

## Scrutiny Panel

13 January 2015

Item

8

Report of	Assistant Chief Executive	Author	Jonathan Baker ☎ 282207
Title	Call-in of Executive Decision – Public Conveniences in Dedham, West Mersea, and Wivenhoe		
Wards affected	Not applicable		

**This reports sets out the procedure for the review of the decision relating to Public Conveniences in Dedham, West Mersea and Wivenhoe (Reference No: Hou-008-14).**

### 1. Action required

- 1.1 The Panel is asked to consider the decision taken by the Portfolio Holder for Housing and Public Protection relating to Public Conveniences in Dedham, West Mersea and Wivenhoe (Reference No: Hou-008-14) and to consider the options available as set out in Paragraph 4.8.

### 2. Reason for action(s).

- 2.1 The Constitution states the Scrutiny Panel will consider decisions taken by a Cabinet Member with delegated authority for taking a decision that are subject to a call-in review.

### 3. Purpose of the review

- 3.1 The decision has been called-in because Councillors have evidence which suggests that the Decision Taker, in this case, Councillor Tina Bourne, Portfolio Holder for Housing and Public Protection, did not take the decision in accordance with the Principles of decision making set out in Article 12.02 of the Constitution.

### 4. Procedure

- 4.1 The decision has been called-in by Councillor Sheane, supported by four other councillors. The notice of the decision, the report, together with the completed request for call-in form are attached to this report.
- 4.2 In accordance with Overview and Scrutiny Procedure Rule 13 (9) an informal meeting was arranged with the Chairman of the Scrutiny Panel, the Portfolio Holder and Councillor Sheane as the Lead Councillor of the Call-in. The outcome of the informal meeting will be reported to the meeting.

### Have Your Say – Members of the Public

- 4.2 Members of the public may address the Panel on the matter of the call-in for a period not exceeding three minutes.

The speaker may respond to one question asked by a Member of the Panel

With absolute discretion, the Chairman may disallow or terminate any public participation which is considered scurrilous, vexatious, improper, irrelevant or otherwise objectionable.

### **Have Your Say – Councillors**

- 4.3 Councillors may address the Panel on the matter of the call-in. There is not a limit on the time each Councillor can address the Panel, but Councillors are asked not to deviate from the reasons why the decision was called-in, and in the case of more than one speaker, not to repeat statements already made.

### **Presenting the Case**

- 4.4 **The Chairman of the Panel shall remind speakers that the debate is confined to the reasons stated on the call-in form.**
- 4.5 Councillor Sheane will attend the meeting and present the case, expanding on the reasons for the call-in, but not deviating from the reasons given on the call-in form.
- 4.6 Councillor Tina Bourne, Portfolio Holder for Housing and Public Protection will respond to the points made by Councillor Sheane.
- 4.7 The Chairman shall afford Councillors Sheane and Bourne the opportunity to confer with the Panel before inviting them to make closing remarks prior to the Panel formally voting on the matter.

### **Options available to the Panel**

- 4.8 The Panel may:
- confirm the decision, which may then be implemented immediately, or
  - refer the decision back to the Decision Taker for further consideration setting out in writing the nature of its concerns, or
  - refer the decision to full Council in the event that the panel considers the decision to be contrary to the Policy Framework of the Council or contrary to, or not wholly in accordance with the Budget.
- 4.9 If the decision is referred back to the Portfolio Holder to reconsider the decision and he/she agrees with the views of the Panel then the decision may be implemented immediately.
- 4.10 If the Portfolio Holder does not agree with the views expressed then the matter will be referred to the Cabinet who will determine the matter.

## **5. Standard and Strategic Plan References**

- 5.1 The Council's governance arrangements form part of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision. Scrutiny is a key function to ensure decisions have been subject to full appraisal and that they are in line with the aims of the Strategic Plan. The role of scrutiny is also an important part of the Council's risk management process, helping to check that risks are identified and challenged.

- 5.2 Publicity, equality and diversity, human rights, community safety, health and safety, risk management or financial implications regarding this matter, are included within the Portfolio Holders decision dated 11 December 2014.