

Scrutiny Panel 9th January 2024 Item 4 – Call-in of Executive Key Decision	Item No 4
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OUTLINE

A key element of the scrutiny function is to consider the call-in of a decision of the Executive. A call-in was requested on 18th December 2023, by Councillor Zoë Garbett and supported by four other Councillors. Councillor Alastair Binnie-Lubbock, Councillor Simche Steinberger, Councillor Hershy Lisser and Councillor Grace Adebayo.

The call-in relates to the Executive Key Decision taken by Cabinet 11th December 2023 on Key Decision CE S283 - Schools Sufficiency and Estate Strategy.

The basis of the call-in is that:

- The decision maker did not make the decision in accordance with the principles of decision making, namely **(as set out in Council's constitution under [Part 4 Section E 1.2 \(a\)](#))**.
 - proportionality (i.e. the action must be proportionate to the desired outcome).
 - due consultation and the taking of professional advice from officers.
 - respect for human rights.
 - a presumption in favour of openness.
 - clarity of aims and desired outcomes.
 - relevant matters have been ignored.
 - consideration and evaluation of alternatives and reasons for decisions.
 - due regard to the statutory framework, guidance and Codes of Conduct.
- in making its decision Cabinet failed to consider relevant evidence **(as set out in [Part 4 Section E 1.2 \(d\)](#))**.
- that the decision taken was not in the interests of the Borough's residents and a preferable alternative decision could be adopted **(as set out in [Part 4 Section E 1.2 \(e\)](#))**.

Reports attached for this item

- **Monitoring Officer's Report** in respect of the Call-in of Cabinet 11th December 2023 Key Decision on CE S283 - Schools Sufficiency and Estate Strategy.
- **Executive Decision Call In Request Form**
- **Cabinet Decision Document**
- **Appendix 1** – Cabinet Report Education Sufficiency and Estate Strategy - falling rolls
 - Appendix A – Letter to Secretary of State DfE
 - Appendix B – Equality Impact Assessment
 - Appendix C – Demand for Reception Place
 - Appendix D – Community Queries and Feedback March – May
 - Appendix E – May 2023 Cabinet Paper
 - Appendix F – September 2023 Cabinet Report
 - Appendix G – Kwest Report Consultation Findings Sept Cab Decision
 - Appendix H – Proposal to Discontinue Randal Cremer Primary School
 - Appendix I – Proposal to Discontinue De Beauvoir Primary School
 - Appendix J – Proposal to Discontinue Baden Powell Primary School
 - Appendix K – Proposal to Discontinue Colvestone Primary School
 - Appendix L - Proposal to increase Nightingale Primary School
 - Appendix M – Kwest Report Statutory Notice Consultation Findings
 - Appendix N – Nearby School and Vacancies SES November 2023
 - Appendix O – Year R Map
 - Appendix P – Year 1 Map
 - Appendix Q – Year 2 Map
 - Appendix R – Year 3 Map
 - Appendix S – Year 4 Map
 - Appendix T – Year 5 Map
 - Appendix U – Financial Considerations
 - Appendix V – Colvestone JR PAP of 11.9.2023
 - Appendix W – Response to PAP of 25.09.23
 - Appendix X – School Organisation Plan (SOP)
 - Appendix Y – Education Sufficiency and Estate Strategy
- **Appendix 2** - Supplement to the Education Sufficiency and Estate Strategy Falling Rolls
 - Appendix A – Anonymised Response
 - Appendix B – Save Colvestone Submission
- **Appendix 3** – Call-In Procedure Rules from the Constitution

London Borough of Hackney

Invited for attendance for this item:

- **Deputy Mayor Anntoinette Bramble**, Deputy Mayor and Cabinet Member for Education, Young People and Children's Social Care
- **Cllr Zoë Garbett**, Dalston Ward Councillor
- **Helen Woodland**, Group Director Adults, Health and Integration
- **Paul Senior**, Interim Director for Education and Inclusion
- **David Court**, Interim Assistant Director, School Estate Strategy.

Also invited for this item:

- **Mayor Caroline Woodley**
- **Cllr Chris Kennedy**, Cabinet member for health, adult social care, voluntary sector and culture
- **Cllr Nicholson**, Deputy Mayor and Cabinet Member for delivery, inclusive economy & regeneration
- **Cllr Rob Chapman**, Cabinet member for finance, insourcing and customer service
- **Cllr Mete Coban**, Cabinet member for climate change, environment and transport
- **Calle Carole Williams**, Cabinet member for employment, human Resources and equalities
- **Cllr Clayeon McKenzie**, Cabinet member for housing services and resident participation
- **Cllr Susan Fajana-Thomas**, Cabinet member for community safety and regulatory services
- **Cllr Sade Etti**, Deputy cabinet member for housing needs and homelessness
- **Cllr Sem Moema**, Deputy cabinet member for private rented sector and housing affordability
- **Cllr Grace Adebayo**
- **Cllr Alastair Binnie-Lubbock**
- **Cllr Simche Steinberger**
- **Cllr Hershy Lisser**.

ACTION

In terms of options for Scrutiny Panel when they consider the call-in, they can:

- a) uphold the decision of Cabinet, in which case those elements of the decision could be implemented the following day;
- b) uphold the call in any refer the matter back to Cabinet for reconsideration in which case the implementation of those elements of the decision remains suspended until Cabinet reconsider the matter; or
- c) uphold the call in and refer the matter to Full Council if the Panel concludes that the decision was contrary to the Council's Policy and Budget Framework in which case the implementation of those elements of the decision would again remain suspended.

The fourth available option under the Procedure Rules would not apply as the 'called-in' decision was not an officer delegated decision.