



Doncaster Council

Date: 23rd September
2020

To the Chair and Members of the
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

**CALL IN OF EXECUTIVE DECISION: MARKET OPERATOR – TEMPORARY
FINANCIAL ASSISTANCE**

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Councillor Joe Blackham	All	Yes

EXECUTIVE SUMMARY

1. This report provides the opportunity for the Overview and Scrutiny Management Committee (OSMC) to consider the Called-In decision 'Market Operator – Temporary Financial Assistance'. The Committee will be given the opportunity to consider the views expressed by those Members triggering the call-in and any response from the Executive and officers. Following consideration of all relevant issues the Committee will agree its recommendations.

EXEMPT REPORT

2. The Call In form (Appendix A) and Annex 1, and Appendix 1 to the Cabinet report attached at Appendix B contains information which is NOT FOR PUBLICATION because they contain exempt information under Paragraph 3 of Part 1 of Schedule 12 (a) of the Local Government Act 1972 (as amended), information relating to the financial or business affairs of any particular person (including the authority holding that information

RECOMMENDATIONS

3. The Committee is asked to: -

Consider the reasons identified for call-in and determine the most appropriate course of action, this may include the following:

- (i) Refer the decision back to the Executive for reconsideration in the light of the recommendations from the Committee.

- (ii) Request that the decision be deferred until Overview and Scrutiny Management Committee or Panels have considered relevant issues and made recommendations to the Executive.
- (iii) Take no action in relation to the called-in decision(s) but consider whether issues arising from the call-in need to be added to the work programme of an existing or new Overview and Scrutiny Sub-Committee.
- (iv) If, but only if (having taken the advice of the Monitoring Officer and/or the Chief Finance Officer), the Committee determine that the decision(s) is wholly or partly outside the Budget and Policy Framework refer the matter, with any recommendations, to the Council after following the procedure in Rule 8 of the Budget and Policy Framework Procedure Rules. Only in this case is there a continuing bar on implementing the decision.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. The Call In process provides an opportunity for OSMC to review Executive decisions before they are implemented and where appropriate provide recommendations back to the decision maker for consideration. This provides checks and balances in the decision-making process enhancing accountability and transparency for Doncaster citizens.

BACKGROUND

5. The Call In process is an important mechanism in improving decision making as it provides a check and balance enabling Overview and Scrutiny Members to put an Executive decision on hold whilst OSMC meet to consider the issues raised by those Members calling in the decision. OSMC may make recommendations back to the Executive in respect of the decision or determine that no further action should be taken in respect of the decision and it should be implemented. The Call In process is detailed in the Constitution (Overview and Scrutiny Procedure Rule 9) and is triggered by the completion and submission of a call in form. The Call In Protocol gives guidance on how the process operates.
6. The call-in form was submitted within the agreed timescale, 5pm on Monday 14th September, 2020 and the Monitoring Officer has confirmed those Members calling in the decision have followed the correct process and identified sufficient grounds for the Call In to be valid. The Call In Form is attached at Appendix A for Members' information. This form is NOT FOR PUBLICATION because it contains exempt information under Paragraph 3 of Part 1 of Schedule 12 (a) of the Local Government Act 1972 (as amended).
7. The background to this decision is outlined in the Cabinet report (Appendix B and the Appendices 1 and 2 to the Cabinet report). The Cabinet decision record is attached at Appendix C.
8. The Members triggering the Call In are Councillors:

Sean Gibbons, Andy Pickering, Steve Cox, Nick Allen and Jane Cox.

9. Overview and Scrutiny seeks to open up decision making to the public, notwithstanding this, Access To Information Rules apply and where issues of an exempt or confidential nature are raised, the Press and Public may be excluded from the meeting. The report considered by Cabinet on 1st September 2020 contained an Appendix which was exempt under Paragraph 3 of Part 1 of Schedule 12 (a) of the Local Government Act 1972 (as amended), as it contains information relation to the financial or business affairs of any particular person (including the authority holding that information). The issues raised by the "Call In" form also contain such information. The Committee is advised that the reasons for excluding the Press and Public from the Cabinet Meeting on 1st September, are still applicable to the OSMC Call In meeting.

Reasons for Call-In

10. The reasons for calling-in this decision are detailed in the call-in form attached at Appendix A and the attached annex 1.
11. The Committee is reminded that in accordance with the Call In Protocol the meeting should focus its consideration on these issues only as they have been agreed as the valid reasons for calling in this decision. It is not appropriate to raise new issues or those that are not relevant to this decision.

Agreeing an Outcome

13. Overview and Scrutiny Procedure Rule 9 sets out four specific courses of action, which OSMC may take when considering a called-in decision. The Committee may: -

- (i) Refer the decision back to the Executive for reconsideration in the light of the recommendations from the Committee.

This would require identifying any areas within the process or in respect of the decision, which could be improved, or submitting recommendations for alternative courses of action.

- (ii) Request that the decision(s) be deferred until Overview and Scrutiny Management Committee or Panels have considered relevant issues and made recommendations to the Executive.

OSMC may consider that the decision could be improved by further investigation of relevant issues to be conducted by the Committee or by the appropriate Overview and Scrutiny Panel. The Committee may wish to take account of any timescales, finance or other issues that are crucial to the decisions.

- (iii) Take no action in relation to the called-in decision(s) but consider whether issues arising from the call-in need to be added to the work programme of an existing or new Overview and Scrutiny Sub-Committee.

OSMC may consider that the call-in of this decision has identified issues which should be considered as part of its or one of the Overview and Scrutiny Panels' Work Plans. Consideration will need to be given to the

potential impact this may have on OSMC or the relevant Panel in terms of delivering its agreed work plan. This may require a reprioritisation of issues in order to achieve this.

(iv) If, but only if (having taken the advice of the Monitoring Officer and/or the Chief Finance Officer), the Committee determine that the decision is wholly or partly outside the Budget and Policy Framework refer the matter, with any recommendations, to the Council after following the procedure in Rule 8 of the Budget and Policy Framework Procedure Rules. Only in this case is there a continuing bar on implementing the decision.

14. The Monitoring Officer and Chief Finance Officer have considered the issue and have advised that the decision is within the Council's Budget and Policy Framework.

OPTIONS CONSIDERED

15. The recommended courses of action available to OSMC are detailed within the Council's Constitution (Overview and Scrutiny Procedure Rule 9) and these are detailed at paragraphs 13 of this report.

REASONS FOR RECOMMENDED OPTION

16. The completion and submission of the appropriate form by at least 4 elected Members (not all from the same political group) and confirmation by the Monitoring Officer regarding the validity of the Call In form means that OSMC must meet to consider the called-in decision.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

17. The Overview and Scrutiny function has the potential to impact upon all of the council's key objectives by holding decision makers to account through call-in. This supports accountability within the Council's decision-making arrangements thereby supporting strong governance and leadership.

RISKS AND ASSUMPTIONS

18. Specific risks relating to the decision are identified in paragraphs 34 to 38 of the report attached at Appendix B.

LEGAL IMPLICATIONS

19. The Local Government Act 2000 Sections 9F(2)(a) and 9F(4) establish that the Council's Scrutiny Committee has a power to review or scrutinise decisions made but not implemented by the Executive, which includes a power to recommend that the decision be reconsidered by the decision maker.

20. The Legal implications associated with the original decision are detailed in paragraph 39 to 43 of the report attached at Appendix B. Overview and Scrutiny Procedure Rule 9 of the Council's Constitution details the Call In process. Further guidance on the Call In Process is detailed in the Call In

Protocol.

FINANCIAL IMPLICATIONS

21. No specific Financial Implications have been sought for this report. The relevant financial implications associated with the decision are included within paragraphs 50 ad 51 of the Cabinet report attached at Appendix B and accompanying appendices 1 and 2.

HUMAN RESOURCES IMPLICATIONS

22. No specific Human Resource Implications have been sought for this report. Any relevant implications are included within paragraph 52 of the Cabinet report attached at Appendix B.

TECHNOLOGY IMPLICATIONS

23. No specific technology implications have been sought for this report. Any relevant implications are included within paragraph 53 of the Cabinet report attached at Appendix B.

HEALTH IMPLICATIONS

24. No specific health implications have been sought for this report. Any relevant implications are included within paragraph 54 of the Cabinet report attached at Appendix B.

EQUALITY IMPLICATIONS (AS 110920)

25. There are no specific equality issues included with this report.

APPENDICES

Appendix A – Call in form and Annex 1;

Appendix B – Cabinet Report dated 1st September, 2020, Appendix 1 (Exempt) and Appendix 2

Appendix C - Cabinet Decision Record Form

CONSULTATION

26. Consultation undertaken is set out in paragraph 56 of the Cabinet report at Appendix B.

BACKGROUND PAPERS

27. The Council's Constitution
The Call In Protocol

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