

REPORT OF THE MONITORING OFFICER

PRICE REVIEW OF CHARGES MADE FOR SCHOOL MEALS - CALL-IN REQUEST

Purpose of the Report

1. To advise Overview Committee of two call-in requests that were submitted in relation to the decision taken by the Cabinet Member for Communities on the Price Review of Charges made for School Meals.
2. The Council's Constitution states that the Monitoring Officer will submit a report at the next available meeting of the Overview Committee giving details of a request for a call-in of a decision that was refused and the reasons for that refusal.

Information

3. Call-in is a mechanism for Councillors to use where a decision being made by the Executive needs to be revisited due to a perceived procedural error. Call-in should only be used in exceptional circumstances subject to the procedures set out in the Council's Constitution.
4. The Council operates a pre-call-in procedure. This pre call-in process is intended to seek to resolve issues and explore alternative action that may avoid the need for a call-in. This procedure is detailed in Appendix 2 of the Overview and Select Committee Procedure Rules of the Council's Constitution:

2. Members considering submitting a formal call-in notice are required to discuss the nature of their concerns with the relevant decision maker and the Leader or their nominee to determine if alternative action may be possible to avoid the need for call-in and optimise the efficiency of decision making for the benefit of the Council and the inhabitants of its area. This discussion process is referred to as the pre-call-in procedure and may be amended and further developed by Overview Committee.

3. If the concerns of members cannot be resolved by the pre-call-in procedure, call-in may be used where Members have evidence which suggests that the relevant executive decision maker did not take a relevant decision in accordance with the decision-making principles set out in Section 1 of the Constitution, to the extent that they fall within the permitted grounds for call-in.

5. On 13 September 2023 a letter was submitted to the Monitoring Officer by Councillor Purdue-Horan as lead signatory on behalf of Independent Alliance members requesting that the pre

call-in process be commenced in relation to the decision that had been made by the Cabinet Member for Communities on 7 September 2023, published on the decision log on 11th September, on the Price Review of Charges made for School Meals. A copy of the letter is attached at **Appendix 1**.

6. On 14 September a letter was submitted to the Monitoring Officer by Councillor Welsh as lead signatory on behalf of Labour Group members requesting that the pre call-in process be commenced in relation to the same decision. A copy of this letter is attached at **Appendix 2**.
7. Pre call-in meetings were held on 9th and 16th October with the lead signatories who had raised concerns in relation to the processes surrounding the decision-making on the Price Review of Charges made for School Meals. These meetings were facilitated by the Corporate Director and involved the Cabinet Member for Communities, as the decision maker, the Cabinet Member for Business Management, as the Leader's nominee, the relevant Corporate Director and Service Director from the Place Department. These meetings provided the opportunity for members to receive a response to their questions and discuss the issues raised in more detail.
8. Both the lead signatories were provided separately with copies of the Equality Impact Assessment and notes from the meeting which they had attended before determining whether the pre call- in process had addressed concerns sufficiently to avoid the need for a call-in. In the event that members wished to proceed with a call-in hearing, the Monitoring Officer requested that the lead signatories provide details of any outstanding matters from the original requests in order to determine whether there were any residual matters which would meet the requirements set out in the Constitution for a call-in to be considered by Overview Committee.
9. Whilst there was acknowledgement that the matters had been discussed, residual matters which signatories to the call-in requests felt the pre-call-in process had not adequately addressed were identified. These can be summarised under the following headings. Consultation and taking of professional advice from officers; compliance with the law and respect for human rights; the equality impact assessment; the approach to calculation of the price increase; the comparator set out in the report to "benchmark" the Council's position.
10. The Monitoring Officer gave careful consideration to the residual matters identified and subsequently wrote to the lead signatories confirming that the residual matters as identified did not meet the requirements as set out in the Constitution for a call-in to be considered by Overview Committee. Copies of these emails setting out the reasons for this are attached at **Appendix 3 and 4**.

Other Options Considered

11. As detailed in the Council's Constitution it is required that the Monitoring Officer submits a report to the next available meeting of the Overview Committee that provides details on a request for a call-in of a decision that was refused and the reasons for that refusal.

Reasons for Recommendation

12. To ensure Overview Committee is updated of the Call-in requests received and the reasons why they did not meet the permitted grounds for Call-in specified in the Constitution'?

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

14. There are no direct financial implications arising from the recommendations in this report.

RECOMMENDATION

- 1) That Overview Committee notes the call-in requests that were made in relation to the decision taken by the Cabinet Member for Communities on the Price Review of Charges made for School Meals and the reasons of the Monitoring Officer for refusing these requests.

MARJORIE TOWARD

MONITORING OFFICER AND SERVICE DIRECTOR CUSTOMER, GOVERNANCE AND EMPLOYEES

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Constitutional Comments (HD 15/11/2023)

15. Overview Committee is the correct committee to receive this report in accordance with the requirements of the Constitution.

Finance Comments (NS 15/11/2023)

16. As this report is regarding the outcome of a call-in request there are no specific financial implications regarding this process. However, there are financial implications to the County Council caused by the delay in implementing the recommendations from the decision report the call-in refers to. This is estimated to be approximately £50,000 per month.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- [Report to the Cabinet Member for Communities – 7 September 2023](#)
- [Decision Record Sheet](#)

Electoral Division(s) and Member(s) Affected

- All