

# Corporate Overview and Scrutiny Committee

## Agenda

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**Date:** Thursday, 6th June, 2019  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Declaration of Party Whip**

To provide an opportunity for Members to declare the existence of a party whip in relation to any item on the agenda.

4. **Public Speaking Time/Open Session**

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For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

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A total period of 15 minutes is allocated for members of the public to make a statement(s) on any matter that falls within the remit of the Committee.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers.

Note: In order for officers to undertake any background research, it would be helpful if members of the public contacted the Scrutiny officer listed at the foot of the agenda, at least one working day before the meeting to provide brief details of the matter to be covered.

5. **Exclusion of Public and Press**

The report or parts thereof relating to the remaining item on the agenda has been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

6. **Call-in of Decision relating to ASDV Programme Update (Pages 3 - 26)**

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## Call-in

4.25 When a decision is made by the Cabinet, or a Committee or Sub-Committee of the Cabinet, by an individual Cabinet Member, or when a key decision is made by an officer with delegated authority from the Cabinet, the decision shall be published, by electronic means, and shall be available at the main offices of the Council normally by no later than 5.00 pm on the second full working day following the day on which the decision was made. All Members of the Council will be sent an electronic record of all such decisions within the same timescale.

4.26 Subject to paragraphs 4.27 and 4.28 below a decision taken and to which paragraph 4.25 above refers will not come into force, and may not be implemented, until the expiry of 5 clear working days after the decision was made and recorded.

4.27 Where a decision referred to in paragraph 4.25 has been made, any 6 or more Members of the Council may submit a call-in notice, in writing, within the period specified in paragraph 4.26 above, to the Monitoring Officer. Where the notice is valid, the decision cannot be implemented until the procedures in this section have been followed. Where a valid notice is received the decision shall stand referred to the appropriate overview and scrutiny committee for advice.

4.28 Requests to call-in decisions should be made on a standard form obtained from the Scrutiny Team and Members must give reasons for the request. The form will include guidance to assist Members to establish and set out the grounds for call-in, as follows:

4.28.1 Decision is outside the policy/budgetary framework

4.28.2 Inadequate consultation relating to the decision

4.28.3 Relevant information not considered

4.28.4 Viable alternatives not considered

4.28.5 Justification for the decision open to challenge on the basis of the evidence considered

## Overview and Scrutiny Procedure Rules

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In the event that reasons for the request for call-in are disputed, the Director of Legal Services shall assess whether the call-in request is justified on any of the grounds above and may accept or reject the call-in.

4.29 The lead Member of the “call-in” group should send an email enclosing the call-in form, to all Members of the call-in group, Director of Legal Services, and Scrutiny Team and request that all signatories confirm their consent to the “call-in” by email to the appropriate Scrutiny officer.

4.30 Where a corporate electronic system failure, or planned shutdown, prevents the issuing of or access to Cabinet decisions or the submission of a call-in notice by electronic means in accordance with the Council’s call-in provisions, the periods for notification or submission shall be extended by

the period of delay, provided that period is in excess of four hours. When, in the opinion of the Monitoring Officer, the period of delay is likely to extend beyond two clear working days, he/she shall agree with the Chairman of the appropriate overview and scrutiny committee, alternative arrangements to avoid any delay in implementing Cabinet decisions not subject to “call-in”.

4.31 The decision will be referred to the first available meeting of the appropriate overview and scrutiny committee, subject to the Access to Information Procedure Rules.

4.32 The Committee may decide to offer no advice, in which case the decision may be implemented. Alternatively, the Committee may decide to offer advice and to recommend that the original decision-maker, whether full Cabinet, a Cabinet sub-committee acting under delegated powers or a portfolio holder, reconsider the decision in the light of that advice. The decision-maker will then reconsider the decision as set out in paragraph 4.33 below. The Committee may, instead, resolve to recommend full Council to review the decision and decide whether or not to offer advice.

4.33 Once the overview and scrutiny committee has decided whether or not to offer advice, no further call-in notices may be served in respect of the subject matter of the decision. This does not prevent the matter being scrutinised further by the appropriate Committee after the decision has been implemented in accordance with these rules.

4.34 Where a matter is considered and advice is offered by an overview and scrutiny committee, its advice will be submitted to the decision-maker for a decision to be made on the matter. The decision-maker shall consider the advice but shall not be bound to accept it in whole or in part. The decision-maker shall have sole discretion to decide on any further action to be taken in relation to the decisions in question, including confirming the original decision, with or without amendment, or deferment pending further consideration, or making a different decision. There are no further rights to enable a Member of the Council to submit a call-in notice. The decision may then be implemented.

#### Overview and Scrutiny Procedure Rules

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4.35 If, under this procedure, the overview and scrutiny committee, having considered the matter, indicates that it does not wish to offer any advice to the decision-maker, then the decision can be implemented immediately.

4.36 A submitted call-in notice can only be withdrawn with the written consent of all of its signatories.

4.37 The “call-in” facility does not apply to the determination of a Notices of Motion.