

# OVERVIEW AND SCRUTINY COMMITTEE

13 AUGUST 2024

## Receipt of a 'Call-In' – Maidstone House and the Link Decarbonisation

| Timetable                       |                |
|---------------------------------|----------------|
| <i>Meeting</i>                  | <i>Date</i>    |
| Overview and Scrutiny Committee | 13 August 2024 |
| Cabinet (if applicable)         | 14 August 2024 |

|                                       |  |
|---------------------------------------|--|
| <b>Will this be a Key Decision?</b>   | No   |
| <b>Urgency</b>                        | Not Applicable   |
| <b>Final Decision-Maker</b>           | Cabinet  |
| <b>Lead Director</b>                  | Angela Woodhouse, Director of Strategy, Insight & Governance |
| <b>Lead Officer and Report Author</b> | Cassie Beckley, Democratic Services Officer                  |
| <b>Classification</b>                 | Public   |
| <b>Wards affected</b>                 | High Street  |

### Executive Summary

This report outlines how the call-in received will be facilitated at the meeting, in accordance with the requirements of the Constitution and best practice.

### Purpose of Report

Decision

### This report makes the following recommendations to the Committee: That

1. The call-in received at Appendix 1 to the report be considered against the Cabinet's decision as outlined in paragraph 2.1; and
2. A decision be made from options 1-3 as outlined in section 3.

# Receipt of a 'Call-In' – Maidstone House and the Link Decarbonisation

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue  | Implications   | Sign-off   |
|--|--|--|
| <p><b>Impact on Corporate Priorities</b></p> | <p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>We do not expect this report's recommendation to materially affect achievement of corporate priorities.</p> <p>The impact on corporate priorities in relation to the decision being called-in can be found in Appendix 3 to the report.</p> | <p>Democratic and Electoral Services Manager</p> |
| <p><b>Cross Cutting Objectives</b></p>       | <p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The impact on corporate priorities in relation to the decision being called-in can be found in Appendix 3 to the report.</p>  | <p>Democratic and Electoral Services Manager</p> |
| <p><b>Risk Management</b></p>                | <p>No impact identified for the purposes of this report. The risk associated with the decision being called-in can be found in Appendix 3 to the report.</p>   | <p>Democratic and Electoral Services Manager</p> |
| <p><b>Financial</b></p>                      | <p>The financial implications of the decision being called-in can be found in Appendix 3 to the report.</p>  | <p>Democratic and Electoral Services Manager</p> |

|                               |  |   |
|-------------------------------|--|---|
| <b>Staffing</b>               | <p>The call-in will be facilitated with the support of the Democratic Services Team.</p> <p>The staffing implications of the decision being called-in can be found in Appendix 3 to the report.</p>  | Democratic and Electoral Services Manager |
| <b>Legal</b>                  | <p>The Local Government Act Section 9(F) as amended by the Localism Act 2011, requires that where a Local Authority operates under an Executive Governance System there must be at least one Overview and Scrutiny Committee that is able to:</p> <ul style="list-style-type: none"> <li>• 'Review or scrutinise decisions made' and</li> <li>• Make 'reports or recommendations' to the Executive on the discharge of executive functions (LGA 2000, Section 9F (1-2))</li> </ul> <p>Therefore, the call-in and review of the decision made by the Cabinet Member and any alternative recommendations produced as a result, is within the Committee's statutory powers.</p> <p>The legal implications of the decision is set out in the appendices.</p> | Deputy Head of Legal Partnership          |
| <b>Information Governance</b> | No impact identified from this report. Any information governance implications arising from the decision being called-in can be found in Appendix 3 to the report.   | Democratic and Electoral Services Manager |
| <b>Equalities</b>             | No impact identified from this report. Any equalities implications arising from the decision being called-in can be found in Appendix 3 to the report.   | Democratic and Electoral Services Manager |
| <b>Public Health</b>          | No impact identified from this report. Any effects on public health arising from the decision being called-in can be found in Appendix 3 to the report.  | Democratic and Electoral Services Manager |

|  |   |   |
|--|---|---|
| <b>Crime and Disorder</b>              | No impact identified from this report. Any crime and disorder governance implications arising from the decision being called-in can be found in Appendix 3 to the report. | Democratic and Electoral Services Manager |
| <b>Procurement</b>                     | No impact identified from this report. Any procurement implications arising from the decision being called-in can be found in Appendix 3 to the report.                   | Democratic and Electoral Services Manager |
| <b>Biodiversity and Climate Change</b> | Any biodiversity and climate change implications arising from the decision being called-in can be found in Appendix 3 to the report.                                      | Democratic and Electoral Services Manager |

## 2. INTRODUCTION AND BACKGROUND

2.1 On the 26 July 2024, the Cabinet made the following decision: That

1. Capital expenditure of £5.85 million for the decarbonisation project, comprising Salix grant funding of £3.13 million and a Council contribution of £2.72 million be approved;
2. £300,000 to complete 4th floor refit works, funded by the South East Local Enterprise Partnership be approved;
3. Further reports be received as the project progresses; and
4. The Director of Finance, Resources and Business Improvement be delegated authority to select and appoint contractors for applicable services as necessary.

2.2 The Record of Decision was published on 26 July 2024, with the call-in period set to expire on the 2 August 2024; during this time one call-in request was received. This is attached at Appendix 1 to the report.

For information, the only constitutional requirements that must be met in submitting a call-in request are as follows:

*'Such a request must be made in writing and must state the reason the call-in is believed to be necessary, and the desired outcome of the decision's review' (Part C2, Rule 13.4, 13.4.3 (b)).*

The Constitution also states that:

*'At the meeting, the Members calling in the decision should make themselves available for questioning and will be able to take part in the debate as non-voting Members of the Committee if they are not a Member of the Committee' (Part C2, Rule 13.4, 13.4.4).*

2.3 The options available to the Committee in reviewing the decision made are outlined below, with a table underneath demonstrating the resulting actions from each option.

- a) Agree that no further action is required; OR
- b) Recommend an alternative decision for consideration by the Cabinet; OR
- c) Recommend that the decision be reviewed by Full Council.

| <b>OSC Options</b>  | <b>Next Steps</b>  | <b>Decision Implementation</b>  |
|---|--|---|
| Review original decision made and agree that no further action is required. | No further action required.  | Cabinet Informed.<br><br>Decision to be implemented straight after the Overview and Scrutiny Meeting. |
| Recommend an alternative decision to the Cabinet Member.                    | Cabinet to consider alternative decision.<br><br>Either the original decision remains, or an amended decision is issued.   | Decision implemented straight after the Cabinet re-consideration.<br><br>(Decision is final)          |
| Recommend that the decision be reviewed by Full Council.                    | Council review the decision and either agree with the original decision or recommend an alternative decision.<br><br>Cabinet to consider alternative decision; either the original decision remains, or an amended decision is issued. | Decision implemented after the Cabinet re-consideration.<br><br>(Decision is final)                   |

2.4 The information relating to the Cabinet decision has been included within the appendices to this report.

### **3. AVAILABLE OPTIONS**

#### **3.1 Option 1 – Agree that no further action is required.**

In this instance, the Cabinet will be formally informed with the original decision to be implemented immediately following the Overview and Scrutiny Committee Meeting.

### **3.2 Option 2 – Recommend an alternative decision to the Cabinet.**

In this instance, the Cabinet will receive formal notification of the Committee’s recommendations. The Committee must include the nature of its concerns to supplement the alternative decision.

The Cabinet will consider the recommendations made by the Committee and either the original decision or an amended decision will be issued as a result. Once this has taken place, the decision reached is final and will not be subject to call-in.

### **3.3 Option 3 – Recommend that the decision be reviewed by Full Council.**

In this instance, the Committee would refer the decision to the full Council. The Council would then be able to:

- a) Agree that no further action is required; OR
- b) Recommend an alternative decision for consideration by the Executive;

However, similarly to the Overview and Scrutiny Committee, the Council can only advise the Cabinet on which course of action to take. As the original decision made relates to an executive function (Infrastructure Provision), the Cabinet is the final decision-maker.

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## **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 There is no preferred option from an Officer perspective, as this report aims to support the Committee in reviewing the Cabinet Member decision submitted for Call-In.

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## **5. RISK**

- 5.1 This report is presented for information only and has no risk management implications.

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## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 This Committee has not previously considered the matter. In accordance with the Council’s governance arrangements, the Climate Transition, Corporate and Environmental Services Policy Advisory Committee (CTCES PAC) conducted the pre-decision scrutiny on the item on 8 July 2024 before the Cabinet made the decision.
  - 6.2 The relevant papers for the CTCES PAC agenda can be accessed using the link at Section 9 of the report.
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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Given the number of options available, the next steps depend on the option chosen by the Committee. See section 3 for the resulting actions for each option.
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## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Call-In Request
  - Appendix 2: Record of Decision (Cabinet)
  - Appendix 3: Report and Appendix as contained within the agenda for the 24 July 2024 Cabinet meeting
  - Appendix 4: Excerpt (draft) of the Minutes of the CTCES PAC
  - Appendix 5: Additional Information
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## **9. BACKGROUND PAPERS**

Agenda Papers for the CTCES PAC held on 8 July 2024:  
[Agendas and meetings - Maidstone Borough Council](#)