

OVERVIEW AND SCRUTINY PERFORMANCE BOARD 21 OCTOBER 2016

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

Summary

1. In accordance with the Constitution, the Overview and Scrutiny Performance Board (OSPB) is requested to consider a decision taken by the Cabinet Member with Responsibility for Children and Families on 16 September 2016 in relation to Optimising the Use of Children's Centre Buildings in the Context of Effective Prevention Services for Children and Young People. This decision has 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 - see Appendix 2. 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, who will decide the next course of action based on the options set out in paragraph 9.

Cabinet Member Decision

4. The details and context behind the decision are set out in the Cabinet Member report linked at Appendix 2, and the Board is referred to that report. On 16 September 2016, the Cabinet Member:
 - (a) **noted the information in the report and accompanying background information and the detail contained in the accompanying Appendices 1 to 6, including statutory duties, detailed appraisal of consultation responses and district specific equalities impact assessments;**
 - (b) **approved the proposal to allocate a one-off sum of £30,000 which is used to support the universal provision to become self-sufficient (as outlined in detail in paragraphs 29 and 33 of the report);**

- (c) approved the recommendations to change the use of 18 children's centre buildings as outlined in paragraph 34 of the report and detailed in the accompanying Appendix 1 and authorised the Interim Director of Commercial and Change to make the necessary property and lease arrangements;
- (d) authorised the Director of Children, Families and Communities to take all necessary steps to put the above into effect including a dedicated 6-9 month transition period as described in paragraph 35 of the report;
- (e) authorised the Director of Children, Families and Communities, in consultation with the Cabinet Member with Responsibility for Children and Families, to find and implement an alternative proposal that is of similar nature (i.e. still meets the definition of a children's centre) in the unlikely event that any of the particular proposals outlined in paragraph 34 of the report are unable to be implemented; and
- (f) agreed to receive a further report (following any further consultation which may be necessary) if it is does not prove possible to find alternative proposals under (e) above, in order to make any further decisions around the use of specific children 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
- 6. The Director of Children, Families and Communities has also been invited to attend.
- 7. The Cabinet Member has been invited to provide a formal response to the call-in.

Suggested Order of Business

- 8. 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

9. 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.)

10. 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.

11. Members are reminded that the role of OSPB when considering a call-in is to debate and consider the reasons for the call-in as they relate to the principles of effective decision-making detailed within the Constitution, it is not the role of OSPB to debate the merits of the decision that has been taken.

Supporting Information

Appendix 1: Copy of the call-in (received 21 September 2016)

Appendix 2: Article 7 of the Council's Constitution – Decision Making available on the County Council Website [here](#)

Appendix 3: (a) Cabinet Member [Report](#) dated 13 September 2016 and (b) [Decision](#) Notice: dated 16 September 2016

Appendix 4: 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) the following are the background papers relating to the subject matter of this report:

Agenda and Minutes of Cabinet held on 16 June 2016

Agenda and Minutes of the Overview and Scrutiny Performance Board held on 1 July 2016.

Agenda and Minutes of the Children and Families Overview and Scrutiny Panel held on 17 March 2016 and 15 July 2016

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