

EXECUTIVE SCRUTINY COMMITTEE

12 NOVEMBER 2024

REPORT OF THE MONITORING OFFICER

Assessment of Call-In Validity for Powering Our Future Programme Decisions

Purpose of the Report

This report is presented to the members of the Executive Scrutiny Committee to advise members on the validity assessment conducted by the Monitoring Officer concerning the call-in request related to specific decisions of the Cabinet's "Powering Our Future - Programme Update."

Background

1. The Local Government Act 2000 requires the Council to provide a process which allows for executive decisions that have been made but not yet implemented to be "called in" for further consideration by Overview and Scrutiny Committee for Stockton that committee is the Executive Scrutiny Committee (*section 9F, LGA 2000*).
2. Call-in is an exceptional power. For a call-in to be considered valid, it must pertain to decisions that have been made by the Cabinet and not yet implemented, and it must allege a failure to adhere to the principles of decision-making. It is essential to note that not all decisions are subject to call-in. Call-in is a check and balance on executive functions. Decisions by regulatory bodies such as planning and licensing committees or other committees or panels exercising non-executive functions fall outside this scope (*Local Authorities (Functions and Responsibilities) (England) Regulations 2000*).

Threshold For Call-In

3. Call in is available when six councillors, who are not members of the Cabinet have evidence which suggests that the Cabinet when making any executive decision did not take the decision in accordance with the principles set out in the Decision Making Principles.

Decision Making Principles

4. Decisions of the Council will usually be made in accordance with 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 Call-in

5. The decisions of Cabinet, taken on 17th October 2024 in relation to the “Powering Our Future -Programme Update” have been subject to a valid call in. The call-in applies only to the following decisions:-

Resolution 1

The recommended options set out in the report in respect of the Waste and Recycling Reviews be approved:

- *Introduction of charging for green waste from 1st April 2025*
- *Introduction of weekly food waste and recycling service from 1st April 2026 with the acquisition of associated vehicles and the development of a Waste Transfer Station*

Resolution 2

The removal of the maximum charge for non-residential care be approved.

Resolution 5

The changes to car parking charges in Stockton and Yarm Town centres be approved; including the removal of the first hour free parking and introduction of the rate of £1.50 for three hours stay in short stay car parks, alongside an uplift to long stay car parking charges

6. In respect of Resolution 1 the reasons for call in that have been validated relate to the following principles of decision making:
 - a. Proportionality: Concerns were raised about the fairness and balance of introducing charges for green waste collection,
 - b. Consultation: It was suggested that consultation process may not have sufficiently engaged all affected stakeholders in relation to green waste and food waste, which could affect the acceptance and effectiveness of the new waste management strategies.
 - c. Clarity and explanation: There was a lack of clarity in the reports of the objectives and expected outcomes of the changes. There was a need for a more detailed explanation of the cost implications.
7. That part of the Resolution 1 relating to the provision of the Community Recycling Centre’s has not been called in.
8. In respect of Resolution 2 the reasons for call in that have been validated relate to the following principles of decision making:

- a. Proportionality and equality: The removal of the cap on charges for non-residential care raised significant concerns about the potential disproportionate impact on vulnerable residents.
 - b. Clarity of Alternatives: There was insufficient detail provided on alternative options considered before deciding to remove the charge cap.
9. In respect of Resolution 5 the reasons for call in that have been validated relate to the following principles of decision making:
- a. Due Consultation and b. an explanation of what options have been considered and giving the reasons for decisions. Concerns were raised about inadequate consultation and insufficient clarity on the reasons behind options considered.

Areas Excluded from Call-In

10. Certain aspects related to the Cabinet's decisions are not included within the validated scope of this call-in request due to their specific governance requirements. These are the issues relating to prudential borrowing and special urgency described in the following paragraphs of this report.

Prudential Borrowing Decisions:

11. Prudential Borrowing decisions are made under specific statutory and governance requirements including the CIPFA prudential code which mandates that such decision fall under the full Councils remit.

Special Urgency Decisions:

12. Decisions taken under special urgency provisions are expressly excluded from the call-in process to allow the council to act swiftly in urgent situations where delaying action would be contrary to the council's or public interest. Although excluded from call-in, these decisions are not beyond review or accountability. The leader of the council is required to report periodically to the Full Council on the use of special urgency provisions. This process ensures that there is transparency and an opportunity to consider the justification for using such measures at the full council.

Attendance of Officer and Members

13. The following Members and Officers were listed in the call-in request as being required to be present at the meeting:

- CMT
- Council Leader

The committee will make a final determination of which officers and members are required to provide evidence.

Relevant Questions

14. In accordance with the constitution paragraph 3.181(b)(iii) , Requesting Members should, where possible, specify the questions they wish the committee to raise, as soon as practicable, after submitting their written request. The questions should relate to the valid call-in issues.

15. The background documents to the validity assessment are

- b. Report to Cabinet, 17 October 2024 - Powering Our Future – Programme Update
- c. Cabinet Decision Notice - Powering Our Future – Programme Update
- d. Call-In Request

Ged Morton
Monitoring Officer