

**AGENDA ITEM
REPORT TO EXECUTIVE
SCRUTINY COMMITTEE
22 APRIL 2026
REPORT OF THE
MONITORING OFFICER**

CALL-IN VALIDITY REPORT

LEVELLING UP FUND: YARM PUBLIC REALM

SUMMARY

This report provides a formal assessment of the validity of a call-in request submitted in respect of the Cabinet decision of 12 March 2026 concerning the Levelling Up Fund – Yarm Public Realm.

Its purpose is to determine whether the issues raised meet the constitutional threshold for call-in and whether they engage one or more of the Council’s Decision-Making Principles in a manner which warrants further scrutiny.

In doing so, the report distinguishes between:

- (a) the lawfulness of the decision — where Cabinet acted within its powers and followed the correct governance route; and
- (b) the clarity and consistency of the process by which that decision was reached, which is the proper focus of call-in.

The report identifies those principles that are potentially engaged and therefore defines the scope within which the Committee may properly undertake its scrutiny.

RECOMMENDATIONS

That the Executive Scrutiny Committee:

- 1. Notes that the call-in request is valid; and
- 2. Proceeds to consider the call-in on the grounds identified in this report.

BACKGROUND

- 1. This report assesses a call-in request following Cabinet’s decision of 12 March 2026 titled *Levelling Up Fund – Yarm Public Realm*. The assessment is undertaken in accordance with:
 - a. the Local Government Act 2000;

- b. the Council's Constitution; and
 - c. the Council's Decision-Making Principles (paragraph 1.35).
2. The purpose of this report is to determine whether the call-in request meets the constitutional requirements for validity and whether it should proceed to the Executive Scrutiny Committee.
3. The assessment focuses solely on whether the matters raised by Members, if supported by evidence, could reasonably indicate that one or more of the Decision-Making Principles may not have been fully demonstrated at the point Cabinet made its decision.
4. This report does not assess the merits of the decision. Those are matters for Cabinet and, where appropriate, for Scrutiny.
5. For clarity, nothing in this report suggests that the decision was unlawful. The question is whether issues of clarity, process, and interpretation arise that are capable of supporting scrutiny.
6. Particular regard has been had to the recognised distinction in public law between public engagement — a non-determinative exercise designed to inform decision-making — and consultation, which may give rise to legitimate expectations depending on how it is presented. That distinction is central to the issues raised.

THE CALL-IN PROCESS

Legislative and Constitutional Framework

7. Call-in is a statutory safeguard within the Council's governance framework, enabling scrutiny of executive decisions prior to implementation.
8. Section 9F of the Local Government Act 2000 requires that councils maintain arrangements for the review of executive decisions.
9. Call-in is an exceptional mechanism. It is not intended to revisit the merits of a decision or to substitute the judgement of the Executive, but to ensure that decisions have been taken in accordance with proper process.
10. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, only executive decisions may be called in.

Threshold for a Valid Call-In

11. A call-in request is valid if it:
 - a. Is supported by at least six non-Cabinet Members;

- b. Relates to a decision that has been made but not yet implemented; and
 - c. Alleges a potential failure to comply with one or more Decision-Making Principles.
12. A call-in request is invalid if it:
- a. Does not allege a procedural failing;
 - b. Seeks to challenge operational or financial management decisions rather than the decision itself; or
 - c. Simply requests further explanation without identifying a potential departure from the Decision-Making Principles.

Decision-Making Principles (Constitution Paragraph 1.35)

13. The relevant principles are:
- a. Proportionality;
 - b. Due consultation and the taking of professional advice;
 - c. Respect for human rights and equality;
 - d. A presumption in favour of openness;
 - e. Clarity of aims and desired outcomes;
 - f. Explanation of options and reasons;
 - g. Relevant matters not ignored; and
 - h. Clarity and explanation of information provided.

THE DECISION UNDER CHALLENGE

14. The decision under challenge was taken by Cabinet on 12 March 2026. In summary, Cabinet:
- a. noted the outcome of public engagement;
 - b. considered a range of options for the use of the remaining Levelling Up Fund allocation; and
 - c. determined a preferred approach to the allocation of that funding.
15. The report makes clear that the engagement exercise was undertaken to inform decision-making, rather than determine it.

SUMMARY OF GROUNDS RAISED IN THE CALL-IN

16. The call-in raises concerns which may be summarised as follows:
- a. That the “YOU DECIDE” framing of the engagement created an expectation that the outcome would be determinative;
 - b. That the decision did not reflect the outcome of that exercise;
 - c. That alternative options were not fully explored or explained;

- d. That key stakeholders, including Yarm Town Council, were not engaged;
 - e. That relevant matters raised through the engagement were not adequately addressed; and
 - f. That the rationale for the final decision was insufficiently clear.
17. Taken together, the call-in raises issues concerning the clarity, consistency, and interpretation of the engagement exercise and its relationship to the decision taken.

ASSESSMENT AGAINST DECISION-MAKING PRINCIPLES

Proportionality

18. No substantive issue arises under this principle.

Assessment: Satisfied; does not support validity.

Due Consultation and Professional Advice

19. The central issue concerns the alignment between the intended purpose of the exercise (engagement) and its presentation, including the use of the “YOU DECIDE” wording.
20. That wording is capable, as a matter of ordinary language, of suggesting a determinative role for participants.
21. In public law, the manner in which an exercise is presented may be as significant as its substance. Where presentation is capable of shaping understanding, it is necessary that both participants and decision-makers are clear as to its true status.
22. The call-in therefore raises credible issues as to:
- a. the consistency between the intended purpose and presentation of the exercise;
 - b. whether that presentation could reasonably have influenced public understanding; and
 - c. whether Cabinet had sufficient clarity as to the status of the exercise and the weight to be attributed to its outcome.

Assessment: Supports validity.

Respect for Human Rights and Equality

23. No substantive issues arise.

Assessment: Satisfied; does not support validity.

Presumption in Favour of Openness

24. The decision was taken in public session with full publication of papers.

Assessment: Satisfied; does not support validity.

Clarity of Aims and Desired Outcomes

25. The aims and intended outcomes were clearly set out.

Assessment: Satisfied; does not support validity.

Explanation of Options and Reasons

26. The call-in raises a reasonable question as to whether the options available and the reasons for the preferred option were sufficiently explained, particularly in light of the engagement outcome.

27. Scrutiny may properly examine whether Cabinet was provided with a sufficiently clear and structured explanation to enable an informed decision.

Assessment: Supports validity.

Relevant Matters Not Ignored

28. Matters relating to engagement outcomes, stakeholder expectations, and their interpretation are plainly relevant considerations.

29. Scrutiny may examine whether Cabinet had full visibility of these matters.

Assessment: Supports validity.

Clarity and Explanation of Information Provided

30. While the engagement results were presented, the call-in raises a credible issue as to whether the relationship between those results and the decision-making process was sufficiently clear.

31. Scrutiny may therefore consider whether Cabinet had a full understanding of the nature of the exercise and the weight it should carry.

Assessment: Supports validity.

OVERALL VALIDITY DETERMINATION

32. The call-in sets out substantive and credible grounds for further scrutiny under the following Decision-Making Principles:

- a. Due consultation and the taking of professional advice
 - b. Explanation of options and reasons
 - c. Relevant matters not ignored
 - d. Clarity and explanation of information provided
33. On this basis, the call-in request is valid.
34. All remaining Decision-Making Principles appear to have been satisfactorily demonstrated and do not provide additional grounds for call-in.
35. The matters identified relate to the clarity and consistency of the process rather than the lawfulness of the decision. The decision was taken within the Council's governance framework and remains permissible, with the engagement exercise informing, but not determining, the final outcome.

ATTENDANCE

36. The Committee will determine attendance at the call-in meeting. Officers will liaise with the Chair to ensure appropriate attendance.

SUPPORTING GUIDANCE

37. This assessment has had regard to:
- a. The Local Government Act 2000;
 - b. The Council's Constitution;
 - c. Relevant statutory and LGA guidance;
 - d. Knowles on Local Authority Meetings;

BACKGROUND DOCUMENTS

- Cabinet Report – 12 March 2026
- Cabinet Decision Notice
- Call-In Request
- Engagement Documentation

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