



CORPORATE AND ENVIRONMENT SCRUTINY COMMITTEE – 23RD SEPTEMBER 2024

SUBJECT: CONSIDERATION OF A CALL IN REQUEST IN RELATION TO A
DECISION MADE BY CABINET ON 24TH JULY 2024 -
COMMUNITY EMPOWERMENT FUND – TREATMENT OF
UNDERSPENDS

REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE
SERVICES

1. PURPOSE OF REPORT

1.1 To consider under the Council's Call-in procedure a decision taken by the Cabinet on 24th July 2024 relating to Community Empowerment Fund – Treatment of Underspends.

2. SUMMARY

2.1 To consider the Call-in request set out in paragraph 5.3 below.

3. RECOMMENDATIONS

3.1 That the Committee considers the Call-in request and whether to refer any concerns to the Cabinet for reconsideration, setting out in writing the nature of its concerns and/or refer the matter to full Council.

4. REASONS FOR THE RECOMMENDATIONS

4.1 To comply with the Call-in procedure as set out in the Council's Constitution.

5. THE REPORT

5.1 On the 24th of July 2024 Cabinet considered a report entitled Community Empowerment Fund – Treatment of Underspends. A copy of the report is

attached at Appendix 1.

5.2 The Cabinet resolved for the reasons contained in the report that

- (a) All remaining Community Empowerment Fund underspends from the 2021/22, 2022/23 and 2023/24 financial years that are not allocated by 30th September 2024, be returned to the General Fund and
- (b) In Future financial years, any Community Empowerment Fund underspends from the previous financial year that are not allocated by 30th September each year, be returned to the General Fund.

5.3 A request to call in this decision was made to the Monitoring Officer as follows:

The following members of the Corporate Services and Regeneration Scrutiny Committee wish to call in the decision at Agenda Item 6 of the above meeting relating to the treatment of underspends of the Community Empowerment Fund.

Our call-in is made on ground iii of the procedure. We consider that this decision was made without proper consultation which in our opinion would lead to a different decision being made by Cabinet.

Members of the Corporate Services and Regeneration Scrutiny Committee have not had the opportunity to discuss the proposal to return underspends in the fund for the years 2021-2022, 2022-23 and 2023-2024 (not allocated by 30th Sept 24). Furthermore, since all members of Council are involved in the CEF scheme, all members should have had the opportunity to comment.

Some very deserving organisations eg allotments, football clubs, have been unable to progress their applications because of Council delays in progressing their applications for the leases or licences required as a condition of the CEF scheme. In some cases it has been very difficult for organisations to obtain the number of quotes required.

Further consideration should be given to this proposal to allow more flexibility to enable some valuable schemes that will otherwise be excluded to take place.

Signed Cllr. Jan Jones (Independent group) Cllrs. Lindsay Whittle, Colin Mann, Gary Enright ((Plaid Cymru group)

5.4 The request has been considered in accordance with the relevant provisions of the Council's Constitution and has been accepted as a valid Call in and has been supported by the appropriate number of Members.

5.5 The Grounds on which a Call in can be made is as follows:-

- (i) that it conflicts with the Council's policy framework; or

- (ii) that it conflicts with the Council's approved budget; or
- (iii) that it has been made without regard to a material fact or information or without proper consultation which in the opinion of the members making the request would lead to a different decision being made by the Executive.

The Committee will note that the Call in has been made on the basis of ground (iii) above.

5.6 To assist the committee with the consideration of the issues raised in the Call in officers have provided the following information.

- (a) Should the Committee resolve not to refer the matter back to Cabinet then it is proposed that the period for using any underspends will be extended to the end of November for this year only.
- (b) To answer the query about the difficulty of obtaining quotes if the total cost of a project is £5,000 or less then only two quotes/estimates are required. Only if the total cost is over £5,000 would three quotes be needed. The grant criteria allow for 1 quote to be provided if there is a difficulty in obtaining 2 and that this will be accepted at the discretion of the Head of Financial Services and Section 151 officer. The grant criteria were updated in 2022 to allow this, following representations from the community and voluntary sector. We will add this relaxation to the website for the sake of clarity, but this has been in every set of criteria issued since 2022.
- (c) Officers are not aware of any excessive delays in applicants gaining leases of licences to access the grant.

5.7 Members are asked to consider the merits of the call-in request and having debated the issues must consider whether to refer any remaining concerns to the Cabinet for reconsideration, setting out, in writing, the nature of its concerns and/or refer the matter to full Council. If following an objection to the decision, the scrutiny committee does not refer the matter back to Cabinet and/or Council, the decision shall take effect on the date of the scrutiny meeting. It should be noted that the scrutiny committee can only opt refer the call-in to full Council, the decision remains a Cabinet matter.

5.8 **Conclusion**

The Committee is asked to consider the merits of the call in as outlined in this report and the options set out in paragraph 5.7 above.

6. **ASSUMPTIONS**

6.1 No assumptions have been made in this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 As the Call in request is a procedural matter the completion of an integrated impact assessment is not required.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications other than those set out in the Cabinet report.

9. PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications other than those set out in the Cabinet report.

10. CONSULTATIONS

- 10.1 Members are advised that the consultation on this Report has only been with the Chair of the Corporate and Regeneration Scrutiny Committee, because this Report deals only with whether the request complies with the Council's Constitution. Consideration of the merits of the call-in request is a matter for the Committee.

11. STATUTORY POWER

- 11.1 Local Government Act 2000. The consideration of the call-in request is a function for the Committee; the consideration of any consequences, or recommendations, fall to the Cabinet for reconsideration and/or full Council.

Author: Lisa Lane Head of Democratic Services and Deputy Monitoring Officer

Consultees: Cllr Gary Johnston Chair Corporate and Regeneration Scrutiny
Committee
Robert Tranter Head of Legal Services and Monitoring Officer

Appendix 1

Cabinet report 24th July 2024 – Community Empowerment Fund – Treatment of Underspends