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From: Lynn Harris
Sent: 02 January 2007 16:15
To: Councillor Martyn Forster; Councillor Trevor Webb; Councillor Olive Woodall
Cc: Councillor Sylvia Tidy; Councillor Keith Glazier; Councillor Bill Bentley; Sean Nolan; Keith Hinkley
Subject: Avis Way Call-In

Dear All,

I refer to our previous correspondence concerning your request for a call-in. I have spoken today to Councillors Forster and Sylvia Tidy.

In my e-mail of 15 December, and in accordance with the County Council's constitution, I requested more information about the reasons you have given for the call-in. I am sorry that your response of 18 December did not seek to address the points I had raised. Nor do I consider that the letters from Mencap and the Sussex Partnership PPI Forum answered the queries I was raising in relation to the justification for this call-in, bearing in mind the provisions of the County Council's constitution.

If we are going to maintain the excellent reputation this County Council has earned for its scrutiny procedures, I hope you will agree that it is very important that the process is not abused, and that the constitution is followed. Call-in should only be used "in exceptional circumstances" and the reasons for call-in "must be legitimate and not designed to impede the proper transaction of business for vexatious, repetitive or other improper reasons".

I did not seek more information from you as a "blocking tactic" to stop the call-in. Nor was it my intention to make scrutiny members "jump through hoops". My sole purpose is to protect the good reputation of scrutiny, and ensure that this is not put at risk through a call-in which is difficult to justify on any objective grounds.

As I tried to emphasise in my e-mail of 15 December, a valid call-in should highlight new issues or evidence which might well persuade the Cabinet to change its original decision. It is not the purpose of call-in simply to repeat or rehearse the objections which have previously been considered in open forum by the Cabinet when it made that decision. I believe that it would be very easy for our scrutiny process to be brought into disrepute if strong grounds are not given in support of a call-in.

I have considered the reasons submitted in your letter of 12 December and the other supporting information you have provided and, in my view, the only tenable ground for a call-in relates to the likely savings which will result from the closure of Avis Way. While the Cabinet carefully considered the financial impact of the decision, I have consulted Sean Nolan and he advises that the Scrutiny Committee should examine the detailed financial appraisal in support of the proposed closure, and consider whether there are any issues which might persuade the Cabinet to change its original decision.

In accordance with paragraph 20 (c) of our Scrutiny Procedure rules I am, therefore, happy to support the call-in on the basis that it is confined to an examination of the financial issues. Although, as part of its original decision, the Cabinet has already discussed the capacity of Southdown Housing Association to provide appropriate person centred plans, at no additional cost, it is reasonable for this to be re-visited during the call-in debate, as it forms part of the overall financial appraisal. For the reasons I have

set out in my previous e-mail, I do not believe, however, that the other grounds you have given justify a call-in, because they do not satisfy the requirements set out in paragraphs 19 and 20 of the rules. I will, therefore, be advising the Committee that members should confine their debate and scrutiny to the financial issues relating to the closure, and the Director of Adult Social Care will be preparing his report to committee on that basis.

We will be in contact as soon as possible concerning the date of the meeting to consider the call-in.

Andrew Ogden

Director of Law and Personnel

Tel 01273 481557

email: andrew.ogden@eastsussex.gov.uk