

Report to the Overview & Scrutiny Committee

19th April 2017

By the Lead Scrutiny & Committee Support Officer



**Horsham
District
Council**

DECISION REQUIRED

Not Exempt

Call-In of the Cabinet Decision on the Adoption of the Technology Strategy

Executive Summary

On 7th April 2017 the Cabinet decision to develop a Technology Strategy was called in by the Overview and Scrutiny Committee in accordance with the Horsham District Council's call-in procedures, as set out in the Constitution.

This report sets out the call-in and format for the call-in meeting in accordance with the Council Constitution.

Recommendations

After considering the evidence presented to the meeting the Committee is recommended:

- i) to take no further action, in which case the decision will take effect immediately;

or,
- ii) to refer the decision back to Cabinet for reconsideration, setting out the nature of the Committee's concerns; Cabinet must then re-consider the matter within a further 10 working days, taking into account the concerns of the Overview and Scrutiny Committee, before making a final decision;

or,
- iii) to refer the matter to Full Council, in which case paragraph 23 of the Constitution will apply.

Reasons for Recommendations

The Committee has the power to exercise its rights in relation to the call-in procedure as set out in Part 4c Section 20 of the Constitution.

Background Papers

Appendix 1 Technology Strategy Report to Cabinet 30th March 2017

Wards affected: None.

Contact: Daniela Smith, Lead Scrutiny & Committee Support Officer
Daniela.smith@horsham.gov.uk 01403 215138

Background Information

1 Introduction and Background

- 1.1 A request to call in the Cabinet decision of 30th March 2017 on the Technology Strategy was made and supported by five Councillors, the Chairman of the Overview and Scrutiny Committee approved the request and the Committee will consider the report and make its decision on 19th April 2017.

2 Relevant Council policy

The call-in procedure is detailed in Part 4c Section 20 of the Horsham District Council Constitution.

3 Details

- 3.1 Councillor Skipp raised his concerns in relation to the decision made by Cabinet on 30th March 2017 on the Technology Strategy.
- 3.2 Citing Part 4c Section 20 a),b) and g) as his reasons for the request to call the decision in.
- 3.3 Four other Councillors have supported the request in writing.
- 3.4 The Chairman of the Overview and Scrutiny Committee considered the request valid and therefore the Committee is meeting on 19th April 2017 to consider the call-in request.

Decision of the Chairman of Overview and Scrutiny

- 3.5 The Chairman of Overview and Scrutiny has considered the call-in request is reasonable.

The reasons given by the Chairman were that

“Cabinet Members are obliged to engage with non-executive Members in their decision making process via the Policy Development Advisory Groups (PDAGs). According to the Constitution the Technology Strategy falls within the functions of the Cabinet Member for Finance and Assets (at 3.3.3 I) however on this occasion the Strategy was brought forward for decision in a report by the Leader. Clearly the option of taking the Strategy to a PDAG was not available once the Leader assumed responsibility for bringing the Strategy to Cabinet for decision as there is no Policy Development Advisory Group for the Leader. That seems to me to be the main basis for the request for call-in of the decision by Councillors. There was an offer of a seminar, on the Technology Strategy, made to all Members, but due to a lack of response from Members this was cancelled. Seminars are notified to Members regularly and therefore to give the offer of a seminar exclusive significance in this case is a marginal argument to support the argument of non-executive consultation (albeit the seminar was a non-event). Therefore as Chairman of Overview and Scrutiny it is considered that a call-in of the decision is justified.”

Matters to be considered by the Overview and Scrutiny Committee

3.6 The following grounds were cited to support the request to call-in the decision:

Part 4c section 15:

- a) inadequate consultation with stakeholders prior to decision;
- b) the absence of adequate evidence on which to base a decision;
- g) the decision is not within the Cabinet's powers or terms of reference or within the portfolio of the Cabinet Member with delegated responsibility who took it.

The following five non-Cabinet Members of the Council have supported the request:

Councillors David Skipp, Christine Costin, Toni Bradnum, Connor Relleen and Godfrey Newman.

Format of the Meeting

3.7 Where the Overview and Scrutiny Committee considers a call-in request, the format of the meeting will be as follows:-

- a) After the Chairman opens the meeting the Members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed.
- b) On matters of particular relevance to a particular ward, ward Members who are not signatories to a call-in have the opportunity to make comments on the call-in at the meeting, such speeches not to exceed five minutes each. Ward Members will take no further part in the discussion or vote. Ward Members must register their request to speak by contacting the Monitoring Officer by 12 noon on the day prior to the relevant meeting of the committee.
- c) The relevant Cabinet Member (or Members if more than one is relevant) will then be invited to make any comments.
- d) The relevant Chief Officer or his representative will advise the Committee on the background and context of the decision and its importance to achieving Service priorities.
- e) Committee Members will ask questions of Members and officers in attendance.
- f) The Cabinet Member(s) will be invited to make any final comments on the matter.

4 Next Steps

The Committee will agree which course of action it will take as set out in the recommendations.

5 Outcome of Consultations

The Chairman of the Overview and Scrutiny considered the call-in request made by Councillor Skipp and decided that it was in line with the Committee's powers as set out in the constitution.

6 Other Courses of Action Considered but Rejected

None.

7 Resource Consequences

None.

8 Legal Consequences

The Overview and Scrutiny Committee has the powers to exercise its rights in accordance with Part 4c Section 20 of the Constitution.

The original decision was made within the budget and policy framework and therefore it would not be appropriate to refer the matter to Full Council. The decision made is an Executive function and therefore within the powers of the Cabinet. As this is a Strategy document there are no direct implications on the budget.

9 Risk Assessment

9.1 The risks associated with the decision are detailed in the original Cabinet report.

10 Other Considerations

10.1 This will have no direct impact on Crime & Disorder; Human Rights; Equality & Diversity and Sustainability.