

Bath & North East Somerset Council

MEETING:	Early Years, Children & Youth Policy Development & Scrutiny Panel	
MEETING:	25 th November 2013	
		E 2593
TITLE:	Call-in of decision relating to re-structuring of the Early Years, Children's Centre and Early Help (0 - 11 years) Services 2014 - 2016	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: <ol style="list-style-type: none">1. Appendix 1 – Call-in request2. Appendix 2 – Report relating to called-in decision and associated papers3. Appendix 3 – Decision sheet4. Appendix 4 – Call-in guidance note		

1 THE ISSUE

A call-in request relating to the Cabinet decision of 13th November 2013 concerning the re-structuring of the Early Years, Children's Centre and Early Help was received and validated on 21st November 2013. Appendix 1 sets out the reasons for the call-in request.

The Monitoring Officer, on behalf of the Chief Executive, has validated the call in and confirms that it conforms to constitutional requirements in terms of time of receipt and the number of Members validly subscribing to it.

2 RECOMMENDATIONS

2.1 THE PANEL IS ASKED TO:

- a) Consider the call-in request received (attached as Appendix 1).
- b) Decide if it requires any further information to enable it to make a determination of the call-in request and, if so, request this information and any contributions that will assist the Panel in determining the call-in either at this meeting or at a further meeting (e.g. from the Cabinet; Councillor(s) representing the call-in signatories; and any other internal or external contributors required by the Panel).
- c) Decide whether it will reach a conclusion about whether to uphold or dismiss the call-in at this meeting or if a further meeting is required. or refer the matter to the Council itself to undertake the role of the Panel,.

- d) If a further meeting is required to hear and determine the call-in, the Panel is asked to agree the date for this. The constitutional requirement is for that meeting to take place before the end of the 20th December 2013 (this timescale would not apply if the Panel decided to refer their role to the full Council).
- e) Following the examination, the Panel may either:
- Dismiss the call-in, in which case the decision shall take effect immediately;
OR
 - Uphold the call-in and refer the decision back to the decision-makers for reconsideration, setting out why it has decided that the decision should be reconsidered;
OR
 - Refer the matter to Council to itself undertake the role of the Panel [NB: the ultimate decision still remains with the original decision makers].

3 THE REPORT

At Council on 19th February 2013, which agreed the MTSRPs and budget for 2013/16, it was agreed to defer the implementation of this budget reduction until 2014/15. This decision included an instruction to 'provide a report to the Early Years, Children and Youth Policy Development and Scrutiny Panel to allow further consideration of the implications of these savings and for potential alternative options to be reviewed.'

The Early Years, Children and Youth Policy Development and Scrutiny Panel agreed to undertake this work at its meeting on 25th March 2013. The PDS Panel looked to review proposals to re-structure the Early Years and Children's Centre Services in order to deliver savings from part of the Medium Term Service Resource Plan 2013 – 2016 for Children's Services. Subsequently Terms of Reference were developed for a Task & Finish Group to consider the proposed reductions in budget and services (Appendix 2.6). The Early Years, Children and Youth Policy Development & Scrutiny Panel received a report of the Task & Finish Group following their review of Early Years, Children's and Early Help (0-11years) Services at its meeting of October 14th 2013.

The Task and Finish Group made recommendations to the Panel for discussion, amendment and agreement and onward transmission to the Cabinet on 13 November 2013

At the Cabinet meeting on the 13th November 2013, the Panel's recommendations were considered, together with the Minority Report from Councillor Hardman. A resolution (E2593) was made by the Cabinet regarding the re-structuring of the Early Years, Children's Centre and Early Help (0 - 11 years) Services.

Under the Council's Constitution, any 10 Councillors not in the Council's Cabinet may request that a Cabinet or Single Member Decision made but not yet implemented be reconsidered by the person or body who made it. This is called a "call-in" and has the effect of preventing the implementation of the decision pending a review of the Decision by a Policy Development and Scrutiny Panel. This report sets out the call-in by 21 Councillors of the Cabinet decision concerning the Early Years, Children's Centre and Early Help (0 - 11 years)

Services. The role of the Panel is to consider the issues raised by the call-in and to determine its response. The relevant lead Cabinet Member is Councillor Romero.

3.1 Process

Appendix 4 sets out the constitutional rules relating to the call-in process. In short, the Panel must EITHER:

- a) Dismiss the call-in, in which case the decision shall take effect immediately;
OR
- b) Refer the decision back to the decision-makers for reconsideration, setting out why it has decided that the decision should be reconsidered;
OR
- c) Refer the matter to Council to itself undertake the role of the Panel [NB: the ultimate decision still remains with the original decision maker].

If the Panel chooses option (b) above, the Constitution requires the decision-maker to reconsider the matter within ten working days from the conclusion of the PD&S Panel review meeting(s), and they may amend the decision or confirm the original decision, giving their reasons in either case. If the panel chooses option (c) these timescales would not apply.

3.2 Assessing the call-in request

The Policy Development and Scrutiny Panel Chairs have approved guidance on the handling of call-in requests which make clear that there is a presumption that every validated call-in will proceed to a public meeting stage. The process for that meeting is set out in paragraph 3.4 below. If a second meeting of the Panel is required to complete the review it needs to take place no later than 20th December 2013 to comply with the constitutional requirement that the total period of overview and scrutiny involvement in a call-in must not exceed 21 working days.

3.3 Timescales.

The Panel must hold its initial meeting within 14 working days to consider the call-in request. The Panel has a total of 21 working days to reach its decision.

- Initial Public Meeting must be held by 11th December 2013 [14 working days from receipt of validated call-in request]
- If meeting adjourned, second public meeting must be held by 20th December 2013 [21 working days from receipt of validated call-in request]
- If referred directly to Cabinet, a response must be received by 9th December 2013 [10 working days from date of 1st meeting]
- If adjourned and then referred to Cabinet, a response must be received by 8th January 2014 [10 working days from date of 2nd meeting]

3.4 Suggested format for the call-in meeting

When the Panel determines the call-in, it is suggested that the following format be adopted:

- I. Remind itself of the issues to be considered and consider any additional written information supplied.

- II. Hear from and ask questions of the Cabinet and Lead (or other agreed) Officers.
- III. Hear from and ask questions of Councillor(s) representing the call-in signatories.
- IV. Hear from and ask questions of any appropriate external contributors (a “panel” style contributors` session is suggested).
- V. Discuss and draw conclusions from the written and oral information presented.
- VI. Consider and formulate the Panel’s determination of the call-in.

4 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 4.1 The Panel should be aware that the Council’s Constitution (Part 4E, Rule 13) requires that
- 4.2 *“Where an Overview and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) the Panel has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources or the extent to which that should be seen as a priority for future years’ budget considerations”.*
- 4.3 It is important, therefore, in its consideration of the call-in that the Panel gives consideration to the alternative options available to the decision-maker and the financial consequences of these.

5 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

Consideration has been given through all the preparatory and on-going work of the Task & Finish Group, of issues relating to need, poverty, disability and disadvantage of children and families. Service reductions have been designed to ensure those children most in need of help continue to receive “early help” services.

6 CONSULTATION

This report has been prepared following consultation with the Chair and of the Policy Development and Scrutiny Panel.

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Background papers	<i>Minutes of the Council’s Budget Meeting 19th February 2013 Minutes of the Early Years, Children and Youth Policy Development and Scrutiny Panel Meeting 14th October 2013</i>
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