

# Brighton & Hove City Council

## Place Overview & Scrutiny Committee-Call-In Panel

## Agenda Item 45

**Subject:** Capital Asset Strategy

**Date of meeting:** 19<sup>th</sup> May 2025

**Report of:** Chair of the Place Overview & Scrutiny Committee

**Contact Officer:** Name: Giles Rossington

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**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 24<sup>th</sup> April 2025 on the Capital Asset Strategy.

### **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 24<sup>th</sup> April 2025 on the Capital Asset Strategy.

- 3.2 The decision called-in is the decision made by Cabinet on 24<sup>th</sup> April 2025 in relation to the Capital Asset Strategy (Appendix 1). A copy of the decision report is attached as Appendix 2. An extract from the draft minutes of the Cabinet meeting is attached as Appendix 3. The decision notice is attached at Appendix 4.
- 3.3 The decision has been called in by Councillors Amanda Evans (Labour), Jackie O’Quinn (Labour), Julie Cattell (Labour), Bridget Fishleigh (Brighton & Hove Independents), Ollie Sykes (Green), Kerry Pickett (Green), Steve Davis (Green), Pete West (Green), Raphael Hill (Green), Sue Shanks (Green), Ellen Mcleay (Green), and Chloe Goldsmith (Green). The Call-in notice setting out the grounds for call-in is attached as Appendix 5.

#### **4. Call-in Procedure**

- 4.1 Call-in is the process by which an Overview & Scrutiny Committee 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 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 is invited to address the meeting.

## **5. Community engagement and consultation**

- 5.1 The Committee is referred to the original Cabinet report at Appendix 1.

## **6. Financial implications**

- 6.1 The financial implications of the Capital Asset Strategy are outlined in the original report presented to Cabinet on 24 April 2025 and appended to this report.
- 6.2 The report identifies that capital receipts are an essential component in delivering the council's Innovation & change programmes within the Medium Term Financial Plan to enable transformation of services and the delivery of savings which support greater financial resilience.
- 6.3 The demand for capital receipts to support change is higher than the current pipeline of approved receipts. Therefore delay or reduction in approved receipts could result in a shortfall to fund innovation and change during 2025/26.

Name of finance officer consulted: Haley Woollard

Date consulted: 08/05/25

## **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. The call-in request in this case has been assessed by the Council's Chief Executive and the Monitoring Officer as complying with the Overview & Scrutiny Procedure Rules.

Name of lawyer consulted: Elizabeth Culbert     Date consulted 050625

## **8. Equalities implications**

- 8.1 There are no direct equality implications to this report. The 24<sup>th</sup> April 2025 Cabinet decision was made with regard to the equality implications contained within the original report as set out at Appendix 1.

## **9. Sustainability implications**

- 9.1 There are no direct sustainability implications to this report. The 24<sup>th</sup> April 2025 Cabinet decision was made with regard to sustainability implications contained within the original report as set out at Appendix 1.

## **10. Health and Wellbeing Implications:**

- 10.1 There are no direct health and wellbeing implications to this report. The 24<sup>th</sup> April 2025 Cabinet decision was made with regard to health and wellbeing implications contained within the original report as set out at Appendix 1.

## **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**

- 1 The 24/04/25 Asset Strategy Cabinet report and its appendices**
- 2 Extract from the draft minutes of the 24/04/25 Cabinet meeting**
- 3 24/04/25 Cabinet decision record**
- 4 Call-in request**