
**Scrutiny Management Committee
(Calling – In)**

27 September 2010

Report of the Head of Civic, Democratic and Legal Services

**Called-in Item: Exit Provisions and Pension
Discretions**

Summary

1. This report sets out the reasons for the call-in of the decision made by the Executive on 21 September 2010 in relation to a report which asked them to propose to Staffing Matters & Urgency Committee a number of amendments to the way in which the Council exercised its exit and pension discretions. This covering report also explains the powers and role of the Scrutiny Management Committee in relation to dealing with the call-in.

Background

2. An extract from the decision list published after the relevant Executive Meeting is attached as Annex A to this report. This sets out the decision taken by the Executive on the called-in item. The original report to the Executive is attached as Annex B.
3. Councillors Alexander, Simpson-Laing and Gunnell have called in the Executive's decision for review by the Scrutiny Management Committee (SMC) (Calling-In), in accordance with the constitutional requirements for post-decision call-in. The reason given for the call-in is that:

“The Executive has failed to ensure a mechanism is in place for effective Member scrutiny of pay and pension settlements, leaving potentially substantial officer exit settlements to fellow officers alone.”

Consultation

4. In accordance with the requirements of the Constitution, the Calling-In Members will be invited to attend and/or speak at the Calling-In meeting, as appropriate.

Options

5. The following options are available to SMC (Calling-In) in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - (a) To confirm the decision of the Executive, on the grounds that the SMC (Calling-In) does not believe there is any basis for reconsideration. If this option is chosen, the decision will take effect from the date of the SMC (Calling-In) meeting.
 - (b) To refer the matter back to the Executive, for them to reconsider their original decision. If this option is chosen, the matter will be re-considered at a meeting of the Executive (Calling-In) to be held on 28 September 2010.

Members should be aware, however, that it is not the Executive which will make the final decision on this issue but the Staffing & Urgency Committee, when it meets on 4 October 2010. Therefore, in this particular matter, the Executive are formally referring their proposals to Staffing & Urgency for consideration.

Analysis

6. Members need to consider the reasons for call-in and the basis of the decisions made by the Executive and form a view on whether there are grounds for reconsideration of those decisions.

Corporate Priorities

7. An indication of the Corporate Priorities to which the Executive's decisions are expected to contribute is provided in paragraph 45 of Annex B to this report.

Implications

8. There are no known financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in:

Risk Management

9. There are no risk management implications associated with the call in of this matter.

Recommendations

10. Members are asked to consider the call-in and reasons for it and decide whether they wish to confirm the decision made by the Executive or refer the matter back for re-consideration at the scheduled Executive Calling-In meeting.

Reason:

11. To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

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Report Approved **Date**

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex A – decision of the Executive on Exit Provisions and Pension Discretions (extract from decision list published after the meeting on 21/9/10)

Annex B – report to Executive meeting held on 21/9/10

Background Papers

Agenda and minutes relating to the above meeting (published on the Council's website)