

**By: Joel Cook – Democratic Services Manager**

**To: Scrutiny Committee – 7 February 2024**

**Subject: Call-in of Decision 23/001222 – Kent Community Warden Service Review**

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## **Background**

1. The proposed decision was discussed at the **Growth, Economic Development and Communities Cabinet Committee on 18 January, 2024** prior to the key decision being taken by the Cabinet Member on 18 January 2024.
2. Following the decision being taken, the call-in request was submitted by Dr Sullivan and Mr Hook, thus meeting the requirement for any call-in to be requested by two Members from different political Groups.
3. The reasons of the call-in were duly assessed by Democratic Services, including a review of the reasons given by those Members calling in the decision and an investigation into whether any issues raised in the call-in were adequately addressed by the decision paperwork, committee reports, responses to written questions or committee debate. The results of this review were considered by the Democratic Services Manager and the call-in was determined to be valid under the call-in arrangements set out in the Constitution. Call-in reasons must be clear, correct and align to one or more of the following criteria under s17.73 of the Constitution:

Members can call-in a decision for one or more of the following reasons:

- (a) The decision is not in line with the Council's Policy Framework,
  - (b) The decision is not in accordance with the Council's Budget,
  - (c) The decision was not taken in accordance with the principles of decision making set out in 8.5, and/or
  - (d) The decision was not taken in accordance with the arrangements set out in Section 12.
4. The reasons submitted for this call-in are set out in the attached document (a).
  5. The core call-in request element determined as valid is the principle of evidencing Best Value and how the decision integrates or aligns with the New Models of Care Priority highlighted within Securing Kent's Future. The call-in submission details reasonable concerns about the level of consideration given to the preventative aspects of the service and how this contributes or may contribute to reducing spend within the Adults and Social Care Service.

6. In addition to the above policy compliance elements, it is also reasonable for the call-in to query whether the decision is proportionate given the potential implications of reducing preventative services, which are challenging to quantify, and there was limited opportunity to consider this in detail at the Cabinet Committee. It should be noted that the decision documentation did recognise a number of risks related to the above and highlighted that the decision sought to strike a reasonable balance between the financial and service demand pressures.

### **Process**

7. As per the call-in procedure, Democratic Services must consider all call-in requests against the criteria detailed in the constitution, which are themselves based on the legal requirements under the Local Government Act 2000 to have an appropriate mechanism to allow Executive decisions to be scrutinised. In determining the validity of any call-in, no judgement is made by Democratic Services as to whether the decision itself is flawed, inappropriate or invalid. Similarly, where some individual reasons submitted for an overall valid call-in are not assessed as valid, this does not mean they merit no consideration as part of any subsequent call-in meeting. Paragraphs 5 and 6 of this report do not indicate endorsement or agreement with the challenges made in the call-in – this report only confirms that the points set out in the call-in are not all completely addressed through the available documentation and previous debate. In accordance with the call-in arrangements, it is therefore for Members, via the Scrutiny Committee, to determine whether any reconsideration of the decision is necessary.
8. The Cabinet Member and relevant Officers will be attending the Scrutiny Committee meeting to present their response to the call-in and to respond to questions.
9. The Scrutiny Committee should consider the reasons set out by the Members calling-in the decision, the documentation already available and the response from the Executive given at the meeting, giving due regard to the information made available during questioning and discussion on this item.
10. The decision papers remain available online but are republished in the agenda pack as appendices for ease of reference.

### **Options for the Scrutiny Committee**

11. The Scrutiny Committee may:
  - a) make no comments
  - b) express comments but not require reconsideration of the decision
  - c) require implementation of the decision to be postponed pending reconsideration of the matter by the decision-maker in light of the Committee's comments; or

- d) require implementation of the decision to be postponed pending review or scrutiny of the matter by the full Council.

### **Attached documents**

- a) Scrutiny call-in reasons submitted by Dr Sullivan and Mr Hook.
- b) [23/00122 – Decision Report](#)
- c) [23/00122 – Record of Decision](#)
- d) [23/00122 – Consultation Report](#)
- e) [23/00122 – Alternative Funding Explored](#)
- f) [23/00122 – Geographical Allocation Policy](#)
- g) [23/00122 – EqIA](#)

### **Background Documents**

[Growth, Economic Development and Communities Cabinet Committee on 18 January, 2024](#)

### **Report Author**

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