

By: Anna Taylor, Assistant Democratic Services Manager

To: Scrutiny Committee, 10 April 2025

Subject: **Call-in of Decision 25/00004 - Council Tax Collection Subsidies and Incentives**

Summary: This decision, taken on 21 March 2025, has been called-in to the Scrutiny Committee by Mr Rich Lehmann and Mr Alister Brady.

Background

1. Decision 25/00004 - Council Tax Collection Subsidies and Incentives was considered by the [Policy and Resources Cabinet Committee on Wednesday, 5th March, 2025](#) prior to the decision being taken by the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services on 19 March 2025. In addition, the provisional plans around the decision were outlined in Budget development papers considered by the Cabinet Committee in November and January.
2. Following the decision being taken, the call-in request was submitted by Mr Lehmann (Green & Independent Group) and Mr Brady (Labour Group), thus meeting the requirement for any call-in to be requested by two Members from different political groups.
3. The call-in was 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 s17.67 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 full call-in request is set out in Appendix A, submitted by Mr Lehmann and Mr Brady. While not all aspects of the call-in were considered valid, particular points set out within the call-in that meet the relevant criteria are highlighted below:

Reason for calling in the decision: The decision was not taken in accordance with the principles of decision-making set out in 8.5(d) a presumption in favour of openness.

In considering this decision the role of the Cabinet Committee was to allow Members to consider, endorse or make recommendations to the Cabinet Member in advance of the decision being taken. At the Cabinet Committee it was repeatedly asserted that the decision had already been taken by Full Council and taking it to the Cabinet Committee was a formality. The Cabinet Committee was the opportunity for Members to discuss and comment on the decision.

As a result of the above, the lack of meaningful and appropriate consideration by Cabinet Committee means that this was decision can be argued to have been taken not in line with principles of decision-making or the decision-making process as set out in section 12 of the Constitution.

Also in contravention of paragraph 8.5(d), the committee was not given enough information regarding the potential impact of this decision, such as the fact that the report in the agenda which went to the Policy and Resources Cabinet Committee meeting did not fully outline the level of risk (£30m) which was included in the budget papers.

Whilst this element on its own would not be sufficient to call-in a decision, given that the information has been considered elsewhere in public documents, it would be a reasonable line of enquiry in relation to this decision as part of any Scrutiny consideration as it may be relevant to the potential Cabinet Committee recommendations or comments which were not explored as far as they could have been.

Process

5. As set out in 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. Paragraph 4 of this report does not indicate endorsement of or agreement with the challenges made in the call-in – this report only confirms that the points set out in the call-in are relevant and valid and that there remain elements that merit further consideration or clarification. 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 and appropriate.

6. The Cabinet Member, or nominated representative, and relevant Officers will attend the Scrutiny Committee to present their response to the call-in and to respond to questions.
 7. The Scrutiny Committee should consider the reasons set out by the Members calling-in the decision, the documentation 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.
 8. The decision papers remain available online here: [Decision - 25/00004 - Council Tax Collection Subsidies and Incentives](#) but are republished in the agenda pack as appendices for ease of reference.
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Recommendation – Options for the Scrutiny Committee

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.
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Appendices

- a) Scrutiny call-in reasons submitted by Mr Rich Lehmann and Mr Alister Brady.
- b) [25-00004 - Record of Decision](#)
- c) [25-00004 - Decision Report](#)
- d) [25-00004 - EqIA](#)

Background documents

- a) [Agenda for Policy and Resources Cabinet Committee on Wednesday, 5th March, 2025, 10.00 am](#)
- b) [Agenda for County Council on Thursday, 13th February, 2025, 9.30 am](#)

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