

Overview and Scrutiny Management Committee
16 April 2007

Call-in of Cabinet Member Delegated Decision – Future Provision of Community Meals

Purpose

1. To consider a call-in request of the delegated decision made by the Cabinet Member for Community Services on the future provision of community meals.

Background

2. The Cabinet Member considered a report (appendix 1) by the Director of Community Services following difficulties with the current arrangements for this service and on 4 April approved entering into further negotiations with Sodexo to facilitate an early termination of existing contract arrangements for community meals on terms to be agreed by the Director of Community Services and the Solicitor to the Council providing they reduce the current service budget.
3. Approval was also given to officers to seek alternative services at nil subsidy by the County Council following appropriate notice and discussion with current recipients of meals.
4. This decision followed a period of notice to all members of the “intention to make a decision” in accordance with the protocol for individual decision making by Cabinet Members appended to the Council’s Constitution. It is understood that some members took up this opportunity and contacted the Cabinet Member. At the same time, a press release was issued (appendix 2) followed by a note updating the position to all members.

Call-In

5. The provision for a call-in of an executive decision is set out in the Overview and Scrutiny Procedure Rules in the Council’s Constitution. It is designed to be used in exceptional circumstances where members of the relevant scrutiny committee have evidence which suggests that the Executive (in this case the Cabinet Member) did not take the decision in accordance with the principles of decision making set out in the Constitution. In fact, call-in has only been exercised in the County Council on two previous occasions since the introduction of the Cabinet system in 2001.
6. Formal notice was given within the prescribed period by Judy Rooke, Brian Dalton and Paul Batchelor via Ian West, Liberal Democratic Group Leader to call-in the delegated decision prior to implementation of this matter. The reasons given were that the following principles were not followed (with sufficient detail):
 - To be clear over the desired outcomes and aims
 - To record the options considered and discarded; and,

- To state the reasons for the action.

In addition, the call-in notification stated that the business case for altering the existing arrangements was not sufficiently defined and that following the press release concern was expressed by other councillors and a local MP.

7. Call-in has to be considered by the relevant scrutiny committee within 5 working days. Arrangements were made, in consultation with the Chairman and Vice-Chairman, to hold the meeting as soon as possible after the Easter break.
8. An opportunity has been given to the Cabinet Member and Leader of the Liberal Democratic Group (on behalf of the 3 members) to submit evidence to the meeting. As a result the following is attached:
 - Appendix 1 – Cabinet Member delegated decision and accompanying report
 - Appendix 2 – Report on media coverage
 - Appendix 3 – Letter to service users dated 27 March
9. I have been advised that prior to the start of the meeting arrangements are being made for an alternative provider to make a brief presentation, to include a sample of potential meals, and to answer any questions from scrutiny members.
10. At the meeting itself the members who called in the decision will first be given the opportunity to explain the concerns they have which the Cabinet Member will respond to. Other members can then ask further questions and debate the merits of the call-in.

Matter for Decision

11. The Management Committee, after hearing the concerns, evidence and response, has to decide either:
 - (1) that it is satisfied by the response, takes no further action and informs the decision-maker (Cabinet member) accordingly. The delegated decision will then be implemented immediately; or
 - (2) if it remains concerned, to refer the matter back to the decision-maker (or full Council in the case of it being contrary to the policy framework or not consistent with the budget), setting out in writing the nature of its concerns. The decision-maker is then required to reconsider the matter within 5 working days, amending the decision or not, before adopting a final decision.

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Unpublished documents relied upon in the production of this report: None

