

## APPENDIX 5 - TERMS OF REFERENCE

### Call-in the Single Member decision: E2233 (Determination of the Statutory Notice to Close Culverhay School)

#### Introduction

The Weekly List of decisions published on 23<sup>rd</sup> February 2011 contained a decision (E2233) taken by the Cabinet Member for Children's Services (Councillor Chris Watt) based on the decision to close Culverhay School on the 31<sup>st</sup> August 2014, with no further admissions to Year 7 from September 2012.

This decision was based on the statutory six week representation period that ran from the 16<sup>th</sup> December 2010 until the 27<sup>th</sup> January 2011.

On 4<sup>th</sup> March 2011 a call-in notice was received, signed by 18 Councillors, objecting to this decision. 9 supporting reasons were stated (a copy of the call-in request is attached at appendix 3 of the formal agenda papers).

#### Relevant O&S Panel

The 'call-in' request has been referred to Bath & North East Somerset Council's Children and Young People Overview & Scrutiny Panel to review the decision.

The Panel must hold their first meeting within 14 working days after receiving a validated call-in request (i.e. by 24<sup>th</sup> March).

#### Call-in Meeting

At the Panel meeting on 21st March 2011 the Panel will investigate and determine the matter. They will assess in detail the reasons for the Single Member decision and consider the objections stated in the call-in notice via a range of information from Councillors, Officers and members of the public (further details below).

#### Objective

The objective of the Call-in review is to determine whether or not the decision made by the Cabinet Member for Children's Services about the decision to close Culverhay School should:

- Be referred back to the Single Member for reconsideration [**'Uphold' the call-in**]
- Proceed as agreed by the Single Member [**'Dismiss' the call-in**], or
- be referred to Full Council to undertake the role of the Panel [*the ultimate decision would still remain with the Cabinet Member*].

## Method

To achieve its objective, the Panel will investigate the original decision and the objections stated in the call-in notice. The Panel will hear statements from members of the public who have registered to speak about both the substance and processes behind the decision. Public statements will be limited to 3 minutes per speaker. It will also require attendance and/or written submissions from:-

- Representative Councillor(s) for the call-in request - Cllr. Dine Romero
- Cabinet Member for Children's Services – Cllr. Chris Watt and officers from Children's Services

## Outputs

The Panel's view and supporting findings will be made publicly and will include:

- Minutes & papers from public Panel call-in meetings.
- A summary note will be provided, setting out the result of the call-in meeting

## Constraints

- **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 24<sup>th</sup> March 2011 [14 working days from receipt of validated call-in request]**
  - **If meeting adjourned, a second public meeting must be held within 21 working days i.e. 4<sup>th</sup> April. A date of the 28<sup>th</sup> March has been suggested as the Panel were already due to have a public meeting on this date.**
  - **If referred back to the Cabinet Member, without an adjournment, a response must be received by 4<sup>th</sup> April [10 working days from date of 1<sup>st</sup> meeting].**
  - **If the meeting is adjourned and then referred back to the Cabinet Member a response must be received within 10 working days of the reconvened meeting.**
  - **If referred to Council, a Council meeting will be arranged at the earliest opportunity**
- **Resources.** The call-in process must be managed within the budget and resources available to the Panel.
- **Council 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*". Section 3.1 of the cover report (formal agenda papers) provides further explanation.

## Key Dates for the Call-in

