



Resources and Public Realm Scrutiny Committee

Wednesday 23 September 2020 at 6.00 pm

This will be undertaken as an online virtual meeting.

The press and public are welcome to attend this online virtual meeting. The link to attend and view the meeting will be made available [here](#).

Membership:

Members

Councillors:

Mashari (Chair)
Kansagra (Vice-Chair)
S Choudhary
Johnson
Kabir
Hassan
Long
Mahmood
Miller
Perrin
Shah

Substitute Members

Councillors:

Aden, Daly, Ethapemi, Hector, Lloyd, Sangani,
Shahzad and Thakkar

Councillors:

Colwill and Maurice

For further information contact: Craig Player, Governance Officer

Tel: 020 8937 2082; Email: craig.player@brent.gov.uk

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Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party or trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item **Page**

1 Apologies for absence and clarification of alternate members

2 Declarations of interests

Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.

3 Deputations (if any)

To hear any deputations received from members of the public in accordance with Standing Order 67.

4 Call-In of Officer Key Decision - Contract for Refurbishment Works at Stonebridge Annexe, Twybridge Way 1 - 22

To consider a call-in in respect of the decision made by the Operational Director – Property & Assets on behalf of the Strategic Director - Regeneration & Environment on 26 August 2020 regarding the contract for refurbishment works at Stonebridge Annexe, Twybridge Way.

5 Exclusion of Press and Public

The following item is not for publication as it relates to the following category of exempt information as specified under paragraph 3, Part 1 of Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"

Item 4: Call-In: Award of Contract for Enabling Works Stonebridge Annexe – Appendix 1 of the Officer Key Decision report approved by the Operational Director – Property & Assets on behalf of the Strategic Director - Regeneration & Environment (List of Tenderers)

Date of the next meeting: Thursday 1 October 2020

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	<p align="center">Resources and Public Realm Scrutiny Committee 23 September 2020</p>
	<p align="center">Report from the Assistant Chief Executive</p>
<p>Call-In of Key Officer Decision - Contract for Refurbishment Works at Stonebridge Annexe, Twybridge Way</p>	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt - Appendix 2a is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
No. of Appendices:	Three: <ul style="list-style-type: none"> • Appendix 1 – Call-in form • Appendix 2 – Decision Report Appendix 2a – Decision Report Appendix 1 Appendix 2b – Decision Report Appendix 2 • Appendix 3 – Call-in Protocol
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Katie Smith, Head of Executive & Member Services Katie.Smith@brent.gov.uk Tel: 020 8937 1399

1.0 Summary

- 1.1 A decision made by the Operational Director – Regeneration & Environment on behalf of the Strategic Director – Property & Assets on 26 August 2020 in respect of the "Appointment of Engie Regeneration Uk & Ireland as Works Main Contractor under a JCT Intermediate Building Contract with Contractor's Design 2016 Edition for Stonebridge Annexe, Stonebridge, NW10 0ST" report has been called-in for consideration by the Resources and Public Realm Scrutiny Committee, in accordance with Standing Order 14.

2.0 Recommendation

2.1 That the Committee considers the call-in and agrees to one of the following outcomes:

- 2.1.1 The Committee does not wish to refer the matter back to the decision maker or to Council, at which point the decision is deemed to be confirmed and takes effect immediately following the meeting; or
- 2.1.2 The Committee decides to ask the Strategic Director – Regeneration & Environment to reconsider their decision, in light of any observations of the Committee; or
- 2.1.3 Having had regard to the advice of the Director of Legal and HR Services or Chief Finance Officer, the Committee considers the decision is contrary to the Council's Budget or Policy Framework, at which point it refers the matter to the next practicable meeting of the Council, subject to the provisions of Standing Orders

3.0 Background

3.1 The Operational Director – Property & Assets on behalf of the Strategic Director - Regeneration & Environment took a key decision on 26 August 2020 regarding the award of a contract for refurbishment works at Stonebridge Annexe. The decision approved by the Strategic Director was as follows:

- a. To approve the award of contract to Engie Regeneration UK & Ireland as Works Main Contractor under a JCT Intermediate Building Contract with Contractor's Design 2016 Edition for Stonebridge Annexe.

3.2 The Key Officer decision has subsequently been called-in by 5 members, with details of the call-in attached as Appendix A to this report.

3.3 The report, on which the called-in decision is based is attached at Appendix B to this report.

3.4 The procedure for dealing with the call-in and the conduct of the Scrutiny Committee meeting is attached at Appendix C of this report.

4.0 Financial Implications

4.1 There are no financial implications arising from this covering report.

5.0 Legal Implications

5.1 There are no direct legal implications from this covering report.

6.0 Equality Implications

6.1 There are no direct equality implications arising from this covering report.

Report sign off:

SHAZIA HUSSAIN

Assistant Chief Executive

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CALL-IN FORM

For the Attention of: The Head of Executive and Member Services

From: Councillors Keith Perrin, Gaynor Lloyd, Daniel Kennelly, Jumbo Chan and Abdirazak Abdi

Date: 01 September 2020

A call in request must be submitted in accordance with the requirements of Standing Orders, within 5 days of the relevant decision being made or in the case of a key decision made by officers, within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules.

Decision: Authority to Award Contract for Appointment of Engie Regeneration UK & Ireland as Works Main Contractor under a JCT Intermediate Building Contract with Contractor's Design 2016 Edition for Stonebridge Annexe, Stonebridge, NW10 0ST

Date of decision (or date of public notice for officer decisions): 26 August 2020

Five non-cabinet members making request (Note: all five members do not have to be listed on or sign the same form):

	Name of councillor	Signature <i>(only required if submitted in hard copy)</i>
1	Cllr A Abdi	N/A
2	Cllr Chan	N/A
3	Cllr Perrin	N/A
4	Cllr Lloyd	N/A
5	Cllr Kennelly	N/A

Please provide below an explanation as to why you are calling in the decision and if you are calling in all or part of the decision:

(Note: according to the Protocol on Call-in (included in the Constitution), call-in requests will not be considered valid if they:

- *are used as a means of gaining information/understanding or discussing general concerns with Members and officers,*
- *duplicate a call-in on the same issue within the previous six months,*

- are based on reasons already discussed by the relevant Scrutiny Committee prior to the decision being made,
- concern a decision of the Cabinet referring a matter to Full Council for consideration
- concern operational management decisions, or
- are otherwise considered by the Chief Executive to be frivolous, vexatious or clearly outside the call-in provisions.)

1. The above decision relates to the placing of a Contract for the works of refurbishment to Stonebridge Annexe ("Enabling Works") enabling the decanting of the Brent Start facilities from 1 Morland Gardens, NW6, preparatory to the demolition of the existing buildings on that site, and the erection of new mixed use buildings under planning application number 20/0345 (the "1 Morland Gardens Application").
2. The tender for the Enabling Works was concluded on or around 9 July, and, according to the Report leading to the Decision, dates (described in the Report as "anticipated") are set out for a Letter of Intent (14 August), a Letter of Award of Contract to Engie Regeneration UK & Ireland (31 August), with a view to Contract Start on Site on 14 September.
3. Having today enquired of officers in Planning and Employment and Skill, I have been informed that this Contract for the Enabling Works would not be placed, if the development under the 1 Morland Gardens Application does not proceed.
4. Issues have come to light regarding the 1 Morland Gardens Planning Application:

- Consent to the 1 Morland Gardens Application is awaited from the GLA;
- Notwithstanding the clear recommendations in paragraph R1 of the Preliminary Bat Roost Assessment dated February 2019 by Middlemarch Environmental ("Middlemarch Report") - based on a survey made in December 2018 (and repeated in paragraph 206 of the Planning Report) that at least 3 emergence/re-entry surveys be carried out during the period May-September, **no evidence has been supplied that any such surveys have been carried out.**

There are no surveys amongst the planning papers. Enquiry of officers today has not so far revealed any surveys were undertaken.

Condition 13 of the draft Planning Consent for the 1 Morland Gardens Application includes a requirement for adherence to the recommendations of the Middlemarch Report; however, if no surveys have been carried out, works under the 1 Morland Gardens Application must be deferred until after those surveys have been undertaken, results available and appropriate response formulated and actioned to ensure no criminal offence is committed. This would appear potentially to be in autumn 2021.

Appendix 1 to the Middlemarch Report sets out the legislative background; Regulation 41 of the Habitats Regulations 2017 states that a person "*commits an offence if they...deliberately disturb bats; or damage or destroy a bat roost (breeding site or resting place).*" If the surveys have not been carried out - then the whole process must be delayed until autumn 2021 to avoid the Council's committing a criminal offence.

5. I understand the Enabling Works relating to this Decision do not need planning consent. However, the provisions of the 2017 Regulations would still apply if any part of those works had the potential to disturb, or damage or destroy bats and their habitat in the Stonebridge Annexe as referred to above.

The Stonebridge Annexe is a building constructed in or around the 1930s, with a substantial area of trees surrounding it, and with strong potential for bat roosts and potentially on a Bat Corridor to the Welsh Harp and with Green and Blue Corridors in the other direction.

Accordingly, the Enabling Works may have the potential to disturb bats, and/or damage or destroy their habitats, if any are present.

However, no preliminary bat roost assessment was commissioned, which should be undertaken prior to the Contract. There is no evidence that such assessment forms part of the Enabling Works. Indeed, with the timetable referred to in the Report, the programme outlined gives no time for such assessment to be undertaken, let alone any time for any action which may be requisite to comply with statute, should evidence of bats/roosts be present.

6. We understand that it has been agreed by the Chief Executive that an investigation should be undertaken by the Strategic Director following the raising of what I am told are serious concerns by a member of the public about the Morland Gardens Application. This investigation is ongoing, and could impact on the Planning Consent for the 1 Morland Gardens Application.
7. The award of the Enabling Works Contract is premature, as there is still no certainty that the scheme envisaged by the 1 Morland Gardens Application will go ahead. Nonetheless, having regard to the importance of the project, I have spoken to officers as to the requirement for an **urgent** placing of the Contract for the Enabling Works in context of the project. In context of those conversations, I do not understand the reason for the urgency. Unfortunately, the Decision gives an impression of pre-emptive action. It will commit the Council to expenditure which may be wasted. It is at least possible to anticipate that, if delays in the development under the 1 Morland Gardens Application were to arise as a result of one of the factors referred to above, alternative proposals may result.
8. There is no compelling urgency to place the Enabling Works Contract before the above matters are resolved. By contrast, unless the Decision is called in, the Contract will be placed, and the Council will have irrevocably incurred an expenditure of £1.2m, which may be wasted – hence the reason for this carefully considered action.

Please provide below an outline alternative course of action to the decision being called in:

The decision should be deferred until:

1. It is certain that the proposals for 1 Morland Gardens comprised in the 1 Morland Gardens Application have received all necessary consents, including GLA consent; and
2. The legislatively required minimum of three bat emergence/re-entry surveys between May and September in one year have been undertaken, consequent assessments undertaken, the results considered and appropriate response actioned; and
3. The potential requirement of bat surveys for the Stonebridge Annexe considered and (if necessary) dealt with as above.

So that (in the case of 2 and 3 above) the Council as landowner can be certain it is not in peril of committing a criminal offence.

Please return this form to Katie Smith, Head of Executive and Member Services, by email (from your individual email address) at Katie.smith@brent.gov.uk or in hard copy (with signatures) and in person on the fourth floor of Brent Civic Centre.

	Officer Key Decision
	Report to the Strategic Director of Regeneration & Environment
AUTHORITY TO AWARD CONTRACT FOR Appointment of Engie Regeneration Uk & Ireland as Works Main Contractor under a JCT Intermediate Building Contract with Contractor's Design 2016 Edition for Stonebridge Annexe, Stonebridge, NW10 0ST	

Wards Affected:	Stonebridge
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt Appendix 1 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
No. of Appendices:	2 Appendix 1 – Exempt Appendix 2 – Evaluation Grid
Background Papers:	
Contact Officer(s): (Name, Title, Contact Details)	Joy Ogbechi Capital Works Project Manager 020 8937 3386 Joy.Ogbechi@brent.gov.uk

1.0 Purpose of the Report

1.1 This report concerns the approval to appoint Engie Regeneration Uk & Ireland as Works Main Contractor under a JCT Intermediate Building Contract with Contractor's Design 2016 Edition. This report requests authority to award contracts as required by Contract Standing Order 88. This report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

2.0 Recommendation(s)

2.1 That the Strategic Director, Regeneration & Environment approves the award

of contract to Engie Regeneration Uk & Ireland as Works Main Contractor under a JCT Intermediate Building Contract with Contractor's Design 2016 Edition for Stonebridge Annexe.

3.0 Detail

- 3.1 The Council is developing 1 Morland Gardens, Stonebridge, London, NW10 8DY which currently accommodates Brent Start (Educational Provider) and Victim Support (Independent Charity). The development is programmed to start in September 2020.
- 3.2 Planning Committee approved the redevelopment on 12th August 2020.
- 3.3 Brent Start is to be decanted to enable the larger development. Stonebridge Annexe was identified as a suitable accommodation; it requires works before Brent Start can move in.
- 3.4. Operational Director approval to procure a contractor was granted on 18th May 2020. In accordance with Contract Standing Orders to report to the Operational Director after the tendering exercise, this report explains the process undertaken in tendering the contracts and recommending an award.
- 3.5 Officers used the Fusion 21 framework to procure the refurbishment works. The PCR 2015 allow the use of framework agreements and prescribe rules and controls for their procurement. The call offs under the framework were carried out in accordance with the framework rules. This included the evaluation criteria specified in the framework and utilised the terms and conditions set out in the framework.

The Tender Process

- 3.6 The new contract will be let using the Fusion 21 Construction and improvement framework lot 2b Education - Internal and External Refurbishment with Build.(OJEU award notice 2019/S 063-145652). These suppliers are prequalified onto the framework and their rates are capped. The Director of Legal, HR and Audit confirmed this framework as legally permissible on 26th March 2020.
- 3.7 Shortlisting was done on the basis of the contractors' financial viability, technical ability and social values on 9th July 2020; 8 contractors were invited to tender, of which 6 submitted bids.
- 3.8 The tendering instructions stated that the contract would be awarded on the basis of the most economically advantageous offer to the Council and that in evaluating tenders, the Council would have regard to the following:
 - Quality 40%
 - Social Value 10%
 - Commercial 50%

3.9 Tenderers were required to submit a submission covering:

1. Project delivery and programme
2. Project resources
3. Supply chain management
4. Delivery Statement

Evaluation process

3.10 The tender evaluation was carried out by a panel of officers from Procurement, Property & Assets and Brent Start Adult Education Centre.

3.11 All tenders had to be submitted electronically by 3rd July 2020. Tenders were opened on 6th July 2020. 6 valid tenders were received. Each panel member read the tenders and carried out an initial evaluation of how well they considered each of the award criteria was addressed in the tender.

3.12 The panel met on 9th July 2020 and each submission was marked by the whole panel against the award criteria.

3.13 The table below breaks down the commercial evaluation of the six bids:

		Bidder 1	Bidder 2	Bidder 3	Bidder 4	Bidder 5	Bidder 6
	Weighting						
Quality	40%	24.00	21.60	28.00	18.00	26.40	23.60
Social value	10%	4.00	4.60	4.80	7.00	4.80	4.00
Commercial	50%	49.10	47.50	52.59	35.68	37.95	39.40
Total	100%	77.10	72.39	82.80	60.68	69.15	67.00
Ranking		2	3	1	6	4	5

3.14 The overall outcome of the evaluation is noted below:

Company	Price £	Score Commercial Weighting 50%
Company 1	1,219,038.20	49.10
Company 2	1,260,069.27	47.50
Company 3	1,197,038.48	50.00
Company 4	1,677,395.21	35.68
Company 5	1,577,205.00	37.95
Company 6	1,519,021.00	39.40

Having evaluated the submission by Engie Regeneration UK & Ireland against the estimated value of the required works (estimated at £900,000), officers concluded the bid met the full requirements of the tender and provided value for money. It is recommended Engie Regeneration UK & Ireland be appointed based on their winning tender with the total ranking of 82.80/100.

3.15 The anticipated delivery dates are as follows:

Letter of Intent issued	14 th August 2020
Forward Plan Decision Date	21 st August 2020
5 Day call off	28 th August 2020
Letter of Award of contract to Engie Regeneration UK & Ireland	31 st August 2020
Contract start on site	14 th September 2020
Contract completion /PC	14 th December 2020

4.0 Financial Implications

4.1 Part 3 of the Council's Constitution states that the Strategic Director of Regeneration & Environment has delegated authority to approve the award of contracts for works valued at less than £5 million.

4.2 The estimated value of this contract is **£1,197,038.48+V.A.T.**

4.3 The cost of this contract will be funded from the approved capital budget.

5.0 Legal Implications

5.1 The Contract falls within the definition of a 'works contract' under the Public Contracts Regulations 2015 ('EU Regulations'), however, the estimated value of the Contract is below the EU procurement threshold for works (currently £4,551,413), and therefore the full rules of the EU Regulations will not apply to award of the Contract. Officers are still required to observe the rules of fairness and transparency and to maintain an auditable process.

5.2 The Council's Contract Standing Orders (CSO) provides in Part 2, section 86 (e) (ii), that no formal tendering procedures shall apply when contracts are called off a Framework. Where the Framework was established by another contracting authority (as the Fusion 21 Framework was), the CSO require approval that it is legally permissible to participate in it from Director of Legal, HR, Audit and Investigation, this was obtained on 26th March 2020.

5.3 The process of tender and evaluation outlined in section 3 above, have satisfied the requirement for fairness and transparency.

5.4 The award of the Contract is subject to the Council's own CSO's in respect of Medium Value Contracts and Financial Regulations. The relevant Chief Officer (Operational Director Property & Assets) approved on 18 May 2020 the pre-tender considerations raised in respect of this Contract and confirmed there was sufficient budgetary provision for the Contract as required by CSO 86(e)(ii).

5.5 The authority to award the Contract is derived from paragraph 9.5.3 (a) of the Scheme of Delegation in Part 3 of the Constitution, and also paragraph 9.7 under which the Operational Director Property & Assets has delegated authority to approve the Council's entry into a Medium Value Contract. Subject to the approval sought in this report, an approval to award the contract is legally permissible.

6.0 Equality Implications

6.1 The proposals in this report have been subject to screening and officers believe that there are no equality implications arising directly out of the proposals.

6.2 If there are considered to be equalities implications the following paragraphs could be inserted – “The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.3 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

6.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.

7.0 Consultation with Ward Members and Stakeholders

7.1 Ward Members were closely briefed throughout the development of the scheme and via the planning process. A Community Steering Group was also established and contributed to the evolution of the scheme.

8.0 Human Resources/Property Implications (if appropriate)

8.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the contract.

9.0 Public Services (Social Value) Act 2012

9.1 The Council is under a duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.

Relevant Documents:

- Cabinet Report 14th January 2020
- Recordable Decision 18th May 2020

Report sign off:

Nick Ljustina

Operational Director of Property & Assets

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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APPENDIX 2

JCT Intermediate Building Contract with Contractor's Design 2016 Edition for
Stonebridge Annexe, Stonebridge, NW10 0ST

TENDER EVALUATION GRID

Summary	Weighting	Tenderer 1	Tenderer 2	Tenderer 3	Tenderer 4	Tenderer 5	Tenderer 6
Quality	40%	24.00%	21.60%	28.00%	18.00%	26.40%	23.60%
Social Value	10%	4.00%	4.60%	4.80%	7.00%	4.80%	4.00%
Commercial	50%	49.10%	47.50%	50.00%	35.68%	37.95%	39.40%
Total	100%	77.10%	73.70%	82.80%	60.68%	69.15%	67.00%
Ranking		2	3	1	6	4	5

PROTOCOL ON CALL-IN

1. INTRODUCTION

- 1.1 The basic premise of call-in is that it is a failsafe mechanism enabling non executive Councillors to make the Cabinet, Cabinet Committee, Cabinet Member or an officer making a key decision, re-consider a particular decision if it is of major concern or in Members' eyes profoundly flawed.
- 1.2 The statutory guidance on call-in states that there needs to be an appropriate balance between effectively holding the executive to account, being able to question decisions prior to them being implemented and allowing effective, efficient decision making. It also balances the need to make the process accessible and the need to ensure that call-in procedures are not abused or used to delay or slow down the decision making process.
- 1.3 As call-in can inevitably result in a delay to the implementation of decisions it should not be used for party political purposes to seek to further discuss a decision that some members do not agree with. Equally, the rights of non executive members to call-in a decision and exercise their right to question the decision, the decision maker and consider alternative options needs to be respected.
- 1.4 This protocol is designed to provide a locally agreed framework within which call-in can operate, a clear set of criteria against which an otherwise valid call-in request can be judged and a format for the effective conduct of the meeting considering the call in.

2. WHAT IS A CALL-IN?

- 2.1 A decision made by the council's Cabinet or a Cabinet committee, or a key decision by an officer, can be called in for review before it is implemented. Decisions can be called in by five non-executive members or by the Scrutiny Committee. If a Cabinet decision is called-in, that decision cannot normally be implemented until it has been considered by a scrutiny committee. An urgency procedure is in place in Standing Orders for any decision that cannot afford to be delayed.
- 2.2 The Scrutiny Committee is required to meet within 15 working days of the date on which a call-in is accepted as valid. The Committee may decide to refer the matter back to the Cabinet or other decision maker, along with the reasons why the Committee thinks it should be reconsidered. The Cabinet or other decision maker will then decide whether to implement the original decision or review the decision based on the views of the Scrutiny Committee. Alternatively the Committee can decide that the matter should not be referred back to the Cabinet or other decision maker in which case the original decision will be implemented.

3. THE CALL-IN PROCESS

- 3.1 A call in request must be submitted in accordance with the requirements of Standing Order 14 within 5 days of the relevant decision being made or in the case of a key decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. When submitting the call in request members must either complete the call-in form available [LINK]) or include in their written request all the information required by the form. In particular this includes:
 - an explanation as to why they are calling in the decision and if they are calling in all or part of the decision(s).

- an outline of the suggested alternative course of action.

3.2 When a call-in request is submitted to the Head of Executive and Member Services which meets the requirements of Standing Order 14(b)((i) – iv) the Head of Executive and Member Services will refer it to the Chief Executive, who, in consultation with the Head of Policy and Scrutiny (the council’s designated Scrutiny Officer) and the Director of Legal, HR, Audit & Investigations, will decide whether or not an otherwise valid call-in conforms with the following requirements of this protocol. The call-in request will be assessed against the following criteria:

- Is the call-in process being used as a means of gaining information / understanding or discussing general concerns with Members and officers? If this could be achieved through the general overview and scrutiny process or by talking to the relevant officer or lead member informally the call-in will not be valid,
- Does the call-in duplicate a recent call-in on the same issue? If the call-in duplicates another call-in made within the previous 6 months it will not be valid,
- Have the reasons for calling in the decision already been discussed by the Scrutiny Committee? If the reasons for calling in the decision have been discussed by the Scrutiny Committee prior to the decision being made the call-in will not be valid,
- Call-in of a decision of the Cabinet referring a matter to Full Council for consideration will not be valid,
- Call in of operational management decisions taken by officers will not be valid
- If the call in request is considered by the Chief Executive to be frivolous, vexatious or clearly outside the call-in provisions it may be deemed invalid.

Prior to deciding the validity the Director of Legal, HR, Audit & Investigations and the Head of Policy and Scrutiny may seek clarification from the members concerned.

4. THE CONDUCT OF THE CALL-IN MEETING

- 4.1 Scrutiny Committees are official committees of the council and meet in public, whether physically or virtually.
- 4.2 The purpose of a call-in meeting is for non executive members to examine and consider the decision made by the Cabinet, Cabinet Committee, or officers (in respect of key decisions) and for members of the committee to make suggestions and recommendations they consider appropriate to the decision maker. The Scrutiny Committee meeting provides an opportunity for members to seek clarification of the methodology used in enabling a decision to be made, as well as explore work undertaken by officers culminating in the matter coming before the decision maker .
- 4.3 The relevant Cabinet Portfolio Holder and chief officer (or his/her representative) will be invited to attend the scrutiny committee meeting to explain the reasons for the decision, respond to the issues raised in the call-in request and answer questions at the meeting.
- 4.4 It is the chair of the scrutiny committee’s responsibility to manage the meeting effectively by applying standing orders, maintaining good discipline and fostering a culture of respect. All contributions to the meeting should go through the chair and the chair should ensure that no purely personal disagreements or comments are allowed to continue.

- 4.5 To ensure that the meeting is effective the procedure at the meeting (subject to the Chair's discretion) shall be as follows:
- (a) The chair will ask a representative of the members who called in the decision to set out the reasons for the call in for up to 5 minutes. In the event that different members have identified different reasons the chair may in their discretion as more than one member to speak in which case the available time under (b) below shall be shared equally between the members.
 - (b) The chair will consider whether to permit any member of the public who has made a request to address the meeting to do so, the rules relating to members of the public addressing a meeting as set out in Standing Orders apply. Members of the public can be allowed to speak for 2 minutes. If a number of requests to speak have been received then the chair should seek to limit the number of contributions to avoid hearing the same points repeated and should seek advice from the Head of Executive and Member Services about how this should be managed.
 - (c) All of the members of the public who it has been agreed will address the meeting will be heard prior to the lead member and any relevant officers being asked to respond to the issues raised by the call-in.
 - (d) The lead member shall then be invited to respond to the issues raised in the call in.
 - (e) The chair will then invite members of the committee to question the lead member and officers and discuss the issues. Members who are not members of the committee but wish to ask a question can be invited to do so.
 - (f) Having considered the call-in invite members of the committee are required to come to one of the following conclusions:
 - That the matter should be referred back to the decision maker for reconsideration with reasons for its request and what the committee wants the decision maker to do.
 - That it does not object to the decision and the decision can be implemented.

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