

MEETING:	OVERVIEW AND SCRUTINY COMMITTEE
DATE:	23 APRIL 2012
TITLE OF REPORT:	CALL-IN OF CABINET MEMBER (HEALTH & WELLBEING) DECISION CONCERNING THE PROCUREMENT OF SERVICES TO SUPPORT THE DELIVERY OF HEREFORDSHIRE'S YES WE CAN PLAN FOR CHILDREN AND YOUNG PEOPLE
REPORT BY:	Assistant Director – Law, Governance and Resilience

CLASSIFICATION: Open

Purpose

To review Cabinet Member (Health & Wellbeing) decision concerning the procurement of services for children and young people, in line with the priorities set out in Herefordshire's Yes We Can Plan and based on evaluation of current contracts, equality impact assessments and information from the Joint Strategic Needs Assessment, which has been called in by three Members of the Committee: Councillors MAF Hubbard; JLV Kenyon and SJ Robertson.

Recommendation(s)

THAT: the Committee reviews the Cabinet Member's decision and decides

- (i) whether it accepts that decision with no further comment, or**
- (ii) whether it wishes to accept the grounds on which the decision of the Cabinet Member has been called-in and refer the decision back to the decision maker for reconsideration and, if so, what recommendations to Cabinet it wishes to make.**

Key Points Summary

- Call-in is a statutory right for Members of the Council to review a decision of the Executive taken by Cabinet or an individual Cabinet Member after it is made but before it is implemented.
- A decision can not take effect pending consideration of the call-in by the Overview and Scrutiny Committee.
- After consideration by the Overview and Scrutiny Committee the decision maker may implement the original decision or reconsider it in the light of the Overview and Scrutiny Committee's comments.
- The Committee has no power to overturn a decision of the Executive. It can only request the Executive to reconsider its decision.

- The Constitution (4.5.16.5) provides that call-in should only be used in exceptional circumstances including but not limited to;
 - a where there is evidence which suggests that issues have not been handled in accordance with the decision-making principles set out in this Constitution;
 - b where a key decision has been taken which was neither published in accordance with the requirements for the Forward Plan, and is not subject to the urgency procedures set out in this Constitution; or
 - c where a decision is outside the Budget and Policy Framework.
- The Overview and Committee can either accept the Cabinet Member (Health & Wellbeing) decision with no further comment or accept the grounds on which the decision of the Cabinet Member has been called-in and refer the decision back to the decision maker for reconsideration.

Reasons for Call-in

1. In accordance with the Scrutiny Procedure Rules set out at Part 4 Section 5 of the Constitution, the Cabinet Member (Health & Wellbeing) decision on 28 March 2012 concerning the procurement of services for children and young people, in line with the priorities set out in Herefordshire's Yes We Can Plan and based on evaluation of current contracts, equality impact assessments and information from the Joint Strategic Needs Assessment has been called in for consideration by this Committee.
2. The stated reasons for the call-in are:

“That procedures have not been followed correctly in that the tendering process may have unfairly excluded certain bodies who currently provide services and therefore this needs further investigation.”
3. The call-in is therefore made on the basis that there is evidence which suggests that issues have not been made in accordance with the decision making principles set out in the Constitution.
4. The decision notice (Ref No: 2012.H&WB.001), together with the report by the Director of People's Services to the Cabinet Member (Health & Wellbeing) in relation to the delivery of Herefordshire's Yes We Can Children's Plan, 28 March 2012, is appended.
6. In response to the Call-in the Director of People has provided further background to the issues and this is contained in Appendix 3 to this report. As this relates to a live tender appendix 3 is exempt by virtue of Section 100A and Schedule 12A Part 1 paragraph 3 of the Local Government Act 1972 (as amended).

Appendices

- Decision Notice of the Cabinet Member (Health & Wellbeing) on 24 June 2011 (Ref No: 2012.H&WB.001).
- Report to the Cabinet Member (Health & Wellbeing) 28 March 2012.
- Additional paper Response to the call-in. (Exempt report)

Background Papers

- None identified.