

APPENDIX 1

"I hereby give notice that I wish to call-in the decision 'Public Realm Integrated Services Model: Business Case', taken by Cabinet on 13th September 2012.

The reasons for this call-in are as follows:

Inadequate Consideration of Legal Advice

Before the PRISM decision was taken, it emerged that bringing this decision to September's Cabinet was not compliant with DCLG Regulations for Key Decisions or confidential meetings.

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 came into force on 10th September. The PRISM item contained documentation that required a Part II/private portion of the meeting. The new regulations state at s.5 that 28 days notice must be given of the intention to hold a private meeting. In this instance, this did not occur; PRISM was not even listed on the Forward Plan.

In addition, s.9 states that when an item is a key decision, 28 days notice is also required - which again did not occur in this instance. It would appear from an answer given by Cllr. Graham Henson at the Cabinet meeting that the Council's legal department neither provided advice on this issue, nor felt it necessary to provide advice due to the date of the meeting. **Therefore, in taking this decision without properly encompassing the legal implications of these Regulations, Cabinet has not adequately considered legal advice that should have been forthcoming.**

Inadequate Consultation With Stakeholders

The PRISM decision has been brought to Cabinet in a rush. Not only has this resulted in DCLG Regulations not being followed, it has also limited the time allowed for proper examination of the business case. PRISM was included in the Council's 2012/13 budget; it was a significant part of the savings plans for the Environment Department. However, the sudden appearance of PRISM at the September Cabinet was the first opportunity for the majority of councillors - including Overview and Scrutiny Members - employees, union representatives and others, to view the final business case. A copy of the business case was also not provided in the Members' Library, **despite the Cabinet report clearly stating 'A hard copy has been placed in the Members' Library'.**

When the Mobile and Flexible Working decision was successfully called-in in February 2012, it was because Overview and Scrutiny had not been afforded a briefing on the decision. That meeting resolved that: **That "(1) (unanimously) the call-in on ground (a) – inadequate consultation with stakeholders prior to the decision - be upheld and referred back to Cabinet for re-consideration as Members felt let down by officers because when the Overview and Scrutiny Committee Members**

requested a briefing on an item before Cabinet, they would expect to have received it before the Cabinet meeting took place."

The undue haste of the PRISM decision being rushed through Cabinet prevents such a briefing from taking place yet again, and suggests the intention may have been to circumvent such scrutiny.

It is worth noting that the business case had undergone its final draft by the 9th August, and went before CSB on 15th August. The new model is also not set to go live until April 2013. For these reasons, there is no justification for why the decision had to go Cabinet so suddenly in September, no justification for why it was kept off the Forward Plan, and no attempt has even been made to justify why it was kept off the Forward Plan - either at Cabinet or on the notice sent out a few days before. It can hardly have been a surprise that a decision of this significance needed to come to Cabinet, and should therefore have been on the Forward Plan.

Even before the new Regulations were published, DCLG guidance ('New Council Constitutions') on the equivalent regulations published in 2000 stated that Forward Plans should take into account the timetable of meetings, and that Overview and Scrutiny committees should have an opportunity to review them - ideally two weeks before the commencement of the weeks covered (*3.76, 7.12, 7.14). None of these factors were considered in this instance.

Had the 28 day requirement of the regulations been adhered to, sufficient time would have been afforded to allow the proposals to be examined. However, given it was not on the Forward Plan, and no notice was given that Cabinet was due to make the decision until the Agenda was published, the actual publication of the documents was the first time Members and others were able to see the business case in detail. **Therefore, there has not been consultation and discussion with sufficient bodies within and external to the Council - over a decision which will impact a highly visible and significant service.**

* 'New Council Constitutions'

<http://www.communities.gov.uk/documents/localgovernment/pdf/155181.pdf>

Notices submitted by the following Councillors on 19 and 20 September 2012:

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