

| <b>MAYOR AND CABINET</b> |   |                       |
|--------------------------|---|-----------------------|
| <b>Report Title</b>      | Call-in of Mayoral Decision – Making of Instrument of Government – The Governing Body of Watergate School |                       |
| <b>Key Decision</b>      | Yes   | Item No.              |
| <b>Ward</b>              | All   |                       |
| <b>Contributors</b>      | Chief Executive (Head of Business & Committee)  |                       |
| <b>Class</b>             | Part 1  | Date: 22 October 2014 |

### 1. Summary

This report informs the Mayor and Cabinet of a call-in and associated comments agreed by the Overview & Scrutiny (Education) Business Panel on 14 October 2014 in accordance with Paragraph 18 of the Overview and Scrutiny Procedure Rules.

### 2. Purpose of the Report

To inform the Mayor & Cabinet of the reasons agreed for the call-in.

### 3. Recommendation

The Mayor is requested to respond to the call-in made by the Overview & Scrutiny (Education) Business Panel as described in paragraph 5 below.

### 4. Background

4.1 At a meeting of the Mayor & Cabinet held on 1 October 2014 the Mayor & Cabinet considered a report entitled ‘Making of Instrument of Government – The Governing Body of Watergate School’.

4.2 The Mayor considered an officer report and in accordance with the Constitution, his decision was notified to all members of the Education Business Panel within 2 days of being made.

### 5. Overview & Scrutiny (Education) Business Panel – Reasons for Call-in

5.1 The Overview and Scrutiny Education Business Panel considered the Mayoral decision, and the original officer report.

5.2 Following the presentation from the Head of Standards & Achievement, and advice from the Senior Lawyer, the Education Business Panel resolved to call in the Mayor’s decision, asking the Mayor to consider the issues described below:

- i. Education Business Panel was informed the decision was taken without following the proper consultation process, which included consultation with Trustees of Watergate School. On the basis of inadequate consultation, the Mayor's decision should be void on an error of procedure.
- ii. Education Business Panel requests that the Mayor asks officers to resubmit the instrument once it has complied with proper consultation processes, and a report taken back to Mayor & Cabinet for reconsideration.

## **6. Legal Implications**

- 6.1 The Council's Constitution provides that where the Overview & Scrutiny (Education) Business Panel requests that the Mayor & Cabinet reconsider a decision it shall not become effective until it has been done. There may be no further call-in of the decision.
- 6.2 It is essential that a decision is made on a consideration of all relevant considerations and ignoring irrelevancies. On this basis a decision must not be one which no reasonable authority could come to.

## **7. Financial implications**

None for the purposes of this report.

## **BACKGROUND PAPERS**

Making of Instrument of Government – The Governing Body of Watergate School, Mayor & Cabinet 1 October 2014.

If you have any queries on this report, please contact Olga Cole Senior Committee Manager, 0208 3148577 or Kevin Flaherty, Head of Business and Committee, 0208 3149327.