

REPORT TO:	SCRUTINY AND OVERVIEW COMMITTEE 7 July 2016
AGENDA ITEM:	5
SUBJECT:	CALL-IN: BRICK BY BRICK CROYDON LIMITED – PROPERTY AND FINANCIAL
LEAD OFFICER:	Jacqueline Harris-Baker, Acting Borough Solicitor and Monitoring Officer
CABINET MEMBERS:	Councillor Alison Butler, Deputy Leader (Statutory) – Homes, Regeneration and Planning and Councillor Simon Hall, Finance and Treasury

ORIGIN OF ITEM:	This item has been triggered by the call-in of the decision by the Cabinet on 20 June 2016 on the Brick By Brick Croydon Limited – Property and Financial 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 decision taken on the Brick by Brick Croydon Limited – Property and Financial by the Cabinet on 20 June 2016 following the Cabinet meeting on 20 June 2016 has been called-in by 14 members of the Council.

Attached is the original report to the Cabinet (at Appendix A) and this report details the decision of the Cabinet Members, the reasons given for the call-in and the relevant procedures for call-ins in the Council’s constitution.

2. Call-In – Brick by Brick Croydon Limited – Property and Financial

2.1 Report to the Cabinet

On 20 June 2016, the Cabinet considered a report (in both Part A and Part B) by Councillor Alison Butler, Deputy Leader (Statutory) – Homes, Regeneration and Planning and Councillor Simon Hall Cabinet Member for Finance and Treasury and Richard Simpson, Assistant Chief Executive (Corporate Resources and Section 151 Officer) on the Brick by Brick Croydon Limited – Property and Financial. The report is attached as Appendix 1 of this agenda. The Cabinet, having given consideration to the report, agreed the recommendations and the decision is recorded in the Executive decision Notices.

The part A decision notice stated

*That the Cabinet **RESOLVED** to:*

- 1.1 *agree that the sites listed in Appendix A (in the Part B papers) be disposed to Brick by Brick Croydon Limited subject to satisfactory terms and conditions being reached to the satisfaction of the Assistant Chief Executive (Corporate Resources and Section 151 officer) acting in consultation with the Cabinet Members for Homes and Planning and Finance and Treasury, and that the scope of this delegation includes whether to dispose of the site by freehold or by way of long leasehold but in line with the indicative terms of proposal set out in Part B.*
- 1.2 *agree that the Council lend Brick by Brick Croydon Limited funding to progress the development of the sites and that such funding will include funding for professional services to be received by Brick by Brick, funding for construction costs ('development finance') and funding for working capital and that the Assistant Chief Executive (Corporate Resources and Section 151 officer) be given delegated authority to finalise and agree the terms of such lending acting in consultation with the Cabinet Member for Finance and Treasury.*
- 1.3 *agree that, where considered necessary by officers, and subject to the consideration of any objections by the Assistant Chief Executive (Corporate Resources and Section 151 officer) acting in consultation with the Cabinet Member for Finance and Treasury, that the sites listed in Appendix A be appropriated for planning purposes pursuant the Council's powers under section 122 of the Local Government Act 1972 and/or under section 226 of the Town and Country Planning Act or such other relevant statutory powers as may be relevant in each case, prior to their disposal to Brick by Brick.*
- 1.4 *Note the governance and monitoring processes set out in this report.*

2.2 Call-In

The call in proforma is attached at Appendix B. Cabinet's decision was called in on 27 June 2016, requested by Councillor Jan Buttinger and signed by **14 Members of the Council**, namely, Councillors: Sara Bashford, Sue Bennett, Margaret Bird, Simon Brew, Mario Creatura, Maria Gatland, Lynne Hale, Yvette Hopley, Margaret Mead, Vidhi Mohan, Steve O'Connell, Helen Pollard, Tim Pollard and Sue Winborn.

The reasons stated for the Call-In were that:

The decision was inconsistent with another Council policy

The alternative decision proposed by the signatories is that:

The full list of sites should be made public prior to Cabinet making a decision.

To allow this, the paper should be referred back to Cabinet.

The signatories made no suggestions of additional information to assist the Scrutiny and Overview Committee when considering the referral.

Officers are in a position to respond as follows:

The 29 sites which are now in the public are:

1. Regina Road
2. Hermitage Road
3. Thornloe Gardens
4. Coldharbour Road
5. Belgrave and Grovesnor Road
6. Auckland Rise & Sylvan Hill
7. Ravensdale Gardens & Rushden Close
8. Tollers Lane
9. Leighton and Albion Estate
10. 1-176 Heathfield Gardens
11. Drovers Road
12. Uvedale Crescent
13. Rear of 495 to 501 King Henrys Drive
14. Warbank Crescent
15. Chertsey Crescent Garages
16. Academy Gardens
17. Longheath Gardens
18. Tollgate/Stockbury/Former Tollgate Primary school
19. Kingsdown Road/Montpelier Road
20. Marston Way
21. Northbrook Road
22. Warminster/Avenue Road Garages
23. Rear of Malton House
24. Cheriton House
25. Homefield House
26. Kempsfield House
27. Oxford Road
28. Whitehorse Road Estate
29. Eagle Hill Garages

These sites were not included in Part A of the Cabinet paper as engagement had not yet started with local communities and stakeholders, and we wanted to ensure that those who would be impacted by the proposals were the first to know about them.

It is expected that the remainder of the sites which were listed in the Part B report will be in the public domain by late July 2016. A full list of sites which are

in the public domain by the date of the Scrutiny meeting on 7 July 2016; will be provided at the meeting.

2.3 Call-In Procedures

The Council's constitution, *Part 4E Scrutiny & Overview Procedure Rule* states:

- 11.08 The referral shall be considered at the next scheduled meeting of the Scrutiny and Overview Committee unless, in the view of the Borough Solicitor, Director of Legal and Democratic Services, this would cause undue delay. In such cases the Borough Solicitor, Director of Legal and Democratic Services will consult with the decision-taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny and Overview Committee may only consider a maximum of three referrals at any one meeting.
- 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

- A Part A Report to Cabinet on 20 June 2016 and the
- B Call in of decision by the The Cabinet relating to the Brick by Brick Croydon Limited- Property and Financial.

CONTACT OFFICER:

June Haynes
(Member Services Manager)
020 8726 6000 x 62317
june.haynes@croydon.gov.uk

BACKGROUND DOCUMENTS

None