

ITEM 5



SPECIAL JOINT MEETING OF THE SCRUTINY MANAGEMENT COMMISSION AND THE CULTURE AND PROSPERITY COMMISSION 31 October 2005

Report of the Director of Corporate Services and Monitoring Officer

Call-In of Council Cabinet Key Decision – St Helen's House

RECOMMENDATION

1. To consider a Call-In request received by the Monitoring Officer

SUPPORTING INFORMATION

- 2.1 Call-In applies where three members of the Council are of the opinion that the Council Cabinet did not take the decision in accordance with the principals set out in Article 13 (Decision Making) of the Constitution, namely:
 - a) Proportionality
 - b) Due consultation and the taking of professional advice from officers
 - c) Respect for human rights
 - d) A presumption in the favour of openness
 - e) Clarity of aims and desired outcomes
 - f) A record of what options were considered and giving reasons for the decision

Or where relevant issues do not appear to have been taken into consideration.

- 2.2 Councillors Allen, Carr and Skelton have requested by written notice that the following key decision, taken by Council Cabinet at a meeting held on 18 October 2005, be called in for consideration by the appropriate Overview and Scrutiny Commission.

Item 9 – St Helen's House

- 2.3 A copy of the Call-In request is attached at Appendix 2. It suggests that (a), (b), (d), (e) and (f) above are the relevant decision making principles that the Council Cabinet has not followed.

2.4 The Commission must consider:

- a) If the decision making principles (a), (b), (d), (e) and (f) above have been followed by the Council Cabinet when taking the decision
- b) If the Commission has concerns about the decision, whether the matter should be referred back to Council Cabinet. If made, the referral must set out the nature of the Commission's concerns.

To assist the Commission a copy of the report to Council Cabinet and the relevant Decision Notice are attached to this report. (Appendices 3 and 4)

2.5 If concerns are referred to Council Cabinet, they must consider them at their next meeting, amending the decision or not before adopting a final decision.

For more information contact:	David Romaine 01332 255598 e-mail david.romaine@derby.gov.uk
Background papers:	Appendix 1 – Implications
List of appendices:	Appendix 2 - Call-In request
	Appendix 3 - Report to Council Cabinet on 18 October 2005 – St Helen's House
	Appendix 4 - Decision Notice

Appendix 1

IMPLICATIONS

Financial

1. None arising from this report.

Legal

2. None arising from this report.

Personnel

3. None arising from this report.

Equalities impact

4. A decision about St Helen's House will affect Derby people.

Corporate Objectives, Values and Priorities

5. This report has the potential to link with the following Corporate Objectives, Values and Priorities:

Objectives:

- A lively and energetic cultural life
- A prosperous successful and vibrant economy

Values

- Develop effective partnerships with all stakeholders, especially Derby's residents
- Adopt new ways of working wherever these will help us do things better and provide value for money, customer focussed services

Priorities

- Minimise increases in Council Tax and increase value for money services

Appendix 2

Call-In request

Appendix 3

**Report to Council Cabinet on 18 October 2005
St Helen's House**

Appendix 4

Decision Notice