

Time started	6.00pm
Time finished	8.50pm

**SPECIAL MEETING OF ADULT SERVICES AND HEALTH COMMISSION
6 DECEMBER 2007**

Present: Councillor Marshall (Chair)
Councillors Turner, Ahern, Baxter, Hird, S Khan, Skelton, and Webb

44/07 Apologies for Absence

Apologies for absence were received from Councillor Philip Hickson and Pat Hill (co-optee)

45/07 Late Items Introduced by the Chair

There were no late items

46/07 Declarations of Interest

There were no declarations of interest.

47/07 Call-In

In accordance with Overview and Scrutiny Procedure Rule OS36, the Monitoring Officer had called in for scrutiny a decision in respect of Consultation on the Closure of Bramblebrook House Residential Home for Older People (Minute Number 119/07) made by Council Cabinet at its meeting on 27 November 2007.

One request for call-in had been made by Councillors Hickson, Smalley and Williams.

One request for call-in had been made by Councillors Allen, Care and Carr.

The Commission was provided with copies of the report considered by the Council Cabinet on 27 November, 2007, the letters requesting the call in, an extract of the Council Cabinet minute 119/07 and the Protocol on call-in of Executive Decisions.

The call-in letters stated that in taking decisions 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 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.

In accordance with the Protocol, Councillors Smalley and Williams were invited to present the case for the call-in. Following this Councillors Allen, Care and Carr were invited to present the case for the call-in.

The Cabinet Member for Adult Services responded to the points outlined by the call-in signatories. Members of the commission asked questions of the signatories and the Cabinet Member relating to the decision.

The call-in signatories made further statements to the commission followed by a statement from the Cabinet Member Adult Services.

After hearing the submissions from the call-in signatories and the Cabinet Member Adult Services 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: To ask the Council Cabinet to reconsider their decision of 27 November (minute 119/07) in relation to the Consultation on the Closure of Bramblebrook House Residential Home for Older People on the grounds that, in making the decision the Council Cabinet breached the following decision making principles:

- a. proportionality
- b. due consultation and the taking of advice from officers
- c. respect for human rights
- d. a presumption in 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.

MINUTES END