

Hartlepool Borough Council

Overview and Scrutiny – Call-in Notice – Scrutiny Chairs



1. Which decision would you like to call-in?

(Please include details of the decision, when it was taken and by whom)

Cabinet Decision – 7 November 2011 - Minute No. 148 – Delivery of Support to Members and to the Council, Executive, Non Executive and Scrutiny Functions

Decision:-

1. That the following Cabinet recommendations be forwarded to scrutiny for its view with a report coming back to Cabinet prior to Christmas 2011.
 - (i) That the constitution be reviewed annually through the Monitoring officer and that the Constitution Committee be abolished, following the 2012 elections.
 - (ii) That the functions of the Standards Committee be extended to include monitoring attendance of Members at induction and training sessions.
 - (iii) That the General Purposes (Appeals and Staffing) become a standalone committee with a fixed membership.
 - (iv) That the remaining General Purposes Committee functions be combined with the functions of the Audit Committee to form one expanded "Operations Committee", with exclusively backbench membership.
 - (v) That the Contract Scrutiny Committee be abolished and the functions relating to contracts/tenders be undertaken by the executive.
 - (vi) That the number of Scrutiny forums be reduced from six to four through the merging of neighbourhood services and regeneration and planning forums and Health to be combined with Adult Services to reflect the council's new public health role.

2. That the following Cabinet recommendations be implemented forthwith;
 - (i) That Members' Seminars be deleted from the council diary and replaced with ad hoc briefing / training sessions, to be organized following identification of issues by Members/Officers and be held immediately in advance of meetings of full Council.
 - (ii) That the introduction of Task and Finish / Working Groups be monitored to ensure they are resourceable.
 - (iii) That task and finish groups be conducted in public, except where the information being discussed is exempt under the Local Government (Access to Information) (Variation) Order 2006.
 - (iv) That Committee / Forum / Group Chairs be made advised of their responsibility in ensuring that only those additional meetings that are unavoidable are called in light of the additional workload the number of additional meetings over and above the agreed Council Diary are creating.
 - (v) That a 'freeze' to be introduced in respect of attendance at conferences where conference costs are incurred. In exceptional circumstances that attendance at conference is justified, the Member attending the Conference is required to feedback to all Members of the Council in both written and verbal form.
 - (vi) That a review of Members accommodation be undertaken involving all Councillors based on the principle of need.
 - (vii) That further consideration be given to improving Members' ICT with the aim of reducing costs and simplifying its use and that all Councillors be encouraged to utilise the systems available to them.
 - (viii) That the practice of producing summary sheets for reports cease as soon as practicable and that appendices to reports are not customarily printed but available electronically, on request and in the Members Library.

3. That the following Cabinet recommendations be approved for implementation for the 2012/13 Municipal Year.
 - (i) That the size of all committees / forums established / reappointed after May 2012 reflect the reduction in the overall size of Council.
 - (ii) The Mayor to consider the potential options for the size of the Cabinet and any associated

savings in line with the parameters set out in legislation and the Constitution.

2. What are the reasons for calling-in this decision?

Call-in must only be used in exceptional circumstances and the justification for the call must be either: Please tick as appropriate

- that the decision or proposed decision is outside the Budget and Policy Framework ✓
- that the decision was not taken in accordance with the principles of decision making set out in Article 13 of the Constitution ✓

Budget and Policy Framework:-

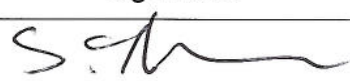
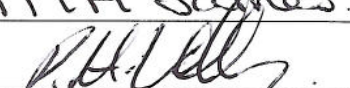
- i) Decision 2(v) – Reason: The intimation received from cabinet members in relation to this decision is that it is intended to be active from April 2012 however the Mayor has already issued instructions that the pending meeting of NAC and the associated attendance arrangements be cancelled.

The decision relating to conference attendance is contrary to the Council decision and current budget (e.g. the Council has appointed 3 delegates to the National Association of Councillors and a budget to enable them to participate in the groups work).

Principles of Decision Making:-

The decision(s) taken by Cabinet, as detailed above, contravene the principles of decision making as detailed below: **Reasons see attached**

- i) Proportionality - Decision 2 (i-iii and v) 3 (i and ii)
- ii) In accordance with the constitution - Decision 1 (i-vi)
- iii) Due consultation and the taking of professional advice from officers - Decision 1 (i-v) 3 (i)
- iv) Respect for human rights and equality - Decision 2 (i, iv and v)
- v) Best value - Decision 1 (i-v) 2 (v) 3 (ii)
- vi) A presumption in favour of openness - Decision 1 (i-vi) 2 (iii) 3 (i and ii)
- vii) Clarity of aims and desired outcomes - Decision 1 (i-v) 2 (iii and v)
- viii) Due consideration of options available to the decision taker - Decision 1 (i-v) 2 (i-viii) 3 (1 and ii)
- x) Subsidiarity (i.e. delegation of decisions to the most appropriate level) - Decision 1 (i-v) 2 (i - v) 3 (i)
- xi) Efficiency (i.e. decisions must not be unnecessarily delayed) - Decision 3 (ii)
- xii) Reasonableness - Decision 1 (i-v) 2 (i - vi) 3 (i and ii)

	Position and Party Group	Signature
1. STEPHEN THOMAS	CHAIR NEIGHBOURHOOD SERVICES SCRUTINY - LABOUR GROUP	
2. MARJORIE JAMES	CHAIR OF SCC LABOUR GROUP.	MA James.
3. RAY WELLS	GROUP LEADER CONSERVATIVES.	

NB. Each of the Scrutiny Chairs may initiate call-ins providing they have the support of at least two members of the Scrutiny Co-ordinating Committee. The three signatories must represent at least two of the Council's political groups.

Councillor: MA JAMES.

Signed: MA James.

Date: 18th Nov 2011

For office use only

Date received:

Initials:

SCC Agenda:

Reasons for Call In:-

1. That the following Cabinet recommendations be forwarded to scrutiny for its view with a report coming back to Cabinet prior to Christmas 2011.

- (i) That the constitution be reviewed annually through the Monitoring officer and that the Constitution Committee be abolished, following the 2012 elections.

There is already a joint working group of Constitution Committee and General Purposes looking at the potential structure of Council and its Committees post May 2012 in order to report to Council so that a decision can be made. Therefore, for SCC to now spend time looking at the same issues would be a duplication of both member/officer time and the general resources within the Council.

- (ii) That the functions of the Standards Committee be extended to include monitoring attendance of Members at induction and training sessions.

There is already a joint working group of Constitution Committee and General Purposes looking at the potential structure of Council and its Committees post May 2012 in order to report to Council so that a decision can be made. Therefore, for SCC to now spend time looking at the same issues would be a duplication of both member/officer time and the general resources within the Council.

- (iii) That the General Purposes (Appeals and Staffing) become a standalone committee with a fixed membership.

There is already a joint working group of Constitution Committee and General Purposes looking at the potential structure of Council and its Committees post May 2012 in order to report to Council so that a decision can be made. Therefore, for SCC to now spend time looking at the same issues would be a duplication of both member/officer time and the general resources within the Council.

- (iv) That the remaining General Purposes Committee functions be combined with the functions of the Audit Committee to form one expanded "Operations Committee", with exclusively backbench membership.

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- (v) That the Contract Scrutiny Committee be abolished and the functions relating to contracts/tenders be undertaken by the executive.

There is already a joint working group of Constitution Committee and General Purposes looking at the potential structure of Council and its Committees post May 2012 in order to report to Council so that a decision can be made. Therefore, for SCC to now spend time looking at the same issues would be a duplication of both member/officer time and the general resources within the Council.

General Comment

There is also the fact that within the time-frame (before Christmas, which means by Cabinet of 19th December) it is not possible for SCC to deal with the matters referred to it without setting up additional meetings to do so. This is placing an unfair burden on Scrutiny Staff and members who are already involved in a full work programme and Budget matters.

- (vi) That the number of Scrutiny forums be reduced from six to four through the merging of neighbourhood services and regeneration and planning forums and Health to be combined with Adult Services to reflect the council's new public health role.

There is already a joint working group of Constitution Committee and General Purposes looking at the potential structure of Council and its Committees post May 2012 in order to report to Council so that a decision can be made. Therefore, for SCC to now spend time looking at the same issues would be a duplication of both member/officer time and the general resources within the Council.

As this matter does directly affect Scrutiny we will arrange appropriate meeting time to enable us to form a view, however we would still expect to be able to participate fully in the deliberations of the joint working group as outlined above.

2. That the following Cabinet recommendations be implemented forthwith;

- (i) That Members' Seminars be deleted from the council diary and replaced with ad hoc briefing / training sessions, to be organized following identification of issues by Members/Officers and be held immediately in advance of meetings of full Council.

Cabinet is already aware that the deletion of diarised seminars has the full consent of Councillors across the political spectrum. There does however need to be some discussion as to the actual start time for "immediately in advance of meetings of full Council" as all political groups already meet prior to Council this could cause difficulties for members who have work commitments or caring responsibilities and should be discussed by Council before such a decision is implemented.

- (ii) That the introduction of Task and Finish / Working Groups be monitored to ensure they are resourceable.

Task and Finish/Working Groups are in a general sense formed in order to permit members to deal with a large piece of work which would take up more than one formal meeting.

- (iii) That task and finish groups be conducted in public, except where the information being discussed is exempt under the Local Government (Access to Information) (Variation) Order 2006.

To conduct Task and Finish/Working Groups in public would defeat the objective of having the same, because they are not in public they do not require the 7 days statutory notice so allowing members to move large amounts of business quickly, they then report back their findings into a formal meeting which is open to the public in most cases. The introduction of Statutory Notice periods and diary arranging would result in additional work for Democratic Services and other officers not reduce it. It would also raise the question as to why Cabinet would wish to instigate a removal of the right of non-executive members to meet in this way whilst retaining for themselves Cabinet's "briefings" which now take up significant amounts of Senior Officer time each fortnight.

- (iv) That Committee / Forum / Group Chairs be made advised of their responsibility in ensuring that only those additional meetings that are unavoidable are called in

light of the additional workload the number of additional meetings over and above the agreed Council Diary are creating.

Members are well aware of the additional burden that extra meetings place on officers however they also increase their own burden when asking for such meetings so it is unlikely that they do this without there being a clear reason for doing so.

- (v) That a 'freeze' to be introduced in respect of attendance at conferences where conference costs are incurred. In exceptional circumstances that attendance at conference is justified, the Member attending the Conference is required to feedback to all Members of the Council in both written and verbal form.

This decision is flawed, it has the effect of preventing learning amongst members and the opportunity for members to receive a wider view which in most cases increases their self esteem and confidence.

When Scrutiny members attend conferences or seminars/learning events outside of the immediate locality, they already report back to their relevant forum and therefore to SCC and Council via the minutes. To formalise reports and circulate them in the way suggested will surely take up more officer time and also expend resources such as stationery and printing.

- (vi) That a review of Members accommodation be undertaken involving all Councillors based on the principle of need.

This is a recurring theme undertaken every 3 years or so, there is already minimal space provided for members, it would be difficult to reduce it much beyond its current arrangements.

- (vii) That further consideration be given to improving Members' ICT with the aim of reducing costs and simplifying its use and that all Councillors be encouraged to utilise the systems available to them.

- (viii) That the practice of producing summary sheets for reports cease as soon as practicable and that appendices to reports are not customarily printed but available electronically, on request and in the Members Library.

3. That the following Cabinet recommendations be approved for implementation for the 2012/13 Municipal Year.

- (i) That the size of all committees / forums established / reappointed after May 2012 reflect the reduction in the overall size of Council.

There is already a joint working group of Constitution Committee and General Purposes looking at the potential structure of Council and its Committees post May 2012 in order to report to Council so that a decision can be made. Therefore, for SCC to now spend time looking at the same issues would be a duplication of both member/officer time and the general resources within the Council.

However the above decision infers a pro-rata reduction which in some cases may reduce current arrangements beneath the legal requirements.

- (ii) The Mayor to consider the potential options for the size of the Cabinet and any associated savings in line with the parameters set out in legislation and the Constitution.

"Consider?" Council requires a clear timetable and direction of travel if it is to set a budget.