

CORPORATE PERFORMANCE PANEL REPORT

Wards Affected: All	Type of Report: Call-in
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OPEN	Portfolio: Leader

Committee: Corporate Performance Panel
Date: 7 October 2020
Subject: Call-in of Cabinet Decision

Amendments to Standing Orders and Articles

Summary

This report deals with the Cabinet Decision made on 22 September 2020.

The decision has been called-in and the Chief Executive has determined that the call-in is valid.

The report outlines to Members how the call-in process may be used in this case and what the issues are relating to the matter.

1 Introduction

- 1.1 A decision was taken by Cabinet on 22 September 2020 to consider the draft amendments to the Standing Orders and Article and whether the proposed changes should be recommended to Full Council for approval as drafted. A copy of the report is attached at Appendix 1. The minutes of the Cabinet meeting of 22 September 2020 are attached at Appendix 2.

2 Grounds for Call-In

- 2.1 Standing Order 12.3 (d) requires grounds to be given for calling-in an executive decision, reasons given are set out below.

3 Call-in Requisition

- 3.1 The Call in was made by the Councillor J Moriarty supported by Councillors C Morley, T Parish, J Rust, A Ryves and S Squire.

Call in reasons:

12.4b Those calling in the item have had no opportunity for their views to be taken into account as the additional amendments were proposed after panels had looked at the item in question and no indication was given at those panels that further changes would be proposed.

12.4f There has been no scrutiny because cabinet members and the leader did not inform the panels of their intentions to make additional amendments.

12.4h as above.

4 Validity of Call-in

- 4.1 The Chief Executive has made the following ruling:

The call-in is valid in respect of Standing Order 12

Call in by Cllr Moriarty complies with paragraph 12.3 of the Standing Orders.

I have determined that the call in is valid with particular regard to paragraphs 12.4 (d) and (f).

5 Call-in Process

- 5.1 Standing Orders 15.33 and 15.34 sets out the call-in debating procedure, as follows:

- (a) The Proposer of the call-in and his supporters address the Corporate Performance Panel about the call-in and why it should be upheld;
- (b) The Panel Members receive a submission from the relevant Portfolio Holder;
- (c) The Panel Members receive submissions from Officers;
- (d) The Panel Members receive submissions from Members and, at the discretion of the Chairman, other interested parties;
- (e) The Panel debates the call-in (in accordance with Standing Order 15.33) during which they may question or seek further information from any of the four parties referred to in (a), (b), (c) and (d) above;
- (f) The proposer shall exercise a right of reply after the debate.

- 5.2 Following the debate, the Panel will decide (in accordance with Standing Order 12) either to support the Cabinet's decision, or to uphold the call-in.
- 5.3 If the Panel upholds the call-in it may then take one of three courses of action:
- (a) report to Council, Cabinet or the relevant Portfolio Holder requesting that they amend or substitute the recommendations or decision; or
 - (b) if the issue is considered urgent or straightforward, formulate a counter-recommendation or amendment; or
 - (c) investigate the matter further at another meeting within thirty working days beginning with the day after the issue of the notification of the call-in and then follow the same process as set out in paragraphs 5.2 and 5.3 above.
- 5.4 If the Corporate Performance Panel:
- (a) does not end the call-in within 30 days from the date of the decision which has been called in (and the decision remains in dispute); or
 - (b) refers the call-in directly to Council,
- the Council shall determine whether to approve the recommendation that has been called-in or to revoke, vary, amend and/or remit it back to Cabinet for further consideration.