

Bath & North East Somerset Council

MEETING:	Communities, Transport & Environment Policy Development and Scrutiny Panel
MEETING DATE:	27 th September 2018
TITLE:	Call-in of decision E3088
WARD:	ALL

AN OPEN PUBLIC ITEM

List of attachments to this report:

Appendix 1 Cabinet Decision

Appendix 2 Accompanying Report for the Decision

Appendix 3 Call-in Request

Appendix 4 Call-in Guidance Note

Appendix 5 Terms of Reference for the Call-in

1 THE ISSUE

- 1.1 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.
- 1.2 This report sets out the call-in received by 10 Councillors of the decision relating To the pilot scheme to increase enforcement activity in relation to environmental crimes. The role of the Panel is to consider the issues raised by both call-in notices and to determine its response.

2 RECOMMENDATION

THE PANEL IS ASKED TO:

- Consider the call-in request received (refer to Appendix 3).
- Approve the Terms of Reference of the Call-in.
- Decide whether it will reach a conclusion about whether to uphold or dismiss the call-in; or refer the matter to the Council itself to undertake the role of the Panel, at this meeting or if a further meeting is required.

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 10th October 2018 (this timescale would not apply if the Panel decided to refer their role to the full Council)].

3 FINANCIAL IMPLICATIONS

3.1 The Panel should be aware that the Council's Constitution (Part 4E, Rule 13) requires that

"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".

3.2 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.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSALS

4.1 A Call-in is a statutory process pursuant to the Council's Constitution Part 4E.

5 THE REPORT

BACKGROUND

5.1 The decision which is now subject to a call-in request was a Cabinet Decision made on the 5th September 2018 (Appendix 1) following consideration of the officer report (Appendix 2). The Council Solicitor, 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 number of Members validly subscribing to it. Appendix 3 sets out the reasons for the call-in request.

ASSESSING THE CALL-IN REQUEST

5.2 The Terms of Reference (Appendix 5) will indicate the suggested scope of the Call-in. This will outline the information and contributions the Panel is advised to consider in order to determine the call-in. It will have been prepared in consultation with the Chair. Panel members are invited to comment on the terms of reference and any changes they request will be taken into account in an updated version which will be circulated at the meeting.

5.3 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 5.3 below. If a second meeting of the Panel is required to complete the review it needs to take place no later than 10th October 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.

SUGGESTED FORMAT FOR THE MEETING TO DETERMINE THE CALL-IN

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

- (1) Remind itself of the issues to be considered and consider any additional written information supplied.
- (2) Hear from and ask questions of the Cabinet Member(s) and Lead (or other agreed) Officers.
- (3) Hear from and ask questions of Councillor(s) representing the call-in signatories.
- (4) Hear from and ask questions of any public speakers. appropriate external contributors (a “panel” style contributors’ session is suggested).
- (5) Call-in Councillor and Cabinet member(s) have the opportunity to make comments on any new considerations that may have arisen during the debate.
- (6) Discuss and draw conclusions from the written and oral information presented.
- (7) Consider and formulate the Panel’s determination of the call-in.

6 RATIONALE

6.1 The recommendations were suggested pursuant to the Council’s constitution.

7 OTHER OPTIONS CONSIDERED

7.1 Not applicable

8 CONSULTATION

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

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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Background papers	<i>none</i>
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