

Decisions taken by the Cabinet on 8 March 2019



Notice dated: 13 March 2019

Issued to the chairman, members of the Scrutiny Committee and other councillors for information.

Key decisions will be implemented after the expiry of 3 working days from the date of this notice unless “called-in” under the provisions of the council’s scrutiny procedure rules (see end of document for call-in procedure) or implemented sooner by reason of urgency.

Please refer to the relevant cabinet agenda and reports when reading this notice. The minutes of the meeting of the cabinet containing a full record of the proceedings will be published in due course. To view on-line follow this link to the relevant pages on the council’s website:- <http://democracy.lewes-eastbourne.gov.uk/mgCommitteeDetails.aspx?ID=417>

DECISIONS:

Item No	Matter:	Decision:	Reasons for decision:
6	Potential withdrawal of a litigation claim against the council in relation to a property development scheme	<p>It was resolved to agree to a discontinuance of the litigation on the basis that the Council makes no payment whatsoever to Karis, that Karis withdraws its misfeasance allegations and does not repeat them and that the project agreements are treated as lawfully terminated.</p> <p>The Cabinet agreed that the Council would bear its own costs of the proceedings, save for those costs already paid to the Council by Karis during the course of proceedings, which the Council would retain.</p>	A discontinuance of the litigation was likely to be the least expensive option for council taxpayers.

		<p>This decision was made on the basis that neither party would bring any further action against the other including against any individual councillor(s) or officer(s).</p>	
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The Assistant Director – Legal & Democratic Services was authorised to sign a settlement agreement reflecting the above terms.

In accordance with Scrutiny Procedure Rule 17 (a) as set out in the Council’s Constitution, for reasons of urgency the above decisions shall not be subject to the call-in procedure.

Call-in procedure

Call-in is the procedure whereby a decision of the Cabinet, the Leader or a portfolio holder, or a member or officer with delegated authority (an executive decision), taken but not implemented, may be examined by the Scrutiny Committee prior to implementation.

Any councillor is entitled to submit a request by email setting out the reason why he/she wishes any such decision to be called in by the Scrutiny Committee for consideration by a Scrutiny Panel. The request must be submitted to Democratic Services within three working days of the date of this notice.

Should any request by a councillor be submitted, the Cabinet Officer will then email all members of the Scrutiny Committee, advising them of the request for a review.

Members of the Scrutiny Committee must decide within two working days if they support the request and if they do, they should email a response to the Head of Democratic Services accordingly. If at least six members of the Committee are in favour of calling in the decision the Chair of the Scrutiny Committee will call a meeting of a Panel of the Scrutiny Committee within five working days where possible. The number of councillors to serve on a Panel (which shall be politically proportionate except that either the

Leader of a political group may decide to offer one of their Group's places to another Group or an Independent member) shall be determined by the Chair with the councillors being nominated by the respective Group Leaders.

The decision of the Cabinet will not be implemented until:

- The time period for call-in has expired and six members of the Scrutiny Committee have not stated they are in favour of calling in the decision; or
- A Panel of the Scrutiny Committee considers the matter and resolves not to intervene in the decision of Cabinet; or
- A Panel of the Scrutiny Committee resolves to refer the matter back to Cabinet for further consideration and to take account of any recommendation of the Panel, in which case the Cabinet will reconsider the decision as soon as is reasonably practicable; or
- In the case of any question relating to the budget or policy framework, the Panel of the Scrutiny Committee has reported to the meeting of the Council that will consider the budget or policy framework or any component part of it (if there is insufficient time for the matter to be referred back to the Cabinet).

Once a decision of the Cabinet has been referred to a Panel of the Scrutiny Committee it shall not be subject to further consideration by a Panel of the Scrutiny Committee or the Committee itself and shall not again be referred by any individual councillor.

Democratic Services

For any further queries regarding this document or you require any further information please contact Democratic Services.

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