

## **NOTICE OF 'CALL IN' TO OVERVIEW AND SCRUTINY**

We, the undersigned, give notice of our wish to refer the decision of Cabinet, made at item 9 (Mirfield Community Asset Transfer) of the agenda considered at the meeting on 20 October 2015 , to Overview and Scrutiny for review under the 'call in' procedure contained in section 18 of the Overview and Scrutiny Procedure Rules.

We regard the Cabinet's decision to review the previous decision of Cabinet in 2002 in relation to this Centre and demand new terms from the Mirfield Community Trust did not take full account of Council policy<sup>1</sup> and other decisions in respect of asset transfers.

In addition we believe that the decision made by Cabinet is a breach of the following sections of Article 13.2 of the Council's Constitution, which states that the following principles should apply to decision making:

- 13.2 a. due regard to all relevant considerations and disregard of all irrelevant factors;
- 13.2 b. proportionality (i.e. the action must be proportionate to the desired outcome);
- 13.2 c. lawfulness and financial propriety and prudence;
- 13.2 d. all due consultation;
- 13.2 e. the taking of professional advice from officers;
- 13.2 g. a presumption in favour of openness;
- 13.2 h. clarity of aims and desired outcomes;
- 13.2 i. the ability to explain the options considered and the reasons for decisions

### **IN PARTICULAR**

We regard the Cabinet decision as failing to take due regard of the principal policy they refer to, that potentially their approach may not be consistent throughout the borough and that potentially the decision may have been predetermined.

### **ADDITIONAL INFORMATION AND/OR RECOMMENDED COURSE OF ACTION**

A review of the decision would allow review of the decision making process, the cabinet evaluation & consideration of existing policy and hopefully recommendations to shape the future of any similar decisions and processes.

**DATED: 26 October 2015**

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<sup>1</sup> Council Asset Advancement Policy set by Cabinet on 8 October 2013

**SIGNED:**

Malyn Bolt



Kathleen Taylor

Oliver Les. Hamilton



Please submit completed notice to: Assistant Director: Legal, Governance & Monitoring and send a copy to the Chief Executive, the Chair of the Overview and Scrutiny Management Committee and the Scrutiny and Governance Manager.

## **Guide to Call-In – Mirfield Community Centre – Asset Transfer**

The **Overview & Scrutiny Management Committee** is meeting on 18<sup>th</sup> November 2015 to consider a call-in of a decision made by Cabinet on the 20<sup>th</sup> October 2015.

### **What is call-in?**

Call-in is a scrutiny process established through national legislation. When decisions are taken by the Cabinet, they cannot be implemented for five working days. The call-in procedure allows councillors who are not on the Cabinet to request a review of a decision thereby delaying the implementation of that decision.

The call-in procedure is only used in exceptional circumstances, as a measure of last resort, and it is a means by which councillors may demand scrutiny of a decision they believe to be contrary to the Council's decision making principles. Scrutiny provides an independent review of a decision about which councillors have concerns.

### **Why is there a call-in?**

6 councillors have submitted notice that they wish to call-in a decision taken by the Cabinet on 20<sup>th</sup> October 2015 on Mirfield Community Centre – Asset Transfer. The grounds of the call-in are set out in the call-in notice.

### **What will happen at the call-in?**

Members of the Overview & Scrutiny Management Committee, chaired by Cllr David Hall, will hear evidence from Cabinet members on the rationale for the decision and from councillors concerned about the decision. The meeting will start at 10:00 am and is expected to last until mid afternoon. A more detailed timetable is available separately, which outlines the procedure for the call-in.

### **What will the Committee be considering?**

The Committee are going to consider the grounds set out within the call-in notice. The Committee will consider all the evidence submitted both at the hearing and in writing and then come to a balanced view.

### **Can members of the public attend?**

Yes, the Committee meeting will be held in public in Huddersfield. The meeting will also be webcast and available to view on the Council's website.

### **Can I participate?**

At the Chair's discretion, members of the public are allowed to speak at the meeting. Members of the public, or spokespersons for pressure groups, are invited to give evidence to the Committee and there is a specific slot allocated for this during the late morning. Evidence should be relevant to the reasons set out in the call-in notice.

Each member of the public has a maximum of 5 minutes to present their evidence.

### **Can I ask a question?**

No, only members of the Committee may ask questions. You should focus on giving evidence relevant to the call-in.

### **Do I need to give notice that I wish to speak?**

Anyone wishing to give evidence is encouraged to give notice of this. You should contact the Governance Team at Governance and Democratic Services to register that you wish to speak by 5pm on the 17<sup>th</sup> November 2015. Please ring 01484 221000 and ask for the Governance Team.

### **I can't attend the meeting, but would still like my views to be heard**

Members of the public can submit written information for consideration by the Committee in advance of the meeting. This can be sent to the Governance Team, Governance & Democratic Services, Civic Centre 3, High Street, Huddersfield HD1 2TG, or emailed to [scrutiny.governance@kirklees.gov.uk](mailto:scrutiny.governance@kirklees.gov.uk) by 5pm on Tuesday 16<sup>th</sup> November 2015.

**Call-In Procedure**  
**Mirfield Community Centre – Asset Transfer Proposal**

<b>Meeting</b>		<b>Timetable</b>
1.	Welcome by Chair of Committee	10.00 am*
2.	Opening Statement by signatories to the Call-In - the signatories' spokesperson will outline the reasons for Call-In	10.05 am
3.	Clarification by Committee Members - Panel Members raise issues of clarification with signatories to the Call-In	10.20 am
4.	Opening Statement by Decision-Makers - the relevant decision-makers, with support from appropriate officers, will outline the reasons for their decision and the issues that they took into account (this could include the Leader of the Council and/or the relevant portfolio holder)	10.35 am
5.	Clarification by Committee Members - Panel Members can raise issues of clarification with the decision-makers	10.50 am
6.	Public Participation (Councillors) - councillors who are not signatories may attend to give evidence on issues raised by the Call-In (up to 5 minutes each) - Panel Members may seek clarification on points raised by councillors	11.10 am
7.	Public Participation (Public) - members of the public may attend to give evidence on issues raised by the Call-In (up to 5 minutes each – it is recommended that pressure groups are represented by 1 speaker) - Committee Members may seek clarification on points raised by members of the public	11.30 am
<b>BREAK</b>		11.50 am
8.	Committee Questions - Committee Members can ask any outstanding questions of the decision-makers	12.20 pm
9.	Signatories to the Call-In have the opportunity to identify any outstanding questions through the Chair. The Chair will then look to the decision-makers to respond to the Panel on those issues.	12.40 pm
<b>BREAK – COMMITTEE WITHDRAW TO FORMULATE DECISION</b>		<b>1.00 pm (Lunch) Committee reconvene at 2:30 pm</b>
10.	Committee reconvenes to read out their decision and the reasons for this, which will be in accordance with the Council Procedure Rules: (1) take no further action and free the decision for implementation (2) refer it back to the Cabinet with recommendation/s for amendment (3) in exceptional circumstances, refer to the next Council (only if the decision is not in line with the budget or any policy previously agreed by the Council. This can only be done with advice from the relevant senior officers and the Head of Legal Services.)	

\*please note that the timings are for guideline purposes only and are subject to change on the day