

MEETING:	General Overview and Scrutiny Committee
DATE:	14 January 2015
TITLE OF REPORT:	Call-in of Marches Local Enterprise Partnership Joint Executive Committee Decision on Marches Enterprise Zone
REPORT BY:	Governance Services

1. Classification

Open.

2. Purpose

To consider the call-in of the Marches Local Enterprise Partnership Joint Executive Committee decision on Marches Enterprise Zone. The decision has been called in by three members of the committee: Councillors ACR Chappell, EPJ Harvey and A Seldon.

3. Recommendation

THAT the committee reviews the Marches Local Enterprise Partnership Joint Executive Committee decision and decides:

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

4. Background

- 4.1 Call-in is a statutory right for members of the Council to review an executive decision after it is made but before it is implemented.
- 4.2 A decision cannot take effect pending consideration of the call-in by the General Overview and Scrutiny Committee.
- 4.3 After consideration by the General Overview and Scrutiny Committee, the decision maker may implement the original decision or reconsider it in the light of the committee's comments.
- 4.4 The committee has no power to overturn a decision of the Joint Executive Committee. It can only request the decision maker to reconsider its decision.

- 4.5 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 of which notice was not given in accordance with the requirements in the Access to Information Rules (Part 4 Section 2), 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.
- 4.6 The General Overview and Scrutiny Committee can either accept the Joint Executive Committee's decision with no further comment or accept the grounds on which the decision has been called-in and refer the decision back to the decision maker for reconsideration.

5. Reasons for call-in

- 5.1 In accordance with the Scrutiny Procedure Rules set out at Part 4 Section 5 of the Constitution, the Marches Local Enterprise Partnership Joint Executive Committee decision on 11 December 2014 concerning the Marches Enterprise Zone has been called-in for consideration by this committee.
- 5.2 The stated reasons for the call-in are given in Appendix A and are reproduced below:

'This call-in qualifies under 4.5.16.5 part a and c for the following reasons:

- 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
- and
- b) where a key decision has been taken of which notice was not given in accordance with the requirements in the Access to Information Rules (Part 4 Section 2), and is not subject to the urgency procedures set out in this Constitution;
- and possibly (see text below)
- c) where a decision is outside the Budget and Policy Framework

A report or reports which have been relied upon by officers to inform their opinion and recommendations to decision-makers have been referenced in the report but not listed and made available as background papers. These include, but are not limited to, 'the DTZ report'.

Without access to and sight of these documents it is not possible for councillors, and the public, to be assured that this decision has been made in accordance with the decision-making principles of the council's constitution, and that the decision is within the Budget & Policy Framework.

Specifically, failure to produce the supporting report/s goes against para 2.11.1.1(f) of the constitution which states: "When the Council takes a decision it will (f) explain what options were considered and give the reasons for the decision." In particular with regard to the detail of the financial implications of the options considered and the future commitment of public monies, incurring of risk, and the ongoing funding commitment to the LEP should the infrastructure project/s concerned not receive funding.

Further concerns regarding the substance of the decision and the options considered cannot be ruled out at this stage. Signatories to this call-in, and by implication the wider scrutiny committee, reserve the right to raise any such concerns as part of the call-in, once the background papers are made available.

We request that all information, reports and opinion relied upon by officers and decision-makers be referenced and made available in support of this decision and its call-in.

In the event that any of these documents are judged to contain exempt information - redacted versions of the documents should have been made available to the public, and unredacted versions made available - with appropriate assurances given regarding their handling, to councillors.'

- 5.3 The report considered by the Marches Local Enterprise Partnership Executive Committee (Appendix B) and the related Written Statement of a Key Decision (Appendix C) are attached.
- 5.4 Following receipt of the call-in notice, the Monitoring Officer provided advice to committee members about the position with background papers (Appendix D) and provided a redacted version of 'the DTZ report' (Appendix E). The report was also published in a supplement to the Marches Local Enterprise Partnership Joint Executive Committee agenda.

6. Appendices

- Appendix A Notification of Call-in for Submission to the Monitoring Officer
- Appendix B Marches Local Enterprise Partnership Joint Executive Committee, Marches Enterprise Zone Report
- Appendix C Written Statement of a Key Decision, Marches Enterprise Zone
- Appendix D Email from the Monitoring Officer to Committee Members, 18 December 2014
- Appendix E DTZ Report, Hereford Enterprise Zone (Redacted)

Links

Information about Marches Local Enterprise Partnership Joint Committee:

<http://councillors.herefordshire.gov.uk/ieListMeetings.aspx?CId=873&Year=0>

Marches Local Enterprise Partnership Joint Committee agenda, 11 December 2014:

<http://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=873&MId=5299&Ver=4>

7. Background papers

- 7.1 None identified.