

Notice of Concern – Procedure

A Notice of Concern is a formal Scrutiny process that enables Scrutiny Councillors to raise concerns on a particular Cabinet agenda item, if they feel their concerns have not been addressed through prior discussions. A Notice of Concern this takes place before the decision is made.

It is in the interest of all Councillors and the Public that the Council makes the right decision first time and Scrutiny has an important role to play in maintaining an overview of decision making.

Where there is concern about an imminent decision that is due to be taken by Cabinet, members of Scrutiny Panels are able to follow a formal procedure called Notice of Concern.

This procedure is particularly useful if Scrutiny does not feel that its concerns have been adequately addressed or if an item is brought forward at short notice and Scrutiny is unhappy with the Cabinet Member's recommendations.

A Notice of Concern must be issued within 3 working days of the publication of the agenda for the Cabinet meeting where the decision will be taken although this deadline might be waived for those items that are added to the agenda at short notice or without any prior warning.

Only the appropriate Scrutiny Lead Member or the Chair of Scrutiny is allowed to issue a Notice of Concern. However any Councillor who is not a member of the Cabinet can request Scrutiny to issue a Notice of Concern.

All efforts should be made to consult with the Chair of the Overview and Scrutiny Management Committee before issuing the Notice.

A Notice of Concern must be submitted in writing on the Pro-Forma to the Assistant Director of Legal Governance and Commissioning and also for information to the relevant Cabinet Member and set out clearly the grounds that cause the concern. The Notice of Concern will have more strength if it also indicates a proposed course of action and the further considerations that should be taken into account.

If the Notice of Concern has not been issued by the Chair of Scrutiny then a copy must also be sent to them.

Once a Notice of Concern has been issued, the Cabinet Member in consultation with the Leader of the Council and the relevant Director has discretion within a range of options on how to proceed, which are:-

- They can defer the item for further consideration.
- They can continue with the item on the agenda.
- Or they may look to address the concerns prior to the meeting.

If the person issuing the Notice is satisfied that their concerns have been addressed prior to the meeting, then they can withdraw the Notice of Concern as can the Chair of the Overview and Scrutiny Management Committee.

If the Cabinet Member decides to proceed with the item on the agenda then the Notice of Concern must be indicated and at the meeting the Assistant Director for Legal Governance and Commissioning will formally announce that Scrutiny has placed a Notice of Concern on that item and give the reasons for this. The Cabinet will then consider that item in the light of that knowledge.

If at the meeting Cabinet agree to amend their intended recommendation then the person issuing the Notice of Concern in consultation with other Scrutiny Lead Members may after the meeting and within 5 working days withdraw the Notice of Concern.

If they feel their concerns have been adequately addressed a note will subsequently be added to the minutes to that effect.

Under the delegated authority of the Cabinet the decision made at the meeting will be the final recorded decision and does not have to take into the account the Notice of Concern, although the minutes must reflect that.

However the decision does remain subject to the Call In procedures which can be viewed on the Council's website [Call-in Pro-forma and Guide](#). Please see next page for flowchart of Notice of concern procedure.

Notice of Concern Procedure

Cabinet Agenda Published

Consult with Chair of Scrutiny

A Notice of Concern (NoC) must be published within 3 working days of the publication of the Cabinet agenda

- A Notice of Concern must be in writing using the Pro-Forma and sent to the Assistant Director of Legal Governance and Commissioning
- Clearly stating the grounds for concern
- Proposing a course of action

A copy of the NoC should be sent to the:

- Cabinet Member
- Chair of Overview and Scrutiny
- Head of Governance
- Governance Manager

Cabinet Member, in consultation with the Leader of the Council and the relevant Director has discretion within a range of options on how to proceed

Defer item for further consideration

Continue with item on the agenda

Try to address concerns before the meeting

What happens next?

Withdrawal of NOC

Formal announcement at Cabinet

Call-In