



Committee: OVERVIEW AND SCRUTINY COMMITTEE

Date: MONDAY, 17TH AUGUST 2015

Venue: MORECAMBE TOWN HALL

Time: 6.00 P.M.

Councillors are reminded that as Members of overview and scrutiny they may not be subjected to the Party Whip, which is prohibited under the Lancaster City Council Constitution.

A G E N D A

- 1. Apologies for Absence**
- 2. Items of Urgent Business authorised by the Chairman**
- 3. Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

4. Exclusion of the Press and Public

The Overview and Scrutiny Committee is recommended to consider passing the following recommendation in relation to the following item :-

“That, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item(s) of business, on the grounds that they could involve the possible disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of that Act.”

Members are reminded that the Cabinet report in respect of the decision to which this Call-in relates contained exempt information under paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, and Cabinet excluded the public from the meeting during consideration thereof. The Cabinet report therefore remains exempt unless and until Cabinet decides otherwise.

However, it is for the Overview and Scrutiny Committee to decide whether or not to consider the Call-in item in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, whether the call-in item can be discussed without reference to the exempt information contained in the Cabinet report, and whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

5. Request to Call-in Cabinet Decision - Reorganisation of the Office of the Chief Executive - Cabinet Minute 17 (Pages 1 - 15)

The Cabinet decision on the Reorganisation of the Office of the Chief Executive – (Minute 17) taken by Cabinet on 4th August 2015 has been requested to be called in by Councillors Caroline Jackson and Phillippa Williamson (Overview and Scrutiny Members) and by Councillors Roger Mace, Dave Brookes and Chris Leadbetter.

This request was subsequently agreed by the Chief Executive. The decision has been called-in in accordance with Part 4 Section 5, Paragraph 16 of the Council's Constitution.

Councillor Eileen Blamire (Leader of the Council), Councillor Janice Hanson (Cabinet Member with responsibility for Economic Regeneration and Planning), Mark Cullinan, Chief Executive and Derek Whiteway, Internal Audit Manager and Deputy Section 151 Officer, have been invited to attend to outline the basis on which the decision was made.

Included in the agenda:

- Call-in Procedure
- Cabinet minute extract
- Call-in Notice
- Report to Cabinet and Appendix

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Nigel Goodrich (Chairman), June Ashworth (Vice-Chairman), Lucy Atkinson, Alan Biddulph, Brett Cooper, Rob Devey, Caroline Jackson, David Whitaker and Phillippa Williamson

(ii) Substitute Membership

Councillors Tracy Brown, Geoff Knight, Christopher Leadbetter, Roger Mace and Terrie Metcalfe

(iii) Queries regarding this Agenda

Please contact Jenny Kay, Democratic Services - telephone (01524) 582065 or email jkay@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Monday, 10th August, 2015.

EXTRACT FROM THE CONSTITUTION

**Part 4 – Rules of Procedure,
Section 5 – Overview and Scrutiny Procedure rules,
Sub-section 18 – Call-in Procedure.**

Call-in Procedure

In considering a Call-in decision the following procedure will be followed:

- The Councillors who have made the Call-in request (who shall be seated together) will outline the reasons for the Call-in;
- The relevant decision-maker(s), with support from the appropriate officer(s) (who shall be seated together), will outline the reasons for their decision and the issues that they took into account;
- Councillors who are signatories to the Call-in request will have the opportunity to question the decision-maker;
- Other Members of the Overview and Scrutiny Committee will have the opportunity to question the decision-maker;
- At the discretion of the Chairman, other Members present may have the opportunity to question the decision-maker;
- Before forming a decision, the Chairman may decide to adjourn the meeting in order to allow the Call-in signatories to reflect on the evidence received and to consider any recommendations they wish the Committee to consider.
- The meeting then moves to forming a decision in accordance with the Council Procedure Rules.

4th August 2015

Cabinet Minute 17 - Reorganisation of the Office of the Chief Executive

(Cabinet Member with Special Responsibility Councillor Blamire)

Cabinet received a report from the Chief Executive to enable Cabinet to consider a revised structure for the Chief Executive's Office. The report was exempt from publication by virtue of paragraphs 1 and 2 of Schedule 12a of the Local Government Act 1972.

The options, options analysis, including risk assessment and officer preferred option, were set out in the exempt report.

Councillor Hanson proposed, seconded by Councillor Leytham:-

"That having considered the content and recommendations within the report, Cabinet resolve to defer consideration of the senior leadership and organisation structure issues set out until after a replacement Chief Executive has been recruited."

Councillors then voted:-

Resolved unanimously:

- (1) That having considered the content and recommendations within the report, Cabinet resolve to defer consideration of the senior leadership and organisation structure issues set out until after a replacement Chief Executive has been recruited.

Officer responsible for effecting the decision:

Chief Executive

Reasons for making the decision:

Cabinet felt that it would be more appropriate for this to be considered following the appointment of the new Chief Executive.

REQUEST FOR CALL-IN

This form is to be used when calling in a decision taken by the Cabinet, an Individual Member of the Cabinet or a committee of the Cabinet, or a key decision made by an officer with delegated authority from the Cabinet, or under joint arrangements. The full procedure is set out in paragraph 16, Part 4, Section 5 of the Constitution and page 7 of the Handbook.

ITEM TO BE CALLED IN:	
Minute 17 of the 4 August 2015 Cabinet meeting:-	
<u>Reorganisation of the Office of the Chief Executive</u>	
Resolved unanimously:	
(1) That having considered the content and recommendations within the report, Cabinet resolve to defer consideration of the senior leadership and organisation structure issues set out until after a replacement Chief Executive has been recruited.	
DATE DECISION TAKEN: 4 August 2015	
DECISION TAKEN BY:	
	Tick
Cabinet	X
Individual Member of Cabinet (please state)	
Councillor	
Committee of Cabinet (please state)	
Key Decision by Officer with delegated authority (please state)	
Joint Arrangements (please state)	
REASONS FOR CALL-IN:	
(please indicate your reasons below)	
	Tick
(a) Proportionality (i.e. the decision is not proportionate to the desired outcome).	
(b) Lack of, or insufficient consultation and the taking of professional advice from Officers.	X
(c) Lack of, or insufficient respect for human rights.	
(d) Lack of openness.	X
(e) The aims and desired outcomes of the decision are not clearly expressed.	X
(f) Insufficient information about the options that were considered or the reasons for arriving at the decision.	X
(g) Other (please give your reason(s) in full below).	
SIGNED:	
Members of Overview & Scrutiny Committee	
Cllr Caroline Jackson	Cllr Philippa Williamson
Three Further Councillors	
Cllr Mace	Cllr Leadbetter
	Cllr Brookes
<i>(Note: A valid request for call in must be signed by a total of 5 Members of the Council, including 2 or more Members of the Overview & Scrutiny Committee, and all 5 Councillors must not be from the same political group.)</i>	
DATE:	10th August 2015

The current chief executive has announced his retirement after some 15 years in post. Arrangements for the office of the Chief Executive are likely to be of relevance for longer than the four year lifetime of the current administration - and an opportunity should therefore be made available for proposals to be considered more widely than by one political group alone. The purpose of this call-in is to ensure that this opportunity for wider consideration is provided - and to call the executive to account for their decision.

In particular, the decision to defer consideration of the report "until after a replacement Chief Executive has been recruited"

- amounts to avoiding making a choice on one of the most important issues facing the Council in recent years
- fails to give reasons for what has been decided about the Reorganisation
- fails to discriminate between elements in the report which may or may not at some point be acceptable

A decision on *the need* for recruiting a replacement is a pre-requisite for deciding upon Reorganisation of the Office of the Chief Executive. The wording of the cabinet's resolution implies that a replacement Chief Executive is to be recruited, when no discussion has taken place on *the need* to recruit a replacement Chief Executive - and no formal decision to recruit has yet been made.

SIGNED:	Members of Overview & Scrutiny Committee Cllr Caroline Jackson	Cllr Phillippa Williamson
	Three Further Councillors Cllr Mace	Cllr Leadbetter Cllr Brookes

(Note: A valid request for call in must be signed by a total of 5 Members of the Council, including 2 or more Members of the Overview & Scrutiny Committee, and all 5 Councillors must not be from the same political group.)

DATE: 10th August 2015

This request for call in must be submitted to the Chief Executive (by post, fax or e-mail) within 5 working days of the date of publication of the decision.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted