



To: Chair and Members of the
Communities Scrutiny Committee

Date: 17 January 2014

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Dear Councillor

I refer to this agenda for the meeting of the **COMMUNITIES SCRUTINY COMMITTEE** to be held at **9.30 am** on **THURSDAY, 23 JANUARY 2014** in **COUNTY HALL, RUTHIN** and enclose the following report(s).

**Agenda Item
No**

3 URGENT MATTERS AS AGREED BY THE CHAIR (Pages 3 - 14)

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act 1972.

Yours sincerely

G Williams
Head of Legal and Democratic Services

MEMBERSHIP

Councillors

James Davies
Peter Evans
Carys Guy
Huw Hilditch-Roberts

Bob Murray
Joe Welch
Cefyn Williams
Cheryl Williams

Rhys Hughes
Win Mullen-James

Huw Williams

Voting Co-opted Members for Education (Agenda Item No. 3 only)

Gill Greenland
Debra Houghton
Nicola Lewis

Dr. D. Marjoram
Gareth Williams

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Report to:	Communities Scrutiny Committee
Date of Meeting:	23 January 2014
Lead Member/Officer:	Lead Member for Education
Report Author:	Scrutiny Coordinator
Title:	Call-in of Proposed Closure of Ysgol Llanbedr Dyffryn Clwyd

1. What is the report about?

To consider the Cabinet decision of 14 January 2014 to proceed to publish a statutory notice proposing to close Ysgol Llanbedr Dyffryn Clwyd on 31 August 2014 and to transfer existing pupils to Ysgol Borthyn, Ruthin, subject to parental preference.

2. What is the reason for making this report?

To seek scrutiny to consider the request that the Cabinet's decision in respect of Ysgol Llanbedr D C be reviewed.

3. What are the Recommendations?

That the Committee:

- 3.1 considers the reasons given for requesting a review of the Cabinet's decision; and
- 3.2 following consideration of the information provided determines whether the decision merits being referred back to Cabinet for reconsideration, and if so the basis and evidence for making the referral.

4. Report details.

- 4.1 Denbighshire's Cabinet at its meeting on 14 January 2014 approved the following recommendation:

"...[to] approve the publication of a statutory notice on the proposal to close Ysgol Llanbedr as of the 31 August 2014 with existing pupils transferring to Ysgol Borthyn, Ruthin subject to parental preference."

- 4.2 The above decision was published on the Council's website on 17 January 2014 and in accordance with the Council's Call-In Procedure (Appendix 1) the decision was not implemented immediately enabling non-Cabinet members to call-in the decision for examination, if they felt it merited scrutiny. To facilitate

a decision to be called-in five non-Cabinet members are required to sign a notice of call-in form.

4.3 A 'Notice of Call-In' form, signed by the required number of non-Cabinet councillors, was received on 20 January 2014. Members will see at Appendix 2 that the grounds for calling-in the decision are:

- (i) failure to consult; and
- (ii) prejudgement of decision to close Ysgol Llanbedr D C

Members are asked to determine, based on the information presented to them, whether the Committee believes that Cabinet should review its original decision, and if so on what grounds.

4.4 As Cabinet's decision of 14 January relates to the Council's education provision the Authority's statutory education co-opted members on scrutiny are permitted to participate fully in the consideration of this matter as voting members of the Committee.

4.5 Copies of the report and appendices considered by Cabinet at its meeting on 14 January have been circulated to all committee members in either electronic or hard copy format. They can also be viewed on the Council's website by following the link below:

<https://modern.gov.denbighshire.gov.uk/ieListDocuments.aspx?CId=281&MId=4758&LLL=0>

5. How does the decision contribute to the Corporate Priorities?

See relevant section in the report to Cabinet dated 14 January 2014

6. What will it cost and how will it affect other services?

See relevant section in the report to Cabinet dated 14 January 2014

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

See relevant section and appendix C to the report to Cabinet dated 14 January 2014

8. What consultations have been carried out with Scrutiny and others?

See relevant section and appendices to the report to Cabinet dated 14 January 2014

9. Chief Finance Officer Statement

See relevant section in the report to Cabinet dated 14 January 2014

10. What risks are there and is there anything we can do to reduce them?

See relevant section in the report to Cabinet dated 14 January 2014

11. Power to make the Decision

Section 21, Local Government Act 2000
Article 6.3.2(ch) of the Council's Constitution

Contact Officer:

Scrutiny Coordinator

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Denbighshire County Council's Call-In Procedure – Guidance Note

Introduction

The Procedure Rules allow for any 5 non-Executive members (councillors who are not members of the Cabinet) to initiate a call in of a decision – usually one taken by Cabinet or individual Cabinet members (described as the 'decision maker'). To facilitate this process a 'Notice of Call-in of Decision' form has been produced (appendix 2) which is signed by the 5 members and submitted to the Head of Legal and Democratic Services. Five working days are allowed for a decision to be called-in following its publication on the Council's web-site and notification to Members of the Council. A decision taken will not be implemented by officers until the expiry of this period.

Members who have a prejudicial interest in the decision may not be a signatory to a Notice of Call-In.

Publication of Decisions

The 5 working day period will not begin until the decision has been published on the Council's website and emailed to all members of the Council. Decisions must be publicised within 2 working days of the decision being taken in accordance with the Council's Constitution. This could be in the form of draft minutes of the meeting, a summary of decisions taken or a record of a delegated decision taken.

Implementation of Decisions

Decisions may be implemented from the sixth working day following their publication unless a valid Call-in has been received by the Head of Legal and Democratic Services.

Urgent Decisions

Urgent decisions may proceed despite a call-in if the decision-maker has the agreement of:

- (i) the chair of the relevant scrutiny committee, or
- (ii) if there is no such person or that person is unable to act, the Chair of the Council, or
- (iii) if there is no chair of the relevant scrutiny committee or Chair of the Council, the Vice Chair of the Council.

In exceptional circumstances there may be urgent decisions that must be implemented immediately upon the decision being taken and a call-in is therefore not possible. These must be identified by the Cabinet / decision-

maker at the time the decision is taken and the reasons behind their urgency explained and reported in the record of decision.

The Procedure

A duly completed 'Notice of Call-In of Decision' (appendix 2) must be submitted to the Head of Legal and Democratic Services (who also holds the post of Monitoring Officer). The notice must contain the signatures of the 5 non-Executive members calling in the decision along with the reasons for the call in.

The Head of Legal and Democratic Services will notify the Leader of the Council, the delegated decision taker (if relevant) and the Chief Executive of the receipt of the Notice of Call-In and confirm with them that the decision may not be implemented until further notice from the Head of Legal and Democratic Services.

Which Scrutiny Committee?

The Head of Legal and Democratic Services will decide the most appropriate scrutiny committee to consider the call in – if necessary in consultation with the Scrutiny Chairs and Vice Chairs Group. A special meeting of the committee will be arranged to be held within 5 working days of the receipt of the Notice of Call-In of Decision unless the committee has a scheduled meeting within that period, or if an extension to the time period is agreed between the decision maker and the chair of the scrutiny committee.

All Members will be notified of the call in and the details of the meeting being held to consider it.

Signatories to attend

The signatories to the call in will normally be expected to attend the scrutiny committee and justify the reasons for the call in to the scrutiny committee.

What happens if the Committee does not meet in time?

Should the scrutiny committee not convene within the 5 working days of the receipt of the Notice of Call In, and without an extension to the time period being agreed, the Head of Legal and Democratic Services will inform the Leader of the Council, the Chief Executive and (if appropriate) the delegated decision taker that the call-in has ceased.

No case to answer?

Should the scrutiny committee upon meeting to consider the call-in, decide that the decision should not be referred back to the decision maker (e.g. Cabinet or lead member) for reconsideration, the Head of Legal and Democratic Services will advise the Leader of the Council, the Chief

Executive and (if appropriate) the delegated decision taker, that the decision may be implemented.

Recommendations from Scrutiny

If the scrutiny committee agrees that there is a case for the decision to be reviewed, the scrutiny committee's recommendations will be considered by Cabinet at its next available meeting, or in the case of a delegated decision by a Lead Member within 5 working days.

What –In if the original decision is re-confirmed?

Should the decision maker confirm the original decision, the decision may be implemented immediately and may not be subject to a further call in. The decision maker should demonstrate that appropriate consideration has been given to the recommendations from Scrutiny.

DENBIGHSHIRE CALL-IN PROCEDURE RULES

- (1) **5 working days** are allowed for a decision to be called-in following its publication on the Council's web-site and notification to Members of the Council. A decision taken will not be implemented until the expiry of this period (see point 7 for urgent decisions).
- (2) At least **5 signatories of non-executive councillors** are required to initiate a call-in.
- (3) The relevant scrutiny committee (or full Council if acting in a scrutiny capacity) is required to meet to discuss a called-in decision within **5 working days** of the call-in being made.
- (4) If the scrutiny committee (or full Council) agrees that there is a case for the decision to be reviewed, the scrutiny committee's recommendations will be **considered by Cabinet at its next available meeting**, or in the case of a delegated decision by a **Lead Member within 5 working days**.
- (5) A decision that has been called-in will not be implemented until the processes referred to in points 3 and 4 have been completed (see point 7 for urgent decisions).
- (6) There are no financial or other limitations (other than those outlined within this procedure) restricting the use of the call-in procedure.
- (7) Urgent decisions may proceed despite a call-in if the decision-maker has the agreement of:
 - (i) the chair of the relevant scrutiny committee, or
 - (ii) if there is no such person or that person is unable to act, the Chair of the Council, or
 - (iii) if there is no chair of the relevant scrutiny committee or Chair of the Council, the Vice Chair of the Council.

In exceptional circumstances there may be urgent decisions that must be implemented immediately upon the decision being taken and a call-in is therefore not possible. These must be identified by the Cabinet / decision-maker at the time the decision is taken and the reasons behind their urgency explained and reported in the record of decision.
- (8) The timescales described in procedure rules 1, 3 and 4 may be extended in exceptional circumstances with the agreement of the decision-maker and the chair of the relevant scrutiny committee



NOTICE OF CALL IN OF DECISION

To: Head of Legal and Democratic Services

We, the undersigned, wish to call in the following decision (*see note 1*).

Decision taken by (*see note 2*): _____

Date decision was taken: _____

Report Title: _____

Decision (*see note 3*): _____

Reason for Call In:

We (*see note 4*) request that according to the Council's approved 'call-in' procedure rules (*see note 5*) a meeting of the most appropriate Overview and Scrutiny Committee be held within 5 working days (*see note 6*) of the date of your receipt of this notice.

1. _____ (print) _____ (signature)

2. _____ (print) _____ (signature)

3. _____ (print) _____ (signature)

4. _____ (print) _____ (signature)

5. _____ (print) _____ (signature)

Dated: _____

Guidance Notes

1. Five working days are allowed for a decision to be called-in following its publication on the Council's web-site and notification to Members of the Council. Urgent decisions may proceed despite a call-in if the decision-maker has the agreement of:
 - (i) the chair of the relevant scrutiny committee, or
 - (ii) if there is no such person or that person is unable to act, the Chair of the Council, or
 - (iii) if there is no chair of the relevant scrutiny committee or Chair of the Council, the Vice Chair of the Council.
2. Please state the name of the decision maker e.g. Cabinet or the Lead Member for.....
3. If the decision contains more than one part, please state which are to be called-in, e.g. parts (a), (b), and (d) of the Resolution.
4. Signatories must be non-executive members. Councillors with a prejudicial interest in the decision may not be a signatory to the Notice of Call-in.
5. The Denbighshire Call-in Procedure Rules appear in the Council's Constitution *Part 4.5 – Scrutiny Procedure Rules*.
6. Timescales may be extended in exceptional circumstances with the agreement of the decision-maker and the chair of the relevant scrutiny committee.

For Office use only

Received by: _____ Date: _____

Date decision was published: _____

Notification sent to Leader and the Decision taker (date): _____

Notification sent to Chief Executive (date): _____

Relevant Scrutiny Committee: _____

Date: _____ Time: _____ Venue: _____



NOTICE OF CALL IN OF DECISION

To: Head of Legal and Democratic Services

We, the undersigned, wish to call in the following decision (see note 1).

Decision taken by (see note 2): CABINET

Date decision was taken: 14 JAN 2014

Report Title: PROPOSED CLOSURE OF YSGOL LLANBEDR DC

Decision (see note 3): _____

Reason for Call In:

FAILURE TO CONSULT

PREJUDGMENT OF DECISION TO CLOSE YSGOL LLANBEDR DC

We (see note 4) request that according to the Council's approved 'call-in' procedure rules (see note 5) a meeting of the most appropriate Overview and Scrutiny Committee be held within 5 working days (see note 6) of the date of your receipt of this notice.

1. HOW OWEN WILLIAMS (print) [Signature] (signature)

2. DEWY OWENS (print) [Signature] (signature)

3. JANET ANN DAVIES (print) [Signature] (signature)

4. MARTIN L HOLLAND (print) [Signature] (signature)

5. Merfyn Parry (print) [Signature] (signature)

Dated: 20/1/2014

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