

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

05 May 2022

Report of the Scrutiny Officer

Part 1- Public

1 CALL IN – DECISION NOTICE D220046CAB – REVIEW OF GOVERNANCE ARRANGEMENTS

The above Decision (attached at Annex 1) has been called in. In accordance with “Call In” procedure, three members of the Overview and Scrutiny Committee have raised a valid “Call In” request in relation to this decision.

1.1 Background

1.1.1 On 27th April the Leader published Decision Notice D220046CAB relating to changes to executive arrangements. A Joint report of the Leader and the Director of Central Services and Deputy Chief Executive went to Council on 27 April 2022 (Annex 2) setting out those changes in detail. The recommendations at paragraph 1.7.1 (a) to (g) were “Noted” at the meeting, in addition Members approved the recommendation at paragraph 1.7.1 (h) of the report.

1.1.2 In accordance with paragraph 15 of the Overview and Scrutiny Procedure Rules, either three members of Overview and Scrutiny Committee or the Chair of Overview and Scrutiny Committee can request a Call In. In this case, Councillors Oakley, Thornewell and Hoskins, have made this request. The grounds of the call-in request (dated 28 April 2022) are set out below:-

- The members seeking call in do not agree that five members of Overview and Scrutiny Committee should be required to call in decisions;
- All members of the authority deserve an opportunity to discuss the significant changes at Overview and Scrutiny Committee and gain a greater understanding of them by doing so; and
- That members have a proper understanding of how it is proposed the new system will work, in particular how ordinary “back benchers” will fit into the system and how they can influence decision making.

1.1.3 Pending further consideration by the Overview and Scrutiny Committee at this meeting, the decision at Annex 1 stands deferred.

- 1.1.4 If, having considered the decision, the Overview and Scrutiny Committee wishes to make recommendations to the Leader, then it may refer it back to the Leader for reconsideration, setting out in writing the nature of those recommendations. If referred to the Leader he shall then reconsider it, amending the decision or not, before adopting a final decision.
- 1.1.5 It is important to note that as the decision under consideration relates exclusively to matters which fall within the powers of the executive, there is no lawful scope to refer any recommendations to Full Council.
- 1.1.6 If following a call-in of the decision, the Overview and Scrutiny Committee does not refer the matter back to the Leader, the decision shall take effect on the date of this Overview and Scrutiny meeting i.e. 5 May 2022.
- 1.1.7 In accordance with paragraph 15(h) of the Overview and Scrutiny Procedure Rules, the Leader can be required to reconsider any particular decision only once. No further call-ins are permitted of that particular decision.

1.2 Legal Implications

- 1.2.1 In compliance with Overview and Scrutiny Procedure rules, a meeting has convened within five working days of the initial "Call In" request.
- 1.2.2 The appropriate legal references relating to the Review of Governance Arrangements are set out in the initial Report to Council (Annex 2)

1.3 Financial and Value for Money Considerations

- 1.3.1 As set out in the Report to Council (Annex 2)

1.4 Risk Assessment

- 1.4.1 As set out in the Report to Council (Annex 2)

1.5 Equality Impact Assessment

- 1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.6 Recommendations

- 1.6.1 Members to **CONSIDER** the changes to executive arrangements set out in Decision Notice D220046CAB together with the Review of Governance Arrangements Report dated 27 April 2022 and the request for call-in, and;
- 1.6.2 Following further consideration, if Members remain concerned about any aspects of the decision **REFER** the decision back to the Leader of the Council for reconsideration.

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive