

OVERVIEW AND SCRUTINY PERFORMANCE BOARD 28 JUNE 2016

CALL-IN OF THE CABINET DECISION ON THE PROVISION OF EFFECTIVE PREVENTION SERVICES FOR CHILDREN AND YOUNG PEOPLE INCLUDING OPTIMISING THE USE OF CHILDREN'S CENTRE BUILDINGS

Summary

1. In accordance with the Constitution, the Overview and Scrutiny Performance Board (OSPB) needs to consider particular decisions taken by the Cabinet on 16 June 2016 in relation to the Provision of Effective Prevention Services for Children and Young People Including Optimising the Use of Children's Centre Buildings. These decisions have been called-in by the required number of Members – see Appendix 1. The reasons given for the call-in are set out in Appendix 1.

Background

2. Non-Cabinet Members have the power to call in Cabinet decisions in exceptional circumstances and normally only when there is evidence to suggest that Cabinet has departed from the principles of decision-making, as set out in Article 7 of the Constitution. If a decision is called in, it cannot be implemented until the call-in process is completed.
3. The called-in decision is considered by the OSPB, which then has the options set out in paragraph 8.

Cabinet Decision

4. The details and context behind the decision are set out in the report to Cabinet linked at appendix 2, and the Board is referred to that report. On 16 June 2016, Cabinet RESOLVED that:
 - c) **consultation on change of use for those children's centre buildings where there is likely to be significant change as outlined in paragraph 26 (b) and Appendix 2 with the addition of Brookside at Comberton Primary School – Wyre Forest be authorised;**
 - d) **the proposals for the future use of children centre buildings where consultation is not required as outlined in paragraph 26 (c) and Appendix 2 other than in relation to Brookside at Comberton Primary School – Wyre Forest be approved;**
 - e) **the summary of impact of the proposals for the future use of buildings as outlined in paragraphs 27 to 31 and the need for further**

equality impact analyses to inform the final decisions in respect of the proposed changes outlined in paragraph 40 be noted;

- f) the final decisions for the use of children's centre buildings, where consultation is required, be delegated to the Cabinet Member with Responsibility for Children and Families, having regard to the outcomes of those consultations and equality impact analysis; and**
- g) the Director of Children, Families and Communities and the Interim Director of Public Health be authorised to take all necessary steps within their respective responsibilities to give effect to the above including varying and/or extending the existing contracts of the district-based early help providers and public health nursing functions, and the Director of Commercial and Change be authorised to agree appropriate terms for the future use of children's centre buildings.'**

Invitations to Attend

- 5. In accordance with the Council's Overview and Scrutiny Procedure Rules and scrutiny practice, a copy of which are available on the County Council's website [here](#) the following have been invited to attend the meeting:
 - Signatories to the call-in
 - Mr M L Bayliss, Cabinet Member with Responsibility for Children and Families
 - Mr J H Smith, Cabinet Member with Responsibility for Health and Well-being
- 6. The Director of Children, Families and Communities and Acting Director of Public Health have also been invited to attend.

(The Cabinet Members have been invited to provide a formal response to the call-in.)

Suggested Order of Business

- 7. The OSPB may wish to adopt the following order of proceedings:
 - Presentation by members of the reasons for calling-in the decision.

(Members are reminded that paragraph 17.10 of the Council's Overview and Scrutiny Procedure Rules states that "*The first 3 members exercising the right of call-in and who are not either local members or members of the Overview and Scrutiny Performance Board, an Overview and Scrutiny Panel or Scrutiny Task Group established to consider a call-in, are entitled to attend any meeting of that Overview and Scrutiny Performance Board, Overview and Scrutiny Panel or Scrutiny Task Group respectively considering the call-in and to speak but not vote.*")
 - Questions and Clarification
 - Response by the Cabinet Member/officer
 - Questions and Clarification
 - Any closing remarks by the Cabinet Member/officer

- Any closing remarks by those Members calling-in the decision.

Options available to the OSPB

8. Having heard from all parties and considered the decision called-in, the Overview and Scrutiny Performance Board will:
 - a) accept the decision without qualification or comment (in which case it can be implemented immediately without being considered again by the Cabinet); or
 - b) accept the decision (in which case it can be implemented immediately without being considered again by Cabinet) but with qualification or comment which the relevant Cabinet Member with Responsibility must consider and respond to; or
 - c) propose modifications to the decision or require a reconsideration of the decision (in which case the implementation of the decision is delayed until the Cabinet has received and considered a report of the Overview and Scrutiny Performance Board); or
 - d) in exceptional circumstances ask the Council to consider whether option (a) (b) or (c) is appropriate (in which case the implementation is delayed until after the meeting of the Council to which it has been referred and, if Council resolves option (c), the Cabinet has reconsidered the matter having regard to the Council's view).

(The Council has no power to make final decisions in respect of matters which are the responsibility of the Cabinet.)

9. Such exceptional circumstances referred to in d) above may be if the decision called-in is one which the Overview and Scrutiny Performance Board believes is one which:
 - the Cabinet cannot in law take; or
 - is reserved to the Full Council; or
 - raises issues of such exceptional significance and public interest to justify reference to the Full Council, although the final decision will rest with the Cabinet; or
 - is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

Supporting Information

Appendix 1: Copy of the call-in (received 20 June 2016)

Appendix 2: (a) Agenda Report and (b) Extract of the draft Minutes of Cabinet: dated 16 June 2016 circulated to Members of the Board and available on the County Council Website [here](#)

Appendix 3: Cabinet Member Response to Call-in

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

Alyson Grice/Samantha Morris, Overview and Scrutiny Officers,
Commercial and Change Directorate (01905 844962/844963)

Email: scrutiny@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) there are no further background papers relating to the subject matter of this report:

[All agendas and minutes are available on the Council's website here.](#)