



AGENDA ITEM: 7(3)

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
2 July 2009**

Report of: Council Secretary and Solicitor

Portfolio Holder: Councillor Fowler

**Contact for further information: Mrs S Griffiths (Extn. 5017)
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SUBJECT: CALLED IN ITEM: FOOD SAFETY SERVICE PLAN 2009/2010

Borough Wide Interest

1.0 PURPOSE OF THE REPORT

1.1 To advise the Executive Overview and Scrutiny Committee of the reason for the call in of the decision on the above item, as set out in Minute No. 12 of the meeting of Cabinet held on 16 June 2009.

2.0 RECOMMENDATIONS TO CABINET

2.1 That the Committee determines whether it wishes to ask for a different decision.

2.2 That if the Committee does wish to ask for a different decision, the Committee indicates which of the options set out at paragraph 4.1 below, it wishes to pursue.

3.0 DETAILS RELATING TO THE CALL IN

3.1 The report attached as an Appendix to this report was considered at Cabinet held on 16 June 2009.

3.2 The following decision of Cabinet is contained at minute no. 12:-

“12. FOOD SAFETY SERVICE PLAN 2009/2010

Councillor A Fowler introduced the report of the Executive Manager Community Services which sought agreement to the proposed Food Safety Service Plan for 2009/2010.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

RESOLVED: A. That the proposed Food Safety Service Plan for 2009/2010, attached as an Appendix to the report, be approved.

B. That in future years, delegated authority be given to the Executive Manager Community Services, in consultation with the Portfolio Holder for Community Services and Health, to approve the Food Safety Service Plan.”

3.3 The following reason for call in was given in the requisition:

“Inappropriate delegation for policy.”

3.4 The requisition also provided an alternative decision which was:-

“That recommendation B be amended to read:-

*That in future years, delegated authority be given to the Executive Manager Community Services, in consultation with the Portfolio Holder for Community Services and Health **and the Corporate Overview and Scrutiny Committee**, to approve the Food Safety Service Plan.”*

3.5 The following Members of the Executive Overview and Scrutiny Committee signed the requisition for call-in in accordance with the provisions of Overview and Scrutiny Committee Procedure Rule 15:

Councillor Pendleton
Councillor J. Roberts
Councillor Mckay
Councillor Carson
Councillor W.G. Roberts

4.0 CONCLUSION

4.1 Following consideration of the decision of Cabinet and the requisition for call in, the Executive Overview and Scrutiny Committee can decide if it wishes to ask for a different decision. If the Committee does not wish to ask for different decision then the decision of Cabinet takes immediate effect. If the Committee does wish to ask for a different decision, it may:

a. refer the decision back to Cabinet (as the decision making body) for reconsideration, setting out the different decision; or

b. refer the matter to Council. If the matter is referred to Council and Council does not object then the decision of Cabinet will take effect immediately from that Council meeting date. If the Council does object, then the decision and the objection will be referred back to Cabinet (as the decision making body) for reconsideration.

4.2 The Secretary of State in his Guidance recommends that Overview and Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

Report of the Executive Manager Community Services