REPORT TO EXECUTIVE SCRUTINY COMMITTEE

17 NOVEMBER 2026

REPORT OF THE MONITORING OFFICER

Call-In Validity Report: Procurement Plan / Higher Value Contracts – Winter Gritting Vehicles

Summary

This report considers whether the call-in of Cabinet's decision of 15 October 2026 on the Procurement Plan / Higher Value Contracts is valid, insofar as it relates to the proposed replacement of eight winter gritting vehicles.

The question for determination is a narrow one: whether the reasons advanced by the requesting Members are sufficiently connected to the Council's Decision-Making Principles to justify examination through the Council's call-in arrangements.

The assessment distinguishes the merits of Cabinet's decision from the process by which it was reached. It is not the function of the Monitoring Officer, at validation stage, to determine whether the preferred procurement arrangement was correct, whether another approach would have represented better value for money, or whether the concerns raised by Members will ultimately be upheld. Those are matters for the Executive Scrutiny Committee. My role is to consider the request as submitted and determine whether it raises identifiable concerns which are sufficiently connected to the Council's Decision-Making Principles, rather than simply expressing disagreement with the outcome or seeking information without a meaningful link to those principles.

Having considered the grounds individually and in the round, I am satisfied that the request is valid. The strongest issues raised concern the explanation of alternative approaches, the financial information underpinning the proposed commitment and the evidence supporting replacement of the existing fleet. Other grounds are weaker or substantially overlap with those matters. Nothing in this report determines the substantive issues in advance of scrutiny.

Recommendations

That the Executive Scrutiny Committee:

1. Notes the Monitoring Officer's determination that the call-in request is valid; and
2. Proceeds to consider the call-in by reference to the grounds identified in this report.

Background

1. This report considers the call-in of Cabinet's decision of 15 October 2026 on the Procurement Plan / Higher Value Contracts. In undertaking this assessment I have had regard to the Local Government Act 2000, the Council's Constitution and, in particular, the Decision-Making Principles at paragraph 1.35. The question for determination is whether the matters raised in the call-in are sufficient to justify further scrutiny by the Executive Scrutiny Committee.

2. The proposal is to lease eight winter gritting vehicles at an estimated annual cost of approximately £330,000 for an initial three-year period with provision for two further one-year extensions. The Members submitting the call-in point out that this equates to potential expenditure of approximately £1.65 million over the maximum five-year term. Cabinet approved the recommendations and delegated the contract award decision to the relevant Director or Assistant Director. Annex 1 of the report presented to the Cabinet refers to a further competition under an appropriate framework agreement.

The Call-In Process

3. Call-in is the statutory mechanism by which Members may hold the Executive (the Cabinet) to account by examining how a decision was reached before it is implemented. It sits within the overview and scrutiny framework established by section 9F of the Local Government Act 2000 and is given effect through the Council's Constitution.

4. Once a call-in has been validated, it is for the Executive Scrutiny Committee to consider the issues raised by the call-in, the information available to Cabinet when the decision was taken and any explanations subsequently provided by Members and officers. My role at this stage is more limited. It is to determine whether the matters raised are sufficiently connected to one or more of the Council's Decision-Making Principles to justify further scrutiny.

5. There is an important distinction between saying that a relevant matter was not considered or adequately explained, disagreeing with the decision reached, and seeking further information. A request framed as a question may nevertheless raise a valid issue where it identifies a specific apparent deficiency which could be material to the decision. Equally, not every request for clarification establishes a valid ground. The question is whether the concern identified is reasonably capable of engaging one or more of the Decision-Making Principles, not whether a breach has already been demonstrated.

6. The principles relied upon within the request are:

    - proportionality;
    - due consultation and the taking of professional advice;
    - respect for human rights and equality;
    - a presumption in favour of openness;
    - clarity of aims and desired outcomes;
    - an explanation of options and reasons for decisions;

- relevant matters not being ignored; and
- clarity and explanation of information provided.

7. Where appropriate, I have considered whether concerns raised under one principle are more properly examined under another.

The Decision Being Challenged

8. The report presented to Cabinet proposed replacement of eight winter gritting vehicles through a leasing arrangement. Cabinet was asked to approve the procurement proposal identified in Annex 1 and to delegate authority to the relevant Director or Assistant Director to make the contract award decision and any subsequent contractual decisions. Annex 1 envisaged a further competition under an appropriate framework agreement. Whilst the drafting may have been capable of clearer expression, when read as a whole the report appears to distinguish between approval of the proposed procurement approach and the subsequent award of a contract following competition. The intended effect appears to have been that Cabinet approved the requirement for procurement and the proposed approach, whilst responsibility for conducting the procurement exercise and making the eventual contract award was delegated to officers. It does not appear that Cabinet was seeking to award an unidentified contract before any competition had taken place.

9. That interpretation addresses part of the concern raised within the call-in regarding the apparent tension between approval of the contract and delegation of the award decision. It does not, however, answer the separate questions raised about why this approach was selected, what information underpinned the decision and what evidence supported replacement of all eight vehicles. Those matters require separate consideration.

Summary of Grounds Raised

10. The call-in raises concerns regarding replacement of all eight vehicles at this stage; the consideration and explanation of alternative approaches including outright purchase, alternative leasing arrangements, phased replacement and continuation of existing arrangements; the maximum value and financial implications of the proposal; future funding; the identification of the framework to be used; and the evidence concerning the condition and remaining life of the existing fleet. It also questions whether the recommendations clearly distinguished approval of a procurement proposal from the later award of a contract.

11. The central theme of the call-in is not simply that Members would have preferred a different procurement solution. Rather, it is that the report and decision record did not, in their view, sufficiently explain the options considered, the reasons for the preferred approach, the financial consequences arising from it and the evidence supporting replacement of the vehicles. In assessing those concerns I have not assumed that the absence of a particular detail from the published report necessarily means that Cabinet lacked that information.

Summary of Assessment Against the Decision-Making Principles

Decision-Making Principle	Monitoring Officer's Assessment	Determination
Proportionality	Raises a question regarding the scale and timing of the proposed replacement programme. Whilst not one of the stronger grounds advanced, it is sufficiently connected to this principle to justify scrutiny.	Valid ground
Due Consultation and Professional Advice	The request does not identify any consultation omission or any specific professional advice which was unavailable to, or not considered by, Cabinet. The concerns raised are more appropriately considered under other principles.	Not a valid ground
Respect for Human Rights and Equality	No human rights issue, equality issue or impact upon protected characteristics is identified within the request.	Not a valid ground
Presumption in Favour of Openness	The issues raised relate primarily to the adequacy of information available to decision-makers rather than openness of the decision-making process itself.	Not a valid ground
Clarity of Aims and Desired Outcomes	The objective of the proposal appears sufficiently clear. The challenge relates to the chosen approach rather than the stated purpose of the decision.	Not a valid ground
Explanation of Options and Reasons	Raises substantive questions regarding the alternatives considered and the reasons for selecting the preferred procurement approach.	Valid ground
Relevant Matters Not Ignored	Raises questions concerning matters capable of being material to the decision, including fleet condition, affordability and replacement rationale.	Valid ground
Clarity and Explanation of Information Provided	Raises substantive questions regarding the financial implications of the proposal and the evidential basis for replacement of the existing fleet.	Valid ground

12. For the avoidance of doubt, a determination that a matter constitutes a valid ground of call-in does not amount to a finding that the relevant Decision-Making Principle was breached. It indicates only that the issue raised is sufficiently connected to that principle to justify further scrutiny by the Executive Scrutiny Committee.

Assessment Against the Decision-Making Principles

Proportionality

13. The Members question whether replacing all eight vehicles at the same time is proportionate, compared with replacing them in phases or retaining some existing vehicles for longer. The aim of maintaining a reliable and resilient winter maintenance fleet is clearly legitimate and Cabinet was entitled to reach a judgement on the appropriate scale and timing of replacement after considering the advice available to it. Proportionality does not require Cabinet to adopt the least expensive option, nor does it require every alternative approach to have been ruled out conclusively. Nevertheless, the call-in identifies a specific concern about whether the information available to Cabinet sufficiently supported the scale and timing of the proposed programme. That concern is capable of engaging the principle of proportionality, although it is closely connected to the questions about alternatives and evidence considered later in this report.

14. This is a relatively narrow ground, but one that is capable of scrutiny. Treating it as such should not be taken as suggesting that replacement of all eight vehicles was disproportionate. Nor does the mere existence of a possible phased approach establish that Cabinet acted outside the principle.

    Assessment: This constitutes a valid ground of call-in.

Due Consultation and Professional Advice

15. The request identifies this principle but does not point to any consultation which ought to have taken place but did not, nor does it identify any specific professional advice which Cabinet failed to obtain or consider. The fact that Members seek further information about the technical or financial basis of the proposal is not, without more, evidence that such advice was absent. In substance, the concern is more appropriately considered under the principles dealing with relevant considerations and the clarity of information available to decision-makers. I do not therefore regard this as a separate ground in its own right.

    Assessment: This does not constitute a valid ground of call-in.

Respect for Human Rights and Equality

16. The request does not identify any human rights issue, equality consideration or impact upon persons with protected characteristics. The principle is listed, but the grounds advanced do not explain how it is said to be engaged by the decision.

    Assessment: This does not constitute a valid ground of call-in.

Presumption in Favour of Openness

17. The request refers to financial transparency and the clarity of the procurement arrangements, but the report was considered in public session and no allegation is made that information was improperly withheld or that exempt processes were inappropriately used. The real concern raised by Members is whether Cabinet was provided with sufficient information to understand the proposal before it. In my view, that issue is more appropriately examined under the principle concerned with the clarity and explanation of information.

    Assessment: This does not constitute a valid ground of call-in.

Clarity of Aims and Desired Outcomes

18. The aims of the proposal were reasonably clear. Cabinet was being asked to secure replacement winter gritting vehicles in support of a reliable and resilient winter maintenance service. The call-in does not materially challenge that objective. Its focus is on the procurement approach chosen to achieve it.

    Assessment: This does not constitute a valid ground of call-in.

Explanation of Options and Reasons

19. This is one of the stronger grounds advanced within the request. Members identify specific alternatives including outright purchase, alternative leasing structures, phased replacement and continuation of existing arrangements. They also point to the decision record and its statement that no alternative options were considered and rejected.

20. Members have identified potential alternatives and questioned whether the reasons for selecting the leasing arrangement were sufficiently explained. Whether the decision record accurately reflects the options considered, and whether Cabinet was given adequate information to understand the reasons for the recommendation, are matters which fall naturally within scrutiny.

    Assessment: This constitutes a valid ground of call-in.

Relevant Matters Not Ignored

21. Members identify matters which could properly be regarded as material to Cabinet's decision, including the condition and remaining life of the fleet, the rationale for replacing all eight vehicles together, the Council's future financial commitment and the affordability of the arrangement over its lifespan.

22. Nonetheless, the call-in questions the extent to which the supporting evidence and future financial implications informed the decision. Those are identifiable issues which could be material to the decision and which Members may properly examine.

    Assessment: This constitutes a valid ground of call-in.

Clarity and Explanation of Information Provided

23. A significant proportion of the call-in concerns the clarity and adequacy of the information available to Cabinet. Members raise questions about the nature of the approval being

sought, the overall financial commitment, funding over the life of the arrangement, the framework to be used and the evidential basis for replacement.

24. The financial concerns are more substantial. Members have raised specific concerns regarding the overall commitment, future funding, the relationship between proposed expenditure and existing fleet costs, and the affordability of the arrangement over time.

25. Similar considerations apply to the evidential basis for replacement. Members have identified a specific concern about what evidence supported replacement of all eight vehicles at this stage rather than phased replacement or continuation of existing arrangements.

    Assessment: This constitutes a valid ground of call-in.

Overall Determination

26. Validation is not concerned with whether Cabinet reached the correct decision, whether satisfactory answers exist to the questions raised, or whether another procurement method would ultimately have represented better value. The question is whether the call-in request, read fairly and as a whole, raises concerns which are sufficiently connected to the Council's Decision-Making Principles to justify further examination through the constitutional scrutiny process.

27. Having considered the request in that way, I am satisfied that a number of the grounds meet the threshold. In particular, the call-in raises identifiable questions concerning the explanation of alternative procurement approaches, the information available to Cabinet regarding the financial implications of the proposal and the evidential basis for replacing the existing fleet.

28. Other principles relied upon by Members are less persuasive and do not provide a separate basis for validation. The existence of weaker grounds does not, however, undermine the validity of the stronger grounds which independently satisfy the threshold.

29. I have not found that any Decision-Making Principle has been breached, nor should anything in this report be taken as suggesting that the concerns raised will ultimately be upheld. My conclusion is simply that the issues raised are sufficiently arguable and relevant to warrant examination by the Executive Scrutiny Committee.

30. The call-in request is therefore valid.

Scope of Scrutiny

31. In light of the grounds supporting validation, the Committee may properly consider:

    - what alternative procurement approaches were considered and why the preferred option was selected;
    - what information was available to Cabinet regarding the financial implications of the proposal and how those commitments would be funded;
    - the evidence supporting replacement of all eight vehicles; and

- the relationship between Cabinet's approval of the proposal and the subsequent delegated procurement and contract award arrangements.

32. The purpose of identifying these matters is to focus scrutiny on those aspects of the request which engage the Decision-Making Principles. It is not intended to prescribe exhaustively the questions which Members may ask or the evidence they may wish to receive.

Legal Implications

33. This report concerns the operation of the Council's constitutional call-in arrangements and has been prepared having regard to the Local Government Act 2000, the Council's Constitution and *Knowles on Local Authority Meetings*.

Risk Assessment

34. No direct risks arise from this report. Any risks associated with the substantive procurement proposal are matters for Cabinet, officers and the Executive Scrutiny Committee to consider as part of the call-in process.

Background Papers

- Cabinet Report – Procurement Plan / Higher Value Contracts, 15 October 2026.
- Cabinet Decision Record – 15 October 2026.
- Call-In Request.
- Recording of Cabinet Meeting – 15 October 2026.

Name of Contact Officer: Ged Morton
Post Title: Director of Corporate Services (Monitoring Officer)
Telephone number: 01642 527701
Email address: ged.morton@stockton.gov.uk