

ITEM 5

Time commenced - 6.00 pm

Time finished - 9:00 pm

SPECIAL JOINT MEETING OF THE SCRUTINY MANAGEMENT AND THE CULTURE AND PROSPERITY COMMISSIONS

31 OCTOBER 2005

Present: Councillor Travis (in the Chair)
Councillors Ahern, Dhamrait, Graves, Hickson, Higginbottom,
Jackson, Jones, Latham, MacDonald, Rawson, Smalley, Troup,
Turner, West and Willits.

01/05 Appointment of a Chair

Resolved to appoint Councillor Travis to chair the joint meeting

02/05 Apologies for Absence

There were none.

03/05 Late items introduced by the Chair

There were no late items.

04/05 Declarations of Interest

Councillor Allen declared a personal interest as he was a member of Scrutiny Management Commission and one of the call-in signatories. Councillor Latham declared a personal interest as her husband was a member of the Heritage Lottery Fund.

05/05 Call-in – Prioritisation of Heritage Lottery Projects in Derby and St Helen's House

Following the election of Councillor Travis as Chair of the joint meeting, it was agreed that the reports entitled 'Prioritisation of Heritage Lottery Projects in Derby' and 'St Helen's House' would be dealt with together as the issues in the reports were interlinked. It was also agreed that the two Commissions would decide jointly on the outcome of the call-ins.

In accordance with Overview and Scrutiny Procedure Rule OS36, the Monitoring Officer had called in for scrutiny decisions in respect of Prioritisation of Heritage Lottery Projects in Derby (Minute Number 148) and St Helen's House (Minute Number 149) made by Council Cabinet at their meeting on 18 October 2005.

The request for call-in had been made by Councillors Allen, Carr and Skelton. The Commission was provided with copies of the letters requesting the call-in and of the Protocol on Call-in of Executive Decisions.

The call-in letters stated that in taking the two decisions the Council Cabinet had breached the following principles of decision making:

- a) proportionality
- b) due consultation and the taking of professional advice from officers
- 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

as set out in Rule OS33 of the Constitution

In accordance with the Protocol, Councillors Allen, Carr and Skelton were invited to present the case for the call-in. The Cabinet Member for Leisure and Cultural Services; the Cabinet Member for Personnel, Performance Management and Economic Development; the Assistant Director – Property Services and the Assistant Director - Culture, were responded and answered questions relating to the Council Cabinet decisions. Mr Peter Steer, Chair of the St Helen's House Trust attended the meeting as a witness, made a statement and answered questions.

After hearing the submissions from the Councillors that called the decision in, Mr Steer and the Cabinet Members, the Overview and Scrutiny Commissions jointly considered whether the decisions of Council Cabinet had breached any of the principles set out in Rule OS33.

Resolved to ask the Council Cabinet to reconsider their original decisions in relation to The Prioritisation of Heritage Lottery Projects in Derby, and St Helen's House on the grounds that, in taking the decisions, the Council Cabinet breached principles (d), (e) and (f) of rule OS33 of the Constitution.

(The above resolution was passed on the casting vote of the chair.)

MINUTES END