

AGENDA ITEM
REPORT TO EXECUTIVE
SCRUTINY COMMITTEE

18 November 2025

REPORT OF THE
MONITORING OFFICER

CALL-IN VALIDITY REPORT

STRATEGY FOR STOCKTON-ON-TEES BOROUGH COUNCIL OUTDOOR PLAY
PROVISION 2025 (PART 2)

SUMMARY

This report assesses the validity of a call-in request regarding the Cabinet's decision on the 'Strategy for Outdoor Play Provision 2025 (Part 2)'. It identifies four decision-making principles where the call-in requesting members have evidenced that further scrutiny is justified and outlines the scope of the scrutiny process.

RECOMMENDATIONS

That the Executive Scrutiny Committee note the validation of the Call-In and proceed to consider the call-in request on the validated grounds identified in this report.

BACKGROUND

1. This report provides an assessment of the validity of a call-in request submitted in relation to the Cabinet's 16 October 2025 decision titled "Strategy for Outdoor Play Provision 2025 (Part 2)". The assessment is conducted in accordance with the Local Government Act 2000, the Council's Constitution, and the established principles of decision-making.
2. The purpose of this report is to determine whether the call-in request meets the constitutional requirements for validity and whether it can proceed to the Executive Scrutiny Committee.
3. The assessment focuses solely on whether the issues raised by Members (if supported by evidence) could reasonably indicate that one or more of the Council's Decision-Making Principles (Constitution paragraph 1.35) may not have been fully demonstrated at the point Cabinet made its decision.
4. For the avoidance of doubt the validation does not assess the merits of the policy, or whether the validated concerns raised by members are ultimately justified, these are matters for the Executive Scrutiny Committee.

THE CALL-IN PROCESS

Legislative and Constitutional Framework

5. Call-in is a statutory safeguard within the Council's governance framework, allowing Scrutiny to review Executive decisions prior to implementation.
6. Section 9F of the Local Government Act 2000 provides that councils must have a process allowing for executive decisions that have been made but not yet implemented to be "called in" for further scrutiny.
7. Call-in is however an exceptional power, intended as a safeguard against potential failures in the decision-making process. It does not exist to challenge the merits of a decision or to revisit prior operational decisions made by officers.
8. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, only executive decisions can be called in. Decisions made by regulatory bodies (such as Planning or Licensing Committees) or non-executive panels cannot be subject to call-in.

Threshold for a Valid Call-In

9. A call-in request is valid if it:
 - a. Is supported by at least six councillors who are not Cabinet members.
 - b. Suggests a failure to comply with one or more of the Council's Decision-Making Principles.
 - c. Relates to a decision that has been made but not yet implemented.
10. A call-in request is invalid if it:
 - a. Does not allege a specific failure in the decision-making process.
 - b. Seeks to challenge operational or financial management decisions rather than the decision itself.
 - c. Is being used simply to request additional explanations or information rather than demonstrating a procedural failing.

Decision-Making Principles (Constitution Paragraph 1.35)

11. Specifically for a call-in to be valid, it must allege a failure to adhere to one or more of the following principles:
 - a. proportionality (i.e. the action must be proportionate to the desired outcome);
 - b. due consultation and the taking of professional advice from Officers;
 - c. respect for human rights and equality of opportunity;
 - d. a presumption in favour of openness;

- e. clarity of aims and desired outcomes;
- f. an explanation of what options have been considered and giving the reasons for decisions;
- g. relevant matters have not been ignored; and
- h. clarity and explanation of information provided

THE DECISION UNDER CHALLENGE

12. The challenged decision was taken by Cabinet on 16 October 2025. The Cabinet resolution states:

RESOLVED that:-

1. The Strategy for Stockton-on-Tees Borough Council Outdoor Play Provision 2025 be approved.

2. The site-specific recommendations, subject to financial approvals of the additional £150,000 pa contained within the 2026/27 MTFP report to be presented in February 2026 be approved. This would enable 23 Council-owned play areas to be prioritised for retention, development or redevelopment, ensuring high maintenance standards and delivering good play value. A further 9 play areas will also be retained subject to availability of resources, while 11 sites would be subject to phased decommissioning and repurposing.

3. The series of additional cross-cutting actions relating to the development, design and management of play provision be noted.

SUMMARY OF GROUNDS RAISED IN THE CALL-IN REQUEST

13. The call-in request challenges several aspects of the decision-making process, including: the lack of an explicit explanation for why certain recommendations from the Community Safety Select Committee were incorporated into the Strategy while others were modified or omitted; whether Cabinet had sufficient clarity about the financial dependencies and risks arising from reliance on future Medium Term Financial Plan approvals; a concern that consultation and engagement expectations are ambiguous and that Ward Members, parish and town councils and communities may not have been sufficiently involved to inform the Strategy; and concerns regarding the equity of provision across the Borough, including how prioritisation decisions were reached. The call-in members suggest that, collectively, these issues may indicate that Cabinet did not have access to sufficiently clear advice and rationale in reaching its decision.

ASSESSMENT AGAINST EACH PRINCIPLE

Proportionality

14. The strategy establishes a borough-wide framework for prioritising investment and managing an estate that has exceeded sustainable maintenance capacity. It does not commit to irreversible actions and recognises that future decisions remain subject to funding approval and local engagement. There is no sustainable suggestion that Cabinet pursued a course beyond what was reasonably required at this strategic stage.

Assessment: Decision making principle satisfactorily demonstrated, does not support validity.

Due Consultation and Professional Advice

15. Professional advice underpinning the Strategy is clearly referenced including condition surveys and national guidance. However, the call-in raises a credible concern regarding clarity about how engagement vs. consultation will operate, the impact of changes in terminology between the July draft and October final draft, the status of the Select Committee recommendations urging stronger local consultation and whether Cabinet had clarity on when communities would be able to influence change

Assessment: Supports validity.

Respect for Human Rights and Equality of Opportunity

16. The Strategy seeks to improve fairness in access to quality play. It explicitly acknowledges geographical inequalities and commits to addressing them. No substantive concerns were raised on this ground.

Assessment: Decision making principle satisfactorily demonstrated, does not support validity.

Presumption in Favour of Openness

17. The decision was taken in public session and the papers published in full. No part of the meeting was considered exempt session.

Assessment: Decision making principle demonstrably satisfied, does not support validity.

Clarity of Aims and Desired Outcomes

18. The aims of ensuring safe, high-value, sustainable play provision were clearly stated and aligned with operational evidence. The call-in does not challenge the clarity of the aims themselves.

Assessment: Decision making principle satisfied, does not support validity.

Explanation of Options and Reasons

19. The Community Safety Select Committee made specific recommendations in April 2024. The call-in highlights concern that some recommendations appear incorporated, some appear amended, some are absent without narrative explanation. As such members may appropriately test whether Cabinet was provided with sufficient explanation of why certain Scrutiny recommendations were modified, how the Strategy reflects the recommendations of the Select Committees intended outcomes and what rationale informed the ultimate prioritisation approach.

Assessment: Supports validity.

Relevant Matters Not Ignored

20. The call-in identifies possible uncertainty regarding the interface between maintenance funding pressures, the new Stockton Waterfront play space, and the approach in the strategy to prioritisation. These are relevant matters as such the call-in may reasonably examine whether Cabinet received adequate explanation of how these factors interact.

Assessment: Supports validity.

Clarity and Explanation of Information Provided

21. The Strategy and accompanying report expressly states its delivery depends upon approval of further funding through the February 2026 MTFP process. It makes clear that “If this allocation is not agreed, the scale of sustainable play areas will have to be adjusted accordingly.” Scrutiny may appropriately examine whether Cabinet had clear visibility of the implications of funding non-approval, the potential need to revise agreed site categories and the relationship between future resources and the meaningfulness of the Strategy at this stage

Assessment: Supports validity.

OVERALL VALIDITY DETERMINATION

22. The call-in establishes valid grounds for further scrutiny under the following Decision-Making Principles:

- a. Due consultation and professional advice
- b. Explanation of options and reasons
- c. Relevant matters not ignored
- d. Clarity and explanation of information provided

23. All other decision-making principles appear satisfactorily demonstrated without particular evidence of a departure being set out. As such the Call-In is valid on the grounds set out.

ATTENDANCE

24. The Committee determines attendance at the call-in meeting. In practice, officers will take direction from the Chair, who will advise which Cabinet Members, Directors and officers should attend to provide evidence relevant to the issues under scrutiny.
25. The call-in requestors have asked that the Leader of the Council attend. While only the Committee itself can compel attendance, officers will work with the Chair to identify in advance which contributors are likely to be required. This will assist in ensuring that the relevant evidence is available at the meeting and that, as far as possible, all necessary matters can be addressed within a single session.

SUPPORTING GUIDANCE

26. The Monitoring Officer has assessed the validity of the call-in request in line with the procedure set out in the SBC Scrutiny Toolkit and has had regard to the available Statutory and LGA guidance on call-ins and to the legislation. I have considered commentary in Knowles on Local Authority Meetings, A Manual of Law and Practice (Eighth edition). In addition, advice from the Councils Statutory Scrutiny Officer and the Councils Head of Legal Services.

BACKGROUND DOCUMENTS

- Cabinet Report – 16 October 2025
- Cabinet Decision Notice
- Call-In Request
- Community Safety Select Committee Review (April 2024)

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