

Brighton & Hove City Council

Place Overview & Scrutiny Committee - Call In Panel

Agenda Item 1

Subject: Call-in request: King Alfred Leisure Centre Regeneration Project

Date of meeting: 12 August 2024

Report of: Cabinet Member - Sports and Recreation
Cabinet Member - Finance and City Regeneration

Contact Officer: Name: Corporate Director City Services

Email: Donna.Chisholm@brighton-hove.gov.uk

Ward(s) affected: (All Wards);

Key Decision: No

For general release

1. Purpose of the report and policy context

1.1 To set out the call-in request and relevant supporting material in relation to a decision taken by Cabinet on 18 July 2024 on the King Alfred Leisure Centre Regeneration Project.

2. Recommendations

Having regard to the grounds for call-in and the information supplied in response:-

2.1 To determine that the challenge to the decision called-in should be taken no further and the decision may be implemented; or

2.2 To determine that that the decision called-in is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework and that it should therefore be referred to full Council. In such a case the Committee must set out the nature of its concern to full Council; or

2.3 To refer the decision called-in back to Cabinet for reconsideration. In such a case the Overview & Scrutiny Committee must set out the nature of its concerns for Cabinet.

3. Context and background information

3.1 Part 3C1 of the Council's Constitution (Overview and Scrutiny Procedure Rules) includes a procedure under which decisions taken by Cabinet may be

“called in” for further consideration. The “Call In” procedure has been invoked in respect of a decision taken by Cabinet on 18 July 2024 on the King Alfred Leisure Centre Regeneration Project.

- 3.2 The decision called-in is the decision made by Cabinet on 18 July 2024 in relation to the King Alfred Leisure Centre Regeneration Project. A copy of the decision report is attached as **Appendix A**. The decision notice is attached at **Appendix B**. An extract from the draft minutes of the Cabinet meeting is attached as **Appendix D**.
- 3.3 The decision has been called in by Councillors Steve Davis (Green), Ollie Sykes (Green), Kerry Pickett (Green), Chloë Goldsmith (Green), Raphael Hill (Green), Sue Shanks (Green) and Alistair McNair (Conservative). The Call-in notice setting out the grounds for call-in is attached as **Appendix C**.
- 3.4 Further information provided by the Cabinet Member – Sport and Recreation is to follow as **Appendix E**.

4. Call-in Procedure

- 4.1 Call-in is the process by which an Overview & Scrutiny Committees can recommend that a decision made (in connection with Executive functions) but not yet implemented be reconsidered by the body which originally took the decision.
- 4.2 Call-in may only be used where one of the following grounds has been given as a reason for call-in;-
 - insufficient consultation with stakeholders prior to the decision;
 - the absence of sufficient evidence on which to base a decision;
 - the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
 - the action is not proportionate to the desired outcome;
 - a potential human rights challenge, failure to consider the public sector equality duty or not in accordance with or which undermines the Council’s corporate parenting responsibilities;
 - insufficient consideration of legal and financial advice;
 - the decision was a key decision and not labelled as such.
- 4.3 An Overview & Scrutiny Committee examining a decision which has been called-in does not have the option of substituting its own decision for that of the original decision. The Overview & Scrutiny Committee may only determine whether or not to refer the matter back to the original decision making body (or, in specific circumstances, full Council) for reconsideration.
- 4.4 In accordance with the procedures for the call-in of items, the Cabinet Member for Sports & Recreation and the Cabinet Member for Finance & City Regeneration has been invited to provide information at the meeting to assist the Committee to reach its conclusions.

- 4.5 A representative of the members who have requested the call-in has also been invited to the meeting and are invited to address the meeting.

5. Community engagement and consultation

- 5.1 The Committee is referred to the original Cabinet report at Appendix A.

6. Financial implications

- 6.1 The Committee is referred to the Finance Implications set out at Section 7 of the original Cabinet report presented to Cabinet on 18th July 2024. There are no direct financial implications arising from the recommendations of this report.

Name of finance officer consulted: James Hengeveld Date: 31/07/2024

7. Legal implications

- 7.1 Call-in is a process by which Overview and Scrutiny Committees can recommend that an executive decision made but not yet implemented be reconsidered by the decision-maker. Call-in does not provide for the Overview and Scrutiny Committee to substitute its own decision. That person or body can only be asked to reconsider any particular decision once.
- 7.2 The Council's Overview & Scrutiny Procedure Rules set out that six members of the Council, including members from at least two political groups, or at least one political group plus independent members(s) are required to call in a Key Decision of the Executive, which has been taken but not implemented, citing at least one of the reasons set out at paragraph 4.2 above.

Name of lawyer consulted: Elizabeth Culbert Date consulted 31/07/24

8. Equalities implications

- 8.1 There are no direct equality implications to this report. The 18 July 2024 Cabinet decision was made with regard to the equality implications contained within the original report as set out at Appendix A.

9. Sustainability implications

- 9.1 There are no direct sustainability implications to this report. The 18 July 2024 Cabinet decision was made with regard to sustainability implications contained within the original report as set out at Appendix A.

10. Health and Wellbeing Implications:

- 10.1 There are no direct health and wellbeing implications to this report. The 18 July 2024 Cabinet decision was made with regard to health and wellbeing implications contained within the original report as set out at Appendix A.

11. Conclusion

- 11.1 The Committee are invited to consider the call-in request and the information supplied in response and to determine their response in accordance with the Overview and Scrutiny Procedure Rules.

Supporting Documentation

1. Appendices

- A. Cabinet Report Agenda Item 29 18 July 2024
- B. Cabinet 18 July 2024 Decision Record
- C. Copy of the Call-in request dated 26 July 2024
- D. Extract from draft minutes of Cabinet meeting held on 18 July 2024
- E. Further information supplied by Cabinet Member – Sport and Recreation
(To Follow)