

### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users

### Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council’s ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment. Any Net Zero implications had been addressed within the Cabinet report.

## **Conclusions**

The action available to the Scrutiny Committee are to either:

- a) Take no action, and the decision be implemented,
- b) Ask Cabinet to reconsider the decision, or
- c) Refer the matter to Council with or without a recommendation.

Members are reminded that neither the Council nor the Committee may overturn a Cabinet decision.

**Appendices**

Appendix A – Minutes from the Cabinet meeting held on 19 September 2023

**Background Papers**

Disposals report – Tranche 2 report to Cabinet

**Pav Ramewal**  
**Chief Executive**