

Time started: 6.00 pm
Time finished: 6:55 pm

SPECIAL MEETING OF THE SCRUTINY MANAGEMENT COMMISSION 7 AUGUST 2008

Present: Councillor Webb (Chair)
Councillors Batey, Bolton, Hird, Hussain, F Khan, Poulter

In attendance: Councillors Banwait, Jennings and Williamson

37/08 Apologies for Absence

An apology for absence was received from Councillor Alan Graves

38/08 Late Items introduced by the Chair

There were no late items

39/08 Declarations of Interest

There were no declarations of interest

40/08 Call-In

In accordance with Overview and Scrutiny Procedure Rule OS36, the Monitoring Officer had called in for scrutiny a decision in respect of the Provision of Bereavement Services (Minute Number 50/08) taken by Council Cabinet at its meeting on 29 July 2008.

Two requests for call-in had been made, one by Councillors Hickson, Jennings and Holmes, and the other by Councillors Hussain, Williamson and Banwait.

The Commission was provided with copies of the report considered by Council Cabinet on 29 July 2008, the notices requesting the call-in, an extract of the Council Cabinet minute 50/08, a copy of the Protocol on Call-In of Executive Key decisions, and a bundle of documents that the Chair had asked to be provided at the meeting.

The call-in letters stated that in taking the decision the Council Cabinet had breached the following principles of decision making as set out in Rule OS33 of the Constitution:

- a) proportionality
- b) due consultation and the taking of 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

In accordance with the Protocol Councillor Hussain and Councillor Jennings presented the case for the call-in.

The Cabinet Member for Direct and Internal Services and the Corporate Director of Environmental Services responded to the points made Councillor Hussain and Councillor Jennings. Members of the Commission then asked questions of the Cabinet Member, Councillor Hussain and Councillor Jennings and the Corporate Director, relating to the decision.

Councillors Hussain and Jennings made further statements to the Commission followed by a statement from the Cabinet Member for Direct and Internal Services.

The Commission considered the written information provided by the Co-ordination Officer and the Corporate Director.

The Corporate Director of Environmental Services said that a meeting which he would personally attend had been arranged with the Muslim Burial Advisory Group. He proposed a full consultation with community representatives over the specification of burial plots and vaults including transparency over costs and discussion of pricing options with the results being brought back to Council Cabinet and SMC before a final decision was made. The Director said that it was important to note that an increase in burial fees and charges had been approved by full Council in March 2008 as part of the 2008/09 budget.

The Cabinet Member for Direct and Internal Services said he would ensure that the matter of consultation was resolved satisfactorily.

The Commission considered whether the decision of the Council Cabinet had breached any of the principles set out in Rule OS33 of the Constitution.

Resolved:

1. Subject to paragraph (2) to ask Council Cabinet to reconsider its decision of 29 July 2008 (Minute 50/08) on the provision of Bereavement Services on the grounds that, in making the decision, the Council Cabinet breached the following decision making principles:

- b) due consultation and the taking of 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**

in that:

- i) Inadequate consultation had taken place with service users**
 - ii) Comparative information from other local authorities was not obtained and considered**
 - iii) Alternative options were not considered**
- 2. Not to ask Council Cabinet to reconsider the proposed increase in average burial fees from £305 to £366.50 in September 2008, but to consult the public on the proposed increase in fees to £428 in April 2009.**

MINUTES END