

Brighton & Hove City Council

Place Overview & Scrutiny
Committee

Agenda Item 28

Subject: Call-in: Update report on Western Road Resurfacing Works and Red Route

Date of meeting: 6th October 2026, 5.30pm

Report of: Chair of Place Overview & Scrutiny Committee

Contact Officer: Name: Natalie Sacks-Hammond

Email: Natalie.sacks-hammond@brighton-hove.gov.uk

Ward(s) affected: Brunswick & Adelaide; Regency;

Key Decision: No

For general release

Note: Urgency

By reason of the special circumstances below, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency.

Note: Reasons for urgency

The special circumstances for non-compliance with Part 3E - Access to Information Procedure Rule 6 and Section 100B(4) of the Local Government Act 1972 (as amended) were that the matter required determination within 7 working days and it was not reasonably practicable to give five clear working days' notice. The meeting was therefore convened at shorter notice in accordance with Rule 6.2, with agenda and reports made available from the time of convening.

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 17th September 2026 on Item 57 Update Report on Western Road Resurfacing Works and Red Route

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 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.
- 3.2 The decision called-in is the decision made by Cabinet on 17th September 2026 in relation to Item 57 Update Report on Western Road Resurfacing Works and Red Route. A copy of the decision notice is attached as Appendix 9. An extract of the draft minutes of the Cabinet meeting held on 17th September 2026 is attached as Appendix 8.
- 3.3 The decision has been called in by Councillors Ollie Sykes (Green), Marina Lademacher (Green), Pete West (Green), Steve Davis (Green), Ellen McLeay (Green), Bruno De Oliveira (Green), Chloe Goldsmith (Green), Alistair McNair (Conservative), Anne Meadows (Conservative), Carol Theobald (Conservative), Emma Hogan (Conservative), Ivan Lyons (Conservative), Mark Earthey (Brighton & Hove Independent Party) and Sameer Bagaeen (Independent). The Call-in notice setting out the grounds for call-in is attached as Appendix 10.

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; 8
 - 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, a member of Cabinet Member 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 report sets out the call in process. As such there are no direct financial implications to this report.
- 6.2 The Committee is referred to the original Cabinet report at Appendix 1

Name of finance officer consulted: Craig Garoghan Date consulted
(dd/mm/yy): 29/09/2026

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.
- 7.3 The legal implications of the substantive decision are as indicated in the report appended.

Name of lawyer consulted: Katie Kam Date consulted (29/09/2026):

8. Risk implications

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

9. Equalities implications

- 9.1 There are no direct equality implications to this report. The Committee is referred to the original Cabinet report at Appendix 1.

10. Sustainability implications

- 10.1 There are no direct sustainability implications to this report. The Committee is referred to the original Cabinet report at Appendix 1.

11. Health and Wellbeing Implications:

- 11.1 There are no direct health and wellbeing implications to this report. The Committee is referred to the original Cabinet report at Appendix 1.

12. Conclusion

- 12.1 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. 17th September 2026 Cabinet report on Item 57 Update report on Western Road Resurfacing Works and Red Route and it's appendices
2. 17th September 2026 Cabinet decision record
3. Extract from the draft minutes of the 17th September 2026 Cabinet meeting
4. Call-in request