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| REPORT TO: | Scrutiny and Overview Committee 9 November 2015 |
| AGENDA ITEM: | 5 |
| SUBJECT: | CALL-IN: College Green Cultural and Educational Quarter |
| LEAD OFFICER: | Julie Belvir Council Solicitor and Monitoring Officer, Director of Democratic & Legal Services |
| CABINET MEMBER: | Councillor Alison Butler, Deputy Leader (Statutory) and Cabinet Member for Homes, Regeneration and Planning Councillor Timothy Godfrey, Cabinet Member for Culture, Leisure and Sport |

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| ORIGIN OF ITEM: | This item has been triggered by the call in of the Cabinet's decision of 20 October 2015 on College Green Cultural and Educational Quarter by 14 members of the Council. |
| BRIEF FOR THE COMMITTEE: | To consider and respond to the Call-In in accordance with the procedure set out in the Council's constitution (set out in paragraph 2.3 below). |

1. Executive Summary

The decisions taken by Cabinet on 20 October 2015 on College Green Cultural and Educational Quarter have been called in by 14 Members of the Council]. Attached is the original report to Cabinet and this report details the decisions of Cabinet, the reasons given for the call-in and the relevant procedures for call-ins in the Council's constitution.

2. Call-In – College Green Cultural and Educational Quarter

2.1 Report to Cabinet

The Cabinet considered a report(in Part A and Part B) by Councillor Alison Butler, Deputy Leader (Statutory) and Cabinet Member for Homes, Regeneration and Planning, Councillor Timothy Godfrey, Cabinet Member for Culture, Leisure and Sport and Jo Negrini, Director of Place on College Green

Cultural and Educational Quarter] at its meeting on 20 October 2015. The Part A Cabinet report is attached as Appendix 1 and the Part B Cabinet Report is in Part B of this agenda.

The Cabinet, having given consideration to the report, agreed the recommendations and the decision is recorded in both Part A and Part B of the Executive decision Notices. The part A decision notice stated

The Cabinet RESOLVED to:

1.1 Note progress on the Fair Field regeneration scheme

1.2 Agree for the inclusion of a new, purpose built facility for Croydon College at Barclay Road Annexe within the scheme, subject to planning approval and the completion of the necessary legal documentation.

1.3 Agree for the inclusion of a redevelopment of the remainder of the Croydon College land interests within the scheme, subject to planning approval and the completion of the necessary legal documentation.

1.4 Agree to the principle of the redevelopment scheme for Fairfield Halls as outlined in section 4 of the report, subject to planning approval.

1.5 Agree that the Fairfield Halls be closed for the duration of the redevelopment project in order to avoid additional development costs and associated risks.

1.6 Agree that the Executive Director for Place and Assistant Chief Executive, Corporate Resources and Section 151 Officer, in consultation with the Cabinet member for Homes, Regeneration and Planning and the Cabinet Member for Finance and Treasury:

i) Be given delegated authority to conclude and agree the variations to the existing multi-disciplinary consultant's contract (Contract no. 427/2014D&E) necessary to implement the decisions in 1.2 and 1.3 above

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ii) Be given delegated authority to take such decisions as are necessary, including entering into any relevant commercial agreements, to progress the vision for the integrated College Green and Fairfield Halls development as outlined in this report. Where progression of these proposals will entail entering into contracts, including those relating to the acquisition or disposal of land, these will be approved in accordance with the Council's Tenders and Contracts Regulations and section 123 of the Local Government Act 1972 or 233 of the Town and Country Planning Act 1990 as appropriate.

iii) Be given delegated authority to take any steps necessary, subject to a satisfactory planning consent, public advertisement and the consideration of any objections, to appropriate any parcels of land required to implement the proposals outlined in this report, pursuant to the Council's powers under section 122 of the Local Government Act 1972

2.2 Call-In

The call in proforma is attached at appendix 2. Cabinet's decision was called in on 25 October 2015 by 14 MEMBERS OF THE COUNCIL, namely, Councillors: Bashford, Bird, Buttinger, Cummings, Gatland, Hale, Hollands, D Mead, M Mead, Neale, O'Connell, Winborn, and Wright.

The reasons stated for the Call-In were that:

1. The current recommendation closes the Fairfield for 2 ½ years which is inconsistent to the most effective financial functioning of the Fairfield Halls and Council.

2. We require a risk assessment to be undertaken that looks at the threat to the market share and brand of Fairfield and how long it would take Fairfield to recover from closure in line with the council's current cultural statements.

The alternative decision proposed by the signatories is that:

Rescind the decision and reconsider the scheme to allow the Fairfield Halls to operate during the refurbishment to ensure Croydon has the benefit of its prime cultural venue.

The signatories have suggested that the following information is required to assist the Scrutiny and Overview Committee to consider the referral:

A copy of the Mott McDonald Report referred to at Cabinet

2.3 Call-In Procedures

The Council's constitution states:

- 11.09 At the meeting, the referral will be considered by the Committee which shall determine how much time it will give to the call-in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to the Cabinet for reconsideration, setting out in writing the nature of the concerns. The Cabinet shall then reconsider the decision, amending the decision or not, before making a final decision.
- 11.10 The Scrutiny and Overview Committee may refer the decision to the Council if it considers that the decision taken by the Leader or Cabinet is outside the Budget and Policy Framework of the Council. The Council may decide to take no further action in which case the decision may be implemented. If the Council objects to Cabinet's decision it can nullify the decision if it is outside the Policy Framework and/or inconsistent with the Budget.
- 11.11 If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.
- 11.12 If the Council determines that the decision was within the Policy Framework and consistent with the Budget, it will refer any decision to which it objects, together with its views on the decision, to the Cabinet. The Cabinet shall choose whether to either, amend, withdraw or implement the original decision within 10 working days, or at the next meeting of the Cabinet after the referral from the Council.
- 11.13 The responses of the decision-taker and the Council shall be notified to all

Members of the Scrutiny and Overview Committee once the Cabinet or Council has considered the matter and made a determination.

- 11.14 If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 11.08 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.

Appendices

1. Part A Report to Cabinet 20 October 2015 on the College Green Cultural and Educational Quarter
2. Call in of Cabinet decision of 20 October 2015 relating to the College Green Cultural and Educational Quarter
3. Mott MacDonald Review of Phasing of Fairfield Halls Refurbishment Report dated 25 September 2015

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BACKGROUND DOCUMENTS:

No unpublished background documents were relied upon to a material extent in the preparation of the report.