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# Item Called-in following an Executive Decision: Response to Council Motion: decisions following public consultation

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<b>Committee considering report:</b>	Resources and Place Scrutiny Committee
<b>Date of Committee:</b>	12 May 2026
<b>Portfolio Member:</b>	Councillor Vicky Poole
<b>Report Author:</b>	Stephen Chard
<b>Forward Plan Ref:</b>	EX4716

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## 1 Purpose of the Report

- 1.1 This report presents the call-in request submitted on 26 March 2026 for the Resources and Place Scrutiny Committee to review the Executive decision (EX4716) of 19 March 2026 concerning a response and action to a Motion presented to Council on 16 October 2025.
- 1.2 The call-in has been submitted in accordance with Part 6.9, Paragraph 13 of the Council's Constitution.

## 2 Recommendations

- 2.1 In accordance with the call-in request dated 26 March 2026, it is recommended that Members of the Scrutiny Committee review the Executive's decision (EX4716) of 19 March 2026 in relation to the response and action to a Motion presented to Council on 16 October 2025.
- 2.2 The Resources and Place Scrutiny Committee may determine:
  - (a) To let the decision stand; or
  - (b) To state its views on the matter and refer the decision back to the Executive.

### 3 Supporting Information

- 3.1 At the Council meeting on 16 October 2025, a Motion was presented advocating that an explanatory statement should be published when a decision is made that is contrary to the option preferred by public consultation. The Council referred the Motion to the Executive for more detailed consideration.
- 3.2 At the Executive meeting on 19 March 2026, the Executive considered a report setting out the proposed response to the Motion and rationale for it. Following debate with the opposition, the Executive resolved to approve the recommendations:
  - (a) That the Executive is informed that The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require local authorities to provide a record of relevant decisions, the reasons for decisions and any options considered but rejected.
  - (b) That the Executive resolves to strengthen how the outcomes of consultations are reported through the Council's consultation database.
- 3.3 On 26 March 2026, Councillors Ross Mackinnon, Dominic Boeck, Paul Dick, Paul Kander and Richard Somner put the Monitoring Officer on notice that they wished to call in this decision. They stated:

In our view the Executive report's recommendation is based on a flawed analysis, in particular:

*5.6 The Council's web-based database provides a comprehensive overview of consultations undertaken, providing details of the background, any proposals, the implications and impact, how somebody can contribute and what will happen following the consultation. However, it's not possible to see at a glance, looking at the list of consultations, what the broad outcome was in relation to the public's feedback. This can be easily rectified by categorising each consultation with an outcome as follows:*

- (a) *Proceed - modified: proposal amended following consultation feedback.*
- (b) *Proceed - unmodified: implemented as originally proposed following consultation.*
- (c) *Did not proceed – this may be linked to the consultation or for other reasons.*
- (d) *Decision pending: yet to be determined.*
- (e) *No decision required: not linked to a specific decision but providing contextual feedback that informs future service delivery.*

The proposed categorisation does not provide clear information of which decisions have been made contrary to the option preferred by public consultation.

Also flawed is the conclusion in 6.2:

*It would be possible for the Council to issue an additional statement setting out information relating to the decision, the alternative options considered and the rationale*

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*for that decision. However, this option was rejected as it represented duplication of information already made available to the public.*

The information requested by the Motion is not duplicated anywhere else in an easily accessible format.

We propose an alternative course of action, being that the Executive resolves to accept the original motion and that a short statement be posted on an appropriate page of the Council's website when a decision is made that is contrary to the option preferred by public consultation.

### Background - legal and constitutional points

- 3.4 The role of a Scrutiny Committee includes both developing and reviewing policy and holding the Executive to account. A Scrutiny Committee may not however discharge any functions other than those conferred on it, and whilst it is perfectly proper for a Scrutiny Committee to offer advice and recommendations to an Executive decision maker, in law, responsibility for an Executive decision is that of the Executive.
- 3.5 Statutory Guidance confirms that pre-scrutiny of a proposed Executive decision might consist of (inter-alia) seeking the views of local stakeholders and interested parties, and advises that the Executive should take into account any views expressed by an Overview and Scrutiny Committee when determining their final decision. The Executive is not however limited to consideration only of the views of a Scrutiny Committee, and may take into account other factors in its decision making process and make other determinations as it thinks fit.
- 3.6 Legal provisions in respect of Call-in are set out at Section 9F of Part 1A of the Local Government Act 2000 and reflected within the Constitution (Part 6.9). The options available to the Resources and Place Scrutiny Committee are:
  - (a) To let the decision stand; or
  - (b) To state its views on the matter and refer the decision back to the Executive.
- 3.7 The Resources and Place Scrutiny Committee may make other recommendations as a result of the Call-In to relevant bodies, which shall be considered **after** a decision has been reached on the Call-In.

## 4 Appendices

- 4.1 Appendix A – Executive Report (EX4716) - Motion to Council: decisions following public consultation (inclusive of Motion presented to Council on 16 October 2025).