



Community and Wellbeing Scrutiny Committee – Call-In Meeting

Monday 12 February 2024 at 6.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Please note this will be held as a physical meeting which all Committee members will be required to attend in person.

The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow proceedings via the live webcast is available [HERE](#).

Membership:

Members

Councillors:

Ketan Sheth (Chair)
Collymore (Vice-Chair)
Afzal
Begum
Ethapemi
Fraser
Molloy
Rajan-Seelan
Smith
Matin
Mistry

Substitute Members

Councillors:

Aden, Moghaddam, Akram, S Butt, Conneely, Long,
Miller, Mitchell and Shah

Councillors:

Kansagra and Maurice

Councillors:

Georgiou and Lorber

Co-opted Members

Alloysius Frederick, Roman Catholic Diocese Schools
Sayed Jaffar Milani, Muslim Faith Schools
Rachel Goldberg, Jewish Faith Schools
Vacancy, Church of England Faith Schools
Jane Noy, Parent Governor Representative
Vacancy, Parent Governor Representative

Observers

Brent Youth Parliament, Observer
Jenny Cooper, NEU and Special School observer
John Roche, NEU and Secondary School Observer



For further information contact: Hannah O'Brien, Governance Officer
hannah.o'brien@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 or personal interests in the items on this agenda and to specify the item(s) to which they relate.

3 Call-In: Cabinet Decision (15 January 2024) - Acquisition of a property in Wembley for the Brent Childrens' Care Home Project 1 - 18

To consider a call-in in respect of the following decision taken by Cabinet on 15 January 2024:

- Acquisition of a property in Wembley for the Brent Children's Care Home Project.

4 Exclusion of the Press and Public

The following item(s) are not for publication as they relate to the following category of exempt information set out below, as specified under Part 1 Schedule 12A of the Local Government Act 1972:

Agenda Item 3: Appendix 2b – (Appendix to the Cabinet Report) – Purchase Cost

This appendix has been classified as exempt under Paragraph 3 of Part 1 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)”**.

5 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Head of Chief Executive and Member Services or her representative before the meeting in accordance with Standing Order 60.

Date of the next meeting: Monday 4 March 2024



- Please remember to turn your mobile phone to silent during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public on a first come first serve basis. Alternatively, it will be possible to follow proceedings via the live webcast [HERE](#).

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 Brent	Community & Wellbeing Scrutiny Committee 12 February 2024
	Report from the Corporate Director of Governance
Call-in: Cabinet decision (15 January 2024) re Acquisition of a property in Wembley for the Brent Residential Childrens Care Home Project	
Wards Affected:	Barnhill
Key or Non-Key Decision:	Not applicable
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)”
List of Appendices:	Three: Appendix 1: Call-In Form Appendix 2: Report to Cabinet (15 January 24) – Acquisition of a property for Brent Childrens Care Home Project Appendix 2a: Appendix 1 Cabinet report (15 January 24) – Purchase Cost (exempt) Appendix 3: Call-In Protocol
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Amira Nassr, Head of Chief Executive & Member Services Tel: 020 8937 Email: amira.nassr@brent.gov.uk

1.0 Executive Summary

- 1.1 A decision taken by Cabinet on 15 January 2024 to approve the acquisition of a property in Wembley for the Brent Childrens Care Home Project has been called-in for consideration by the Community & Wellbeing Scrutiny Committee, in accordance with Standing Order 14.

2.0 Recommendation(s)

- 2.1 That having considered the call-in the Community & Wellbeing Scrutiny Committee agree 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 agrees to refer the original decision back to Cabinet for reconsideration, in light of any observations made during consideration of the call-in; or
 - 2.1.3 Having had regard to the advice of the Corporate Director of Governance or Corporate Director of Finance & Resources, 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 Detail

Contribution to Borough Plan Priorities & Strategic Context

- 3.1 The development of a Children's Residential home in Brent aligns with two Borough Plan outcomes, firstly Prosperity and Stability in Brent, and secondly The Best Start in Life. Enabling more children and young people to stay in the borough means they will have greater opportunities to participate in and contribute to the Brent community. They will receive local services to enable them to be fully equipped to succeed in adulthood.

Background

- 3.4 Cabinet (15 January 2024) received a report from the Corporate Director of Finance and Resources and Corporate Director of Children and Young People which, in line with the Brent Children's Residential Home Business Case that had been approved by Cabinet in May 2023, sought approval for the acquisition of a property for renovation to deliver a four bedded children's care home for young people by March 2025 which would provide four placements, three permanent and one emergency for the Council to deliver and operate a children's residential home.

Having considered the report, Cabinet agreed to approve the acquisition with the minute recording the decision as follows:

Councillor Grahl (Cabinet Member for Children, Young People and Schools) introduced the report, which set out the Council's plans to acquire a property as part of the Children's Residential Home Project.

In considering the report Cabinet noted the way in which the proposed acquisition aligned with the objectives within the Brent Children's Residential Home Business Case approved by Cabinet in May 2023. This included not only

supporting the Council in seeking to address the increasing cost of child residential placements for looked after children, with the scheme projected to save the Council approx. £290,000 on an annual basis once operational, but also in delivering the benefits associated with the additional capacity to reduce the need for out of borough placements and enabling more children and young people to receive care closer to home with access to local services and support.

*Members welcomed the way in which the insourcing of this scheme would enhance service delivery and in recognising the benefits that the proposal would bring to both young people and the Council, Cabinet **RESOLVED**:*

- (1) To approve the acquisition of the property (address detailed in the exempt appendix of the report) in Wembley HA9 with vacant possession to meet the needs of young people as outlined in the Brent Residential Home Business Case approved by Cabinet in May 2023.*
- (2) To delegate authority to the Corporate Director of Finance and Resources, in consultation with the Corporate Director of Children and Young People, to agree the terms of the purchase and acquire the property subject to financial and legal due diligence, vacant possession and contract.*
- (3) To note that the completion of the property needs to take place by the end of January 2024 in order to allow sufficient time to renovate the property within the timescales permitted in the grant agreement with the Department for Education (DfE).*

(Please note: The above minute is subject to formal approval by Cabinet on 5 February 24)

- 3.5 The Cabinet decision to approve the acquisition of the property has subsequently been called-in by five members of the Council, with details of the call-in attached as Appendix 1 to this report.
- 3.6 The Cabinet report on which the called-in decision was based has been attached at Appendix 2 to this report.
- 3.7 The procedure for dealing with the call-in and the conduct of the Scrutiny Committee meeting is attached at Appendix 3 of this report.

4.0 Stakeholder and ward member consultation and engagement

- 4.1 None specifically applicable to this report.

5.0 Financial Considerations

- 5.1 There are no direct financial considerations arising from this covering report. The financial considerations relating to the called-in decision have been detailed within the Cabinet report (attached as Appendix 2) which formed the basis of the original decision made.

6.0 Legal Considerations

6.1 There are no direct legal considerations arising from this covering report. The procedure for dealing with the call-in and options available to the Community & Wellbeing Scrutiny Committee have been set out in Appendix 3 of the report with the legal considerations relating to the called-in decision having been detailed in the Cabinet report (attached as Appendix 2 of this report) which formed the basis of the original decision made.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

7.1 There are no direct Equality, Diversity & Inclusion considerations arising from this covering report.

8.0 Climate Change and Environmental Considerations

8.1 There are no direct climate change and environmental considerations arising from this covering report.

9.0 Communication Considerations

9.1 There are no direct communication considerations arising from this covering report.

Report sign off:

Debra Norman
Corporate Director of Governance

CALL-IN FORM

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

From: Councillor Michael Maurice

Date: 22 January 2024

Decision: Acquisition of a property in Wembley for the Brent Childrens Care Home Project

- (1) To approve the acquisition of the property (address detailed in the exempt appendix of the report) in Wembley HA9 with vacant possession to meet the needs of young people as outlined in the Brent Residential Home Business Case approved by Cabinet in May 2023.
- (2) To delegate authority to the Corporate Director of Finance and Resources, in consultation with the Corporate Director of Children and Young People, to agree the terms of the purchase and acquire the property subject to financial and legal due diligence, vacant possession and contract.
- (3) To note that the completion of the property needs to take place by the end of January 2024 in order to allow sufficient time to renovate the property within the timescales permitted in the grant agreement with the Department for Education (DfE).

Date of decision: Cabinet - 15 January 2024

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	Michael Maurice	Via email
2	Suresh Kansagra	Via email
3	Kanta Mistry	Via email
4	Jayanti Patel	Via email
5	Sunita Hirani	Via email

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 (Part 5 of 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.)*

- (a) We are very concerned at the price being paid for this property which is over £1M. We feel that this is not the best use of the limited Council funds.
- (b) This area is in the Barn Hill Conservation area. It should be treated with respect.
- (c) There has been no consultation with the residents living in and around the site of the property or the Residents Association. This is preventing residents from voicing their opinions and objections. There has been absolutely no democracy or transparency in the matter, residents feel they have been railroaded into accepting any decision the Council makes.
- (d) Neither of the two local ward councillors (Cllr Robert Johnson & Cllr Kathleen Fraser) received any notification of this until immediately prior to the Cabinet meeting on 15th January.
- (e) It appears that no Planning Permission was applied for or granted. If this is the case, then what is the rationale taken as to why Planning Permission was not applied for? No statement appears to have been given.
- (f) The Council is not acting in the interests of the residents in this matter. A similar care home was opened in Barn Hill which caused untold problems for those living in the area. It was only shut down when the local MP (Barry Gardiner) intervened. The residents do not want to have to deal with a similar occurrence.

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

To refer the decision back to Cabinet for reconsideration in order to find a cheaper alternative property in a different area.

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

	<p align="center">Cabinet 15 January 2024</p>
	<p align="center">Report from the Corporate Director of Finance and Resources and Corporate Director of Children and Young People</p>
	<p align="center">Lead Member – Cabinet Member for Children, Young People & Schools (Councillor Gwen Grahl)</p>
<p>Acquisition of a property in Wembley, Middlesex for the Brent Childrens Care Home Project</p>	

Wards Affected:	Barnhill
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 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)"
List of Appendices:	One Appendix 1(exempt) Purchase Cost
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Jas Yembra, Capital Project Manager 020 8937 2379 Jas.Yembra@brent.gov.uk Michelle Gwyther. Head of Forward Planning, Performance and Partnerships 020 8937 2499 Michelle.Gwyther@brent.gov.uk

1.0 Executive Summary

- 1.1. This report sets out the recommendation to approve the acquisition of a property (address supplied in exempt appendix) in Wembley, HA9 as part of the Children's Residential Home Project.
- 1.2. The property is a detached house in the Barnhill ward, comprising of six bedrooms with two off street parking spaces and a rear lawned garden. The gross internal area is approximately 191 meters squared.
- 1.3. This report is required because the purchase price of the above property is £50,000 above the threshold for decision making by the Corporate Director of Finance and Resources.

2.0 Recommendation(s)

That Cabinet

- 2.1 Approve the acquisition of the property (as detailed in the exempt appendix) in Wembley HA9 with vacant possession to meet the needs of young people as outlined in the Brent Residential Home Business Case approved in the May 2023 Cabinet report.
- 2.2 Delegate authority to the Corporate Director of Finance and Resources, in consultation with the Corporate Director of Children and Young People, to agree the terms of the purchase and acquire the property subject to financial and legal due diligence, subject to vacant possession and subject to contract.
- 2.3 To note that the completion of the property needs to take place by the end of January 2024 in order to allow sufficient time to renovate the property within the timescales permitted in the grant agreement with the Department for Education (DfE).

3.0 Detail

3.1 Cabinet Member Foreword

- 3.1.1 The development of a Children's Residential home in Brent aligns with two Borough Plan outcomes, firstly Prosperity and Stability in Brent, and secondly The Best Start in Life. Enabling more children and young people to stay in the borough means they will have greater opportunities to participate in and contribute to the Brent community. They will receive local services to enable them to be fully equipped to succeed in adulthood.
- 3.1.2 In line with the Brent Children's Residential Home Business Case approved by Cabinet in May 2023, this report seeks approval for the acquisition of the aforementioned property for renovation to deliver a four bedded children's care home for young people by March 2025. The property will provide four

placements, three permanent and one emergency for the Council to deliver and operate a children's residential home.

3.2 Background

3.2.1 Cabinet approved the Brent Children's Residential Home Business Case in May 2023. The report detailed the needs and objectives for delivering a Children's residential home within the borough.

3.2.2 In summary the project will deliver a four-bed residential step-down home within Brent for looked after adolescents with social, emotional and behavioural needs. It will provide three bedrooms for a step-down provision to prepare young people who are in residential settings away from the borough for a move into a local fostering placement, supported accommodation (if 16+) or to return home. The remaining one bedroom will be allocated for emergency placements to enable a short-term response for young people in crisis.

3.2.3 The Council has sourced a six bedroom residential property within the borough which will be re-modelled. Four of these bedrooms will be for young people and the remaining two bedrooms will provide a staff bedroom(s) and office facilities.

3.2.4 Officers considered several properties across the borough and this property is considered to be the best fit in delivering the objectives agreed within the business plan.

4.0 Stakeholder and ward member consultation and engagement

4.1 The Cabinet Member for Children, Young People and Schools has been kept informed of developments in relation to the sourcing and proposed purchase of the property.

4.2 Officers are in the process of finalising a communications strategy for the purchase, development and opening of the residential home. This will include actions to inform ward members, local residents and other relevant, interested parties as to the development of the children's residential home.

5.0 Financial Considerations

5.1 The purchase cost (shown in Appendix 1 which has been classified as exempt from publication) will be funded by a combination of DfE grant funding and borrowing.

5.2 The project budget is £2.2m, £1.1m funding from the DfE and £1.1m from the Council, and the Council will fund its 50% contribution from borrowing. The borrowing costs for this have been included in the running costs for the children's home as detailed in the business case approved by Cabinet in May 2023.

5.3 The Council has identified and negotiated the acquisition of the property subject to this approval. The property sale price is identified to be at the appropriate

market value for a property of its type and location. Officers have negotiated to achieve the best price possible, and in doing so have ensured the agreed purchase price represents value for money.

- 5.4 The acquisition of the property will help reduce the cost of out of borough placements as outlined in the aforementioned business case.
- 5.5 Acquisition of land and building by non-profit and profit registered providers is exempt from Stamp Duty Land Tax (SDLT) where the purchase is funded with the assistance of a public subsidy. On that basis, it is to be further explored whether this transaction qualifies for SDLT relief.
- 5.6 The capital cost to deliver the children's residential home includes the property purchase, renovation and furnishing etc. as detailed within Table 1 of Appendix 1. These costs will be contained within the available budget envelope as detailed in paragraph 5.2 above.

6.0 Legal Considerations

- 6.1 A children's residential care home run by Brent Council directly supports the LA in delivering a range of statutory duties as laid down the Children Act 1989, the Children Act 2004, the Children Leaving Care Act 2000 and the Children and Social Work Act 2017.
- 6.2 Section 120 of the Local Government Act 1972 provides that for the purposes of (a) any of the Council's functions under this or any other enactment or (b) the benefit, improvement or the development of the Council's area, the Council may acquire any land whether situated inside or outside its area.
- 6.3 Legal Services will be required to undertake the necessary legal due diligence including examining search results and the title for the property. Enquiries before contract will be raised and the purchase will be subject to satisfactory results of the searches, a good and marketable title and a satisfactory survey and valuation result.
- 6.4 The restrictions placed upon such acquisitions or disposals are set out in paragraphs 11.2, 11.3 of the constitution. The Corporate Director, Finance and Resources or the Director of Property and Assets shall refer all other acquisitions and disposals including matters where the disposal or acquisition value or the length of lease are over and above the restrictions set out in paragraphs 11.2, or 11.3 of the constitution but below the amounts set out in section 13 to the Cabinet Member with delegated authority or to the Cabinet.
- 6.5. In accordance with paragraph 11.2 of the Constitution, The Corporate Director, Finance and Resources may dispose of or acquire freehold land or buildings up to a value, in his or her view, of £1m. The Corporate Director, Finance and Resources may acquire or dispose of leases, licences, and easements in respect of land or buildings except where:
 - i. the annual rental value (excluding other outgoings) exceeds £250k

- ii. if acquired or disposed of at a premium the value would, in his or her view, exceed £1m in value or
 - iii. where the leasehold term exceeds 125 years.
- 6.6. In accordance with paragraph 11.3 of the Constitution, where any disposal or acquisition of an interest in land or buildings is, in the view of the Corporate Director, Finance and Resources, of a value over £250k and below £1m, where any leasehold interest has an annual value over £100k or below £250k, or where the lease length is between 50 and 125 years, he or she shall consult with the Lead Member.
- 6.7. In accordance with paragraph 11.9 of the Constitution, in acquiring, selling or disposing of any land or buildings or granting any lease, licence or easement in respect thereof regard shall be had to any relevant Corporate Standards on property acquisitions, management and disposals.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

7.1 The Council must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment and victimisation
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

- 7.2 Under the Public Sector Equality Duty, 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.
- 7.3 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.4 There is no prescribed way the Council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary. The proposals set out in this report aim to ensure that there are sufficient and suitable residential care home placements for all Brent children and that their diverse and special educational needs are met.

8.0 Climate Change and Environmental Considerations

- 8.1 Should the Council need to undertake remedial works to the property once purchased then carbon reducing technologies and materials will be used. These could be enhancements to the property's insulation levels, energy efficient electrical fittings and low carbon heating systems.
- 8.2 Young people will also be encouraged to use green sources of travel, i.e., walk, cycle, scooter etc. Bicycle and scooter storage will be provided as part of the external landscape.

9.0 Human Resources/Property Considerations

- 9.1 The property is purchased on the open market. The Council will be the freeholder of the property.
- 9.2 Brent Council will run the residential home directly under the Children's Homes (England) Regulations, as is the case for the Ade Adepitan Short Break Centre.
- 9.3. New posts will be created to manage and run the children's residential home directly. This includes a Registered Manager, Deputy Manager and Residential Child Care Officers. These are all new posts and will not impact any existing postholders within CYP and therefore the inclusion of these posts will not be subject to any restructure requirements.

10.0 Communication Considerations

- 10.1 Focus groups with young people are planned in early 2024 to establish how they would like to engage with this project. From this activity, further sessions and events will be planned and run to ensure the voice of young people is heard in the development of the residential home. Topics will include but not be limited to what they did and did not like about residential homes they have lived in, facilities/furnishing/colour schemes and the type of support they want the home to provide to young people.

Related document(s) for reference

Brent Childrens Care Home Business Case - Cabinet Report (22 May 2023)

<https://democracy.brent.gov.uk/mglIssueHistoryHome.aspx?Ild=69546>

Report sign off:

Minesh Patel

Corporate Director Finance & Resources

Nigel Chapman

Corporate Director Children & Young People

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

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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 Corporate Director of Governance, 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 Corporate Director of Governance 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 it meets in public.

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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