
CALL-IN OF CABINET DECISION – MANSTON AIRPORT

To: **Overview and Scrutiny Panel – 13 January 2015**

By: **Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Ward: **Margate Central**

Summary: **This report sets out the reasons for call in of the Cabinet decision by five Members of the Overview and Scrutiny Panel.**

For Decision

1.0 Introduction and Background

1.1 Five Members of the Overview and Scrutiny Panel, from more than one political Group (Cllrs Campbell, I Gregory, K Gregory, D Saunders and M Tomlinson) have requested the Democratic Services and Scrutiny Manager to call in the Cabinet decision, made 11 December 2014, regarding Manston Airport.

1.2 The Cabinet decision was as follows:

- “1. That no further action be taken at the present time on a CPO of Manston Airport, on the basis that the Council has not identified any suitable expressions of interest that fulfil the requirements of the Council for a CPO indemnity partner and that it does not have the financial resources to pursue a CPO in its own right;
2. That subject to obtaining written consent from Party A; relevant information is sent to the Minister of State for Transport for consideration.”

1.3 The Chairman of the Overview and Scrutiny Panel has, on behalf of the Panel, invited Councillor Johnston, Leader of the Council and Paul Cook, Director of Corporate & Regulatory Services & Deputy 151 Officer, to attend and give evidence at the meeting.

2.0 Reasons for Call In

2.1 The reasons for the call-in given by the four of the five Members of the Overview and Scrutiny Panel (Cllrs I Gregory, K Gregory, D Saunders and M Tomlinson) are that:

The report before Cabinet did not contain sufficient details as to the process involved and evidence in reaching some of the conclusions made. As a result of this the Members feel that it is essential to understand the detail behind the due diligence process and the basis for determining its appropriateness

2.2 The remaining Member of the five Members of the Overview and Scrutiny Panel (Cllr Campbell) has given the following reason for calling in the decision:

“To test that the appropriate procedures and processes were followed in reaching the decision.”

- 2.3 The report to Cabinet on 11 December 2014, together with the annex to the report, is attached at Annexes 1 and 2.

3.0 Call In procedure

- 3.1 Under the call-in procedure as outlined in the Overview and Scrutiny Procedure Rule 15.0:

3.1.1 If, having considered the decision of Cabinet, the Panel is still concerned about it, it may refer it back to Cabinet for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council;

3.1.2 If referred to Cabinet, Cabinet shall then reconsider within a further 15 working days from the date of this meeting, amending the decision or not, before adopting a final decision;

3.1.3 If the Panel does not refer the matter back to Cabinet, the decision shall take effect on the date of this meeting.

- 3.2 The Overview and Scrutiny Procedure Rule 15.0 also provides for a referral of the decision by the Panel to full Council. If that is the case, Council should meet within 15 working days of referral and if it objects to the decision, it will refer it back to Cabinet, together with its views on the decision. Cabinet would then have to convene to reconsider within 15 working days of the Council meeting.

4.0 Corporate Implications

4.1 Financial

- 4.1.1 The financial implications of the Cabinet decision are as outlined in the Cabinet report attached.

4.2 Legal

- 4.2.1 The legal implications of the cabinet decision are as outlined in the Cabinet report attached.

- 4.2.2 The procedure for calling in Cabinet decisions is as prescribed by Overview & Scrutiny Procedure Rule 15.0.

4.3 Corporate

- 4.3.1 The corporate implications of the Cabinet decision are as outlined in the Cabinet report attached.

4.4 Equity and Equalities

- 4.4.1 The equity and equalities implications of the Cabinet decision are as outlined in the Cabinet report attached.

5.0 Recommendations

- 5.1 The Panel is invited to decide whether it wishes to:

a) Take no further action

b) Refer the issue back to Cabinet or Council.

6.0 Decision Making Process

6.1 As the decision is an Executive one, if the Panel does decide to refer the decision, it should be to Cabinet. It would then be necessary to organise an extraordinary Cabinet meeting to discuss the matter.

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Reporting to:	Paul Cook, Interim Director of Corporate Resources and S. 151 Officer

Annex List

Annex 1	
Annex 2	

Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation Undertaken

Finance	N/A
Legal	Steven Boyle, Legal Services Manager and Monitoring Officer