

**Corporate Overview and Scrutiny
Management Board**

17 June 2022



**Request for Call-in – Durham County
Council Headquarters Alternative
Options Assessment**

Report of Head of Legal and Democratic Services

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To advise the Corporate Overview and Scrutiny Management Board of a request for call-in of a cabinet decision, and of the decision made by the Chair of the Board not to call-in the decision.

Executive summary

- 2 On 4 May 2022, a request was received by the Head of Legal and Democratic Services for call-in of Cabinet decision on 27 April 2022 relating to the “Durham County Council Headquarters Alternative Options Assessment”
- 3 On 5 May 2022, the Monitoring Officer consulted the Chair of the COSMB, who decided not to call the decision in. In doing so, he took into account the advice of the Monitoring Officer that delaying the implementation of the decision would not be likely to cause significant damage to the Council’s interest.
- 4 Having considered this, he then considered whether a case had been made for calling in the decision and concluded that it had not.
- 5 In summary, his reasons for this were that the call-in request did not adequately address why the Cabinet had failed to adhere to the principles of decision making as set out in Article 10 to the Constitution. Furthermore, at the meeting of COSMB on 10 February 2022, the Chair gave a commitment that the proposals in relation to the Headquarters would be considered by COSMB once the feasibility assessment had been considered by Cabinet. Consideration of the matter is scheduled to take place on 17 June 2022.

Recommendation

- 6 The Corporate Overview and Scrutiny Management Board is asked to note this report.

Background

- 7 On 4 May 2022, a request was received by the Head of Legal and Democratic Services for call-in of Cabinet decision on 27 April 2022 relating to the “Durham County Council Headquarters Alternative Options Assessment” (Agenda items 2 and 6). A copy of the request is attached at Appendix 2.
- 8 On 5 May 2022, the Monitoring Officer consulted the Chair of the COSMB, who decided not to call the decision in. In doing so, he took into account the advice of the Monitoring Officer that delaying the implementation of the decision would not be likely to cause significant damage to the Council’s interest.
- 9 Having considered this, he then considered whether a case had been made for calling in the decision and concluded that it had not for the reasons set out below.
- 10 Under Scrutiny Procedure Rule 17(d), the notice requesting call-in should give reasons for call-in, having regard to the principles of decision making set out in the Council’s Constitution. Whilst the request for call-in states that the decision would benefit from “open scrutiny and it would be in the public interest”, the request did not adequately address why the Cabinet failed to adhere to the principles of decision making as set out in Article 10 of the Constitution in reaching its decision.
- 11 The Chair considered that the Cabinet could have dealt with the decision entirely in private as they were required to consider information that was exempt under Schedule 12A of the Local Government Act 1972. However, Cabinet considered the elements of the decision, which were not exempt in the public part of the meeting. In doing so, the Cabinet had acted in accordance with the principle 10.02(e) a presumption in favour of openness and also discharged their duties in respect of the public interest.
- 12 The Chair also noted that no challenges were received in respect of the intention to take a decision in private following publication of the requisite notice, which was published on the Council’s website.
- 13 The public had the right to submit questions to Cabinet in respect of the proposals, but none were received. Non-Cabinet members also had the opportunity to submit questions to the Cabinet. Five members submitted questions, which were asked at the meeting. The Chair therefore considers that there was sufficient opportunity for the decision to be scrutinised as part of the Cabinet process.

- 14 At the meeting Corporate Overview and Scrutiny Management Board on 10 February 2022, the Chair advised that the proposals in respect of the Headquarters would come to a future meeting once the feasibility study had been considered by Cabinet. Accordingly, the proposals will be considered at the Board's meeting on 17 June 2022.
- 15 Given this earlier commitment, the Chair did not consider that the call-in request was reasonable or that the case for call-in was made out for the reasons set out above. The decision will therefore not be called in.

Main implications

Legal Implications

- 16 This report has been produced in accordance with the Overview and Scrutiny Procedure Rules within the Council's Constitution as they relate to Call-in.

Conclusion

- 17 The Call-in request was considered by the Chair of the Corporate Overview and Scrutiny Management Board in accordance with the Overview and Scrutiny Procedure Rules within the Council's Constitution and was rejected.

Background papers

- Durham County Council Constitution
- Notice of Intention to take a decision in private: [Issue details - REGExempt Notice 07a - Review of Headquarters - Durham County Council](#)

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Appendix 1: Implications

Legal Implications

This report has been produced in accordance with the Overview and Scrutiny Procedure Rules within the Council's Constitution as they relate to Call-in.

Finance

Not Applicable.

Consultation

Not Applicable

Equality and Diversity / Public Sector Equality Duty

Not Applicable

Climate Change

Not Applicable

Human Rights

Not Applicable

Crime and Disorder

Not Applicable

Staffing

Not Applicable

Accommodation

Not Applicable

Risk

Not Applicable

Procurement

Not Applicable