



## Report of the Chair of the Scrutiny Programme Committee

Scrutiny Programme Committee – 11 March 2019

### Scrutiny Programme Committee Call In – 21<sup>st</sup> Century Schools Programme, New Build for Gorseinon Primary School

<b>Purpose:</b>	To consider the 21 <sup>st</sup> Century Schools Programme, New Build for Gorseinon Primary School decision in line with the Swansea Council Call In procedure.
<b>Content:</b>	Original Cabinet decision and information on the Call In procedure including background, the role of Scrutiny and next steps.
<b>Councillors are being asked to:</b>	Consider the information provided in line with the Call In procedure.
<b>Lead Councillor:</b>	Councillor Mary Jones, Chair of Scrutiny Programme Committee
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#### 1. Call In Procedure Background

- 1.1 As laid out in the Council Constitution Part 4.4 paragraph 18, where a decision is made by Cabinet, the minutes of the decision shall be published electronically and made available at the Guildhall within 2 clear working days of the decision being made by the Head of Democratic Services.
- 1.2 The Chair and Vice Chair of the Scrutiny Programme Committee shall also be sent electronic copies of the minutes of all such decisions. The minutes shall:
  - i) Bear the date on which they are published; and
  - ii) Specify that the decision will come into force and may then be implemented on the expiry of 3 clear working days (the Call In period) after the publication of the decision, unless called in pursuant to these Procedure Rules.

- 1.3 The Chair and / or Vice Chair of the Scrutiny Programme Committee or any 4 Councillors may Call In a decision by giving notice and stating the reason(s) for a Call In, in writing (preferably via e-mail) to the Head of Democratic Services within the Call In period. The Head of Democratic Services will then notify the decision taker of the Call In via e-mail.
- 1.4 The Head of Democratic Services upon consultation with the Monitoring Officer and Presiding Member may rule that a Call In is not valid if:
- a) It is not made by 23.59 on the 3rd clear working day of the publication of the decision;
  - b) The decision is exempt from Call In on account of urgency provisions as set out below and also where:
    - i) The decision being called in is the same, or broadly the same, as a previous Call In within the last six months;
    - ii) The decision has been subject to pre-decision scrutiny and there is no material change in relevant information/evidence;
    - iii) The Call In does not specify precisely which aspects of the decision is to be challenged or provides too little information.

## **2. Decision subject to Call In**

- 2.1 At Cabinet on 21<sup>st</sup> February 2019 the Cabinet Member for Education Improvement, Learning & Skills submitted a report which sought confirmation to commit to the Capital Programme of the project for the new build for Gorseinon Primary School subject to entering into a contract with Welsh Government, in accordance with Financial Procedure Rule 7.
- 2.2 It was resolved that The Capital Project be approved, subject to entering into a contract with the Welsh Government.
- 2.3 The Chair of the Scrutiny Programme Committee requested a Call In on this item on 26<sup>th</sup> February 2019 and this was subsequently agreed as valid.

## **3. Reason(s) for Call In**

- 3.1 The reasons given for Calling In the decision are as follows;

*I would like to call in Agenda Item 9 Cabinet 21st February 2019 for the following reasons*

- i) *It goes against the Corporate Plan Objective 5 approved by Council 25th October 2018 Maintaining and enhancing Swansea's Natural Resources and Biodiversity.*

*To quote a few sentences from this Well-being Objective*

*"Swansea's unique variety of habitats and species and wonderful range of PARKS and green spaces needs to be maintained, enhanced and sustainably managed for the benefit of everyone now and into the future"*

*"Reducing inequalities in health and well-being by maintaining and enhancing a high quality and accessible natural environment across the whole county and encouraging greater use of public access land such as PARKS etc".*

*This objective clearly states that we need to protect parks, green spaces and to reduce our carbon footprint Building a school in this location is going against this objective as it will add to pollution which already exists there and it will be depriving residents of part of their park and green space. The Corporate Plan was not agreed until after the school was first proposed for this site. The whole of Objective 5 can be used to support this "Call In". I have only quoted a small section of it.*

*On page 88 of the Cabinet report 21st February 2019 a number of Corporate Priorities are listed but this one is missing. Is this an error or is it because it goes against the adopted Corporate Plan. A Corporate Priority 5 is shown in the table but it is actually Priority 6 that was agreed by Council on the 25th October 2018.*

- ii) *There is a question of the increase of the tender price namely £792,926.00. The Education Cabinet Member quoted the increase was down to the Building Cost Index (BCI) of 15.579% whereas the Procurement Manager and Head of Finance confirmed that the Tender Price Index (TPI) was the standard regulated statistic. I am questioning the retender price because of the financial difference*

#### **4. Role of the Scrutiny Programme Committee**

- 4.1 Councillor Jennifer Raynor, Cabinet Member for Education Improvement, Learning & Skills and relevant officers have been invited to respond to the Call In and answer Committee members' questions.
- 4.2 The Scrutiny Programme Committee shall consider the reasons for the Call In and the decision and:
- i) If satisfied with the explanation it will so indicate to enable the decision to be implemented;
  - ii) If 'no longer concerned', but not minded to indicate that it is 'satisfied with the explanation', it is in order for the Committee to resolve that 'the explanation be accepted but not endorsed by the Committee';
  - iii) If still concerned about the decision, then it may refer it back to Cabinet or the relevant decision maker / body for reconsideration, setting out in writing the nature of its concerns. The Cabinet, decision maker / body shall then reconsider its decision before making a final decision.

## **5. Next Steps**

5.1 The Scrutiny Programme Committee is recommended to:

- Consider the Cabinet decision dated 21 February 2019 in accordance with the Call In procedure;
- Consider whether to refer the matter back to Cabinet or whether to forward any written comments or observations to Cabinet;

## **6. Legal implications**

6.1 The Scrutiny Programme Committee is being asked to consider and review the Cabinet decision and as such there are no direct legal implications.

## **7. Finance (if required)**

7.1 The Scrutiny Programme Committee is being asked to consider and review the Cabinet decision and as such there are no additional direct financial implications beyond those set out in the Cabinet report seeking that original decision.

### **Background papers:**

None

### **Appendices:**

Appendix 1: Cabinet Report - 21 February 2019

Appendix 2: Cabinet decision minute – 21 February 2019

Appendix 3: Call In Procedure and Flow Chart