

<b>Title of Report</b>	Call-in of Executive Key Decision CE S283 - School Sufficiency and Estate Strategy
<b>For Consideration By</b>	Scrutiny Panel
<b>Meeting Date</b>	9 January 2024
<b>Classification</b>	Open
<b><u>Ward(s) Affected</u></b>	Dalston and Hackney Downs
<b>Report of</b>	Monitoring Officer

## **1. Introduction**

- 1.1. This report concerns a call-in received in respect of an executive key decision - CE S283 Schools Sufficiency and Estates Strategy - taken by Cabinet on 11 December 2023.
- 1.2. The purpose of this report is to advise the Scrutiny Panel of the original decision and the reasons for the call-in such that the Panel can determine the call-in. The report refers to the relevant provisions of the Council's Constitution as regards call-ins where relevant.

## **2. Recommendations**

- 2.1. **To consider the call-in request received from Councillors Garbett, Binnie-Lubbock, Steinberger, Lisser and Adebayo and determine the outcome.**

## **3. Background**

- 3.1. On 11 December 2023, Cabinet considered a report in respect of Key Decision CE S283 - School Sufficiency and Estate Strategy. Cabinet resolved.
  - 3.1.1. To close (discontinue) De Beauvoir Primary School from September 2024
  - 3.1.2. To close (discontinue) Randal Cremer Primary School from September 2024.

- 3.1.3. To close (discontinue) Colvestone Primary School from September 2024, guaranteeing all children a place at Princess May Primary School if they want it.
- 3.1.4. To close (discontinue) Baden Powell Primary School from September 2024, guaranteeing all children a place at Nightingale Primary School if they want it.
- 3.1.5. To increase the published admission number of Nightingale Primary School by adding an additional form of entry to all year groups. This proposal was related to resolution 3.1.4 referred to above

A copy of the report presented to Cabinet, with its associated appendices, appears at **Appendix 1** to this report. A copy of the supplementary report presented to Cabinet, with its associated appendices appears at **Appendix 2** to this report.

- 3.2. On 18 December 2023, a request for a call-in was received from Councillors Garbett, Binnie-Lubbock, Steinberger, Lisser and Adebayo. The call-in concerns part of the decision made by Cabinet, namely:

- 3.2.1. Close (discontinue) Colvestone Primary School from September 2024, guaranteeing all children a place at Princess May Primary School if they want it.
- 3.2.2. Close (discontinue) Baden Powell Primary School from September 2024, guaranteeing all children a place at Nightingale Primary School if they want it.

- 3.3. The grounds for the call in are as follows:

- 3.3.1. The decision-maker did not make the decision in accordance with the following principles of decision-making:
  - (a) Due consultation and the taking of professional advice from officers;
  - (b) Clarity of aims and desired outcomes; and
  - (c) Consideration and evaluation of alternatives and reasons for decision.
- 3.3.2. The decision-maker failed to consider relevant evidence when making the decision.
- 3.3.3. The decision would not be in the interests of the borough's residents and a preferable alternative decision could be adopted.

Details of the reasons can be found in the call-in request form completed by the Councillors which appears at **Appendix 3** to this report.

- 3.4. The call-in has been considered against the Call-In Procedure Rules as set out in Part Four, Section E of the Council's Constitution and the Monitoring Officer has determined that the call-in is valid.
- 3.5. In accordance with Rule 5.1, the Elected Mayor and Cabinet were notified of the valid call-in on 19 December 2023.
- 3.6. The Call-In Procedure Rules (rule 5.2) prescribe that once a valid call-in request has been received, then the item is placed on the agenda for the next meeting of the Scrutiny Panel unless there is no meeting scheduled within 10 working days of the date of the valid call-in. In the latter case, a special meeting of the Panel must be convened "*as soon as reasonably practicable, taking into account the existing calendar of Council meetings*". As the next scheduled meeting of the Scrutiny Panel is outside the 10 working day period from the date of the valid call-in (19 December 2023), a special meeting has been convened.
- 3.7. Rule 5.4 of the Call-In Procedure Rules provides that the Scrutiny Panel will hear from the lead requestor and Councillor Garbett has indicated that she would wish to appear before the Scrutiny Panel as the lead requestor in this call-in. The Panel must also hear from the relevant Cabinet Councillor, who in this case is Deputy Mayor Bramble. The Rule also provides that other persons may be heard at the meeting at the discretion of the Chair of the Panel.
- 3.8. Having considered the call-in, the Scrutiny Panel has the following options:
  - 3.8.1. Uphold the original decision: in this case the decision stands and can be implemented.
  - 3.8.2. Uphold the call in and refer the matter to Cabinet, as the original decision-maker, for reconsideration.
  - 3.8.3. Uphold the call in and refer the matter to Full Council.

A fourth option is not relevant to this call-in because that deals with referring the matter to Cabinet where the original decision was an officer delegated decision. As the original decision was not taken by an officer under delegation, this is not an option.

- 3.9. In the case of option 3.8.3, the Scrutiny Panel may only refer the matter to Full Council if the Panel concludes that the decision was contrary to the Council's adopted policy framework or contrary to the Council's approved budget. Such a referral to Full Council would be accompanied by a report from the Monitoring Officer and the s151 Officer with their findings as to whether the decision was contrary to the adopted policy framework and Council's approved budget respectively. In this instance, it is important to note that the Councillors calling-in the decision have not asserted that the

decision is contrary either to the Council's adopted policy framework or the Council's approved budget.

- 3.10. In coming to any conclusion, the Scrutiny Panel should ensure that the reasons for its determination are appropriately recorded.
- 3.11. Pending the outcome of the call-in, the decisions in relation to Colvestone Primary School and Baden Powell Primary School are suspended. In the event that the call-in is upheld and referred to either Cabinet or Full Council, the decision will remain suspended until those bodies have met to consider the matter.
- 3.12. A decision may not be the subject of a call-in for a second time following consideration of a referral by the Panel either to Cabinet or Full Council.

#### **4. Comments of the Group Director of Finance and Corporate Resources**

- 4.1. The financial implications of the decision of Cabinet are as set out in the report of 11th December 2023 included as Appendix 1.

#### **5. Comments of the Acting Director of Legal, Democratic and Electoral Services**

- 5.1. Save as detailed in the report, there are no direct legal implications arising from the call-in.
- 5.2. The legal implications of the decision of Cabinet are as set out in the Cabinet Report of 11 December 2023 included as Appendix 1.

#### **Appendices**

Appendix 1 - Report presented to Cabinet Meeting on 11 December 2023, including all the appendices to that report

Appendix 2 - Supplemental report presented to Cabinet Meeting on 11 December 2023, including all the appendices to that report

Appendix 3 - Executive decision Call-in request form in relation to Key Decision CE S283 School Sufficiency and Estate Strategy

#### **Exempt Appendix**

Appendix C to the Supplementary Cabinet Report for 11 December 2023 is an exempt appendix on by virtue of Paragraphs 1 and 2, Part 1 of schedule 12A of the Local Government Act 1972 because it contains information relating to any individual and information which is likely to reveal the identity of an individual and it is considered that the public interest in maintaining the

exemption outweighs the public interest in disclosing the information.

**Background documents**

None

<b>Report Author</b>	Louise Humphreys Acting Director of Legal, Democratic & Electoral Services & Monitoring Officer <a href="mailto:louise.humphreys@hackney.gov.uk">louise.humphreys@hackney.gov.uk</a>
<b>Comments for the Group Director of Finance and Corporate Resources prepared by</b>	Jackie Moylan Group Director Finance <a href="mailto:jackie.moylan@hackney.gov.uk">jackie.moylan@hackney.gov.uk</a>
<b>Comments for the Director of Legal, Democratic and Electoral Services prepared by</b>	Louise Humphreys Acting Director of Legal, Democratic & Electoral Services <a href="mailto:louise.humphreys@hackney.gov.uk">louise.humphreys@hackney.gov.uk</a>