

By: Joel Cook – Democratic Services Manager
To: Scrutiny Committee – 19 December 2023
Subject: Call-in of Decision 23/00101 – Kent Communities Programme

Background

1. The proposed decision was discussed at the **Children’s, Young People and Education Cabinet Committee on 21 November, 2023** prior to the key decision being taken by Cabinet on 30 November 2023.
2. Following the decision being taken, the call-in request was submitted by Dr Sullivan and Ms Hawkins, thus meeting the requirement for any call-in to be requested by two Members from different political Groups.
3. The reasons of the call-in were duly assessed by Democratic Services, including a review of the reasons given by those Members calling in the decision and an investigation into whether any issues raised in the call-in were adequately addressed by the decision paperwork, committee reports, responses to written questions or committee debate. The results of this review were considered by the Democratic Services Manager and the call-in was determined to be valid under the call-in arrangements set out in the Constitution. Call-in reasons must be clear, correct and align to one or more of the following criteria under s17.73 of the Constitution:

Members can call-in a decision for one or more of the following reasons:

- (a) The decision is not in line with the Council’s Policy Framework,
 - (b) The decision is not in accordance with the Council’s Budget,
 - (c) The decision was not taken in accordance with the principles of decision making set out in 8.5, and/or
 - (d) The decision was not taken in accordance with the arrangements set out in Section 12.
4. The reasons submitted for this call-in are set out in the attached document (a).
 5. The call-in request element determined as valid is the suggestion that it is not clear within the decision documentation to what extent and in what way due consideration has been given to whether the revised service arrangement within the updated estate map allows KCC to meet its statutory obligations in relation to Youth Service provision, specifically in relation to the Family Hub operations covered within the Kent Communities Programme decision. The call-in highlighted that new statutory guidance was issued in September 2023 and while consideration of statutory obligation is referenced in the decision documentation

but there is limited detail. It is therefore appropriate for the Scrutiny Committee to seek clarity from the Executive on this point prior to any implementation of the decision.

Statutory guidance for local authorities on services and activities to improve young people's well-being (publishing.service.gov.uk)

Process

6. As per the call-in procedure, Democratic Services must consider all call-in requests against the criteria detailed in the constitution, which are themselves based on the legal requirements under the Local Government Act 2000 to have an appropriate mechanism to allow Executive decisions to be scrutinised. In determining the validity of any call-in, no judgement is made by Democratic Services as to whether the decision itself is flawed, inappropriate or invalid. Similarly, where some individual reasons submitted for an overall valid call-in are not assessed as valid, this does not mean they merit no consideration as part of any subsequent call-in meeting.
7. The Cabinet Member and relevant Officers will be attending the Scrutiny Committee meeting to present their response to the call-in and to respond to questions.
8. The Scrutiny Committee should consider the reasons set out by the Members calling-in the decision, the documentation already available and the response from the Executive given at the meeting, giving due regard to the information made available during questioning and discussion on this item.
9. The decision papers remain available online but are republished in the agenda pack as appendices for ease of reference.

Options for the Scrutiny Committee

10. The Scrutiny Committee may:
 - a) make no comments
 - b) express comments but not require reconsideration of the decision
 - c) require implementation of the decision to be postponed pending reconsideration of the matter by the decision-maker in light of the Committee's comments; or
 - d) require implementation of the decision to be postponed pending review or scrutiny of the matter by the full Council.

Attached documents

- a) Scrutiny call-in reasons submitted by Dr Sullivan and Ms Hawkins.
- b) [23/00101 – Decision Report](#)
- c) [23/00101 – Record of Decision](#)
- d) [Appendix A. KCP Needs Framework](#)
- e) [Appendix B. Consultation Report](#)
- f) [Appendix C. Draft Responses to Consultation Feedback](#)
- g) [Appendix D. Proposed Buildings Retained and Closed by Option](#)
- h) [Appendix E. Kent Communities Programme Detailed Options Appraisal](#)
- i) [Appendix F. Kent Communities Programme Decision EqIA Pack](#)
- j) [Supplementary - Appendix F. Kent Communities Programme Decision EqIA Pack](#)
- k) [Appendix G. Breakdown of Consultation Responses by Building.](#)

Background Documents

[Children’s, Young People and Education Cabinet Committee on 21 November, 2023](#)

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