

Committee: OVERVIEW AND SCRUTINY	Date: 4th October 2011	Classification: Unrestricted	Report No.	Agenda Item No.
Report of: Service Head, Democratic Services		Title: Cabinet Decision Called-in:		
Originating Officer(s): Antonella Burgio, Democratic Services		Wards: All		

1. SUMMARY

- 1.1 The attached report of the Assistant Chief Executive (Legal Services) was considered by the Cabinet on 7th September 2011 and has been "Called-In" by Councillors Motin Uz-Zaman, Shiria Katun, Bill Turner, Carli Harper-Penman and Joshua Peck in accordance with the provisions of Part Four Sections 16 and 17 of the Council's Constitution.

2. RECOMMENDATION

- 2.1 That the Committee consider the contents of the attached report, review the Cabinet's provisional decisions arising and
- 2.2 decide whether to accept them or refer the matter back to Cabinet with proposals, together with reasons.

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

Brief description of "background paper"

**Cabinet Report CAB 034/112 –
8 September 2011**

Name and telephone number of holder and address
where open to inspection

Antonella Burgio

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3. BACKGROUND

- 3.1** The request to call-in the Cabinet's decision dated 7th September 2011 was submitted under Overview and Scrutiny (O and S) Procedure Rules Sections 16 and 17. It was considered by the Assistant Chief Executive, Legal Services who has responsibility under the constitution for calling in Cabinet decisions in accordance with agreed criteria. The call-in request fulfilled the required criteria and the decision is referred to Overview and Scrutiny Committee in order to consider whether or not to refer the item back to the Cabinet at its meeting on 5th October 2011 for further consideration. Implementation of the Cabinet decision is suspended whilst the call-in is considered.

4. THE CABINET'S PROVISIONAL DECISION

- 4.1** The Cabinet after considering the report attached, at Appendix 1, provisionally decided:-

“That in relation to future recording and/or webcasting of Council meetings, Option 4, as set out in Section 6 of the report (CAB 034/112), be agreed.”

4.2 Reasons for Decisions

These were detailed in paragraph 3.1 of the report (CAB 034/112) and stated that *“The decision above will address the resolution of the Council of 2nd February 2011 and, if option 1, 2 or 3 is agreed, will facilitate implementation of that resolution.”*

4.3 Alternative Options Considered

These were detailed fully in paragraph 6 of the report (CAB 034/112); in summary the options were:

Option 1 – use existing equipment

Option 2 – upgrade existing equipment

Option 3 – full webcasting service

Option 4 – take no action

5. REASONS / ALTERNATIVE COURSE OF ACTION PROPOSED FOR THE 'CALL IN'

5.1 The Call-in requisition signed by the five Councillors listed gives the following reason for the Call-in:

“The option was chosen because *‘funding wasn’t available’* for other options. This is untrue as Councillor Uz-Zaman suggested at the meeting how this could be funded. This wasn’t considered.”

5.2 The requisition also proposed the following alternative course of action:

“to choose option 3 to allow residents to see decisions being taken and to fund this by the Mayor returning his chauffeur-driven car and not recruiting to the communications advisor position in his office, recently advertised.”

6. CONSIDERATION OF THE “CALL IN”

6.1 Having fulfilled the call-in request criteria, the matter is referred to the Overview and Scrutiny Committee in order to determine the call-in and decide whether or not to refer the item back to the Cabinet at its next meeting. The implementation of the Cabinet decision regarding “Recording / Webcasting Council meetings” is suspended pending the Committee’s decision in accordance with call-in procedures.

6.2 The following procedure is to be followed for consideration of the “Call In”:

- (a) Presentation of the “Call In” by one of the “Call In” Members followed by questions.
- (b) Response from the Lead Member/officers followed by questions.
- (c) General debate followed by decision.

N.B. – In accordance with the Overview and Scrutiny Committee Protocols and Guidance adopted by the Committee at its meeting on 5 June, 2007, any Member(s) who presents the “Call In” is not eligible to participate in the general debate.

6.3 It is open to the Committee to either resolve to take no action which would have the effect of endorsing the original Cabinet decision(s), or the Committee could refer the matter back to the Cabinet for further consideration setting out the nature of its concerns and possibly recommending an alternative course of action.