

Appendix 1

Scrutiny call-in request form

This form has been designed to elicit the required information when making a call-in request and to ensure that officers have all the information required to consider the request, and also to provide an audit trail of the process.

The overview and scrutiny committee can 'call-in' any executive decision which has been made but not yet implemented by the following:

- the cabinet,
- an individual member of the cabinet,
- a committee of the cabinet,
- an executive decision taken by an individual member,
- a key decision taken by an officer with delegated authority.

This enables the overview and scrutiny committee to consider whether the decision is appropriate. There are certain decisions which are not subject to scrutiny call-in, these are set out in paragraph 16.2 of the overview and scrutiny committee procedure rules of the constitution.

Requests for call-in should normally only be made if there is evidence that the decision maker did not take the decision in accordance with the principles of decision making as set out in Article 1.3 of the constitution. [Link](#)

A valid request for call-in must contain the requisite number of signatures (minimum of 3 members of the overview and scrutiny committee) and give reasons for the call-in. In particular the request must state whether or not the members believe that the decision is outside the [policy or budget framework](#)¹.

¹ The council's revenue and capital budget in any one year together with certain major plans and strategies as determined by the government and the council, as described in part 4 of the constitution.

Potential outcomes available to the call-in meeting

Having considered the decision and all relevant advice, the overview and scrutiny committee may either:

- a) Refer it back to the decision making person or body for reconsideration,
- b) refer the matter to council assembly if the decision is deemed to be outside the policy and budget framework,
- c) not refer the matter back to the decision making person or body but decide to undertake a subsequent scrutiny review of a policy or service issue,
- d) not refer the matter back to the decision making person or body.

In the case of c) and d) the decision shall take effect on the date of the scrutiny meeting.

Full detail of the scrutiny call-in process is set out at paragraphs 16 – 19 of the overview and scrutiny committee procedure rules of the constitution. [Link](#)

To request a call-in, please complete section 1, arrange for the form to be countersigned by at least two voting members of the overview and scrutiny committee and email to everton.roberts@southwark.gov.uk before the end of the scrutiny call-in period indicated on the decision notification issued by the constitutional team.

1. Title of decision to be called in (and decision taker)

Decision title: Abbeyfield Estate – A Way Forward

Decision taker: Cabinet

2. Have you [applicable to all councillors requesting the call-in] participated in taking the decision?

(Yes/No): No

Note: A member who participates in taking an executive decision shall not sign a call-in request on the same decision (thus avoiding any conflict of interests).

3. Does the request for call-in relate to a single recommendation in the report or the whole report?

Please specify: Recommendations 1 and 2.

The sharp increase in given costs – from £38m initial tender to £42m to £65m after PCSA - for refurbishing Maydew is likely driven by constraints on supplies, imported materials, contractor capacity, labour shortages and energy prices.

Given that viability is driving the conclusions of the report and the wide cost range likely involved in varying levels of refurbishment – ‘light touch’ to ‘deep green’ – have these cost options been presented?

Have alternative viability scenarios based on varying tenure mix across a refurbished Maydew House and the neighbouring block been presented?

Another factor affecting cost and viability assumptions concerns the structural condition surveys undertaken at Maydew. It appears that the council have received divergent professional advice from Calford Seadon and Arup. What accounts for this divergence?

Given the availability of a comparable benchmark in the form of Aragon tower and Daubeny tower at the nearby Pepys estate in Deptford (both of which refurbished in the mid-00s), it would be helpful to detail any differences in approach to building safety, costs and sale values from these schemes and Maydew. In the case of Aragon tower, this has hosted a full refurbishment with a stepped 5 storey upward extension for over 17 years.

What communications have there been with Lewisham council’s building control and Berkeley Homes regarding the conclusions from Arup’s report

on Maydew?

Excluding the non-residential Bede House element how does the cost of refurbished homes compare to other new build tenders coming in?

Given the policy of achieving a net gain in council homes when redeveloping, how does the net gain cost of new council homes compare to other options?

Given the Whole life-cycle carbon impact report shows over 8,000 tonnes of embodied carbon down associated with the demolished buildings, how would a redevelopment approach:

- i) best recycle material productively from these buildings, and
- ii) incorporate into a subsequent brief an low or negative embodied carbon, and high energy efficiency standards in a redeveloped block, while remaining economical compared to the refurbishment option.

4. Which of the principles of decision making in Article 1.3 of the constitution (listed below) has failed to be applied?

Mark all that you believe have failed to be applied and state reasons:

x	(a) The link between strategy and implementation must be maintained Reason: Strategy to build an additional 1000 new council homes. Strategy for responding to a climate emergency.
	(b) Decision making generally, whether by individual officers, individual cabinet members or the cabinet collectively, should have reference to the policy framework Reason:
	(c) Respect for human rights, law and probity Reason:
x	(d) Due consultation and the taking of professional advice from officers Reason: Due consultation not followed. What consultation took place of local residents on the decision to demolish Maydew? There is no clarity on this matter other than residents were not directly consulted on the proposal to proceed with demolition, along with other refurbishment options.

x	(e) Proportionality (i.e. the action must be proportionate to the desired outcome) Reason: Outcome is for a more economical delivery of new council homes. Further detail (as outlined above) is required for how the overly high refurbishment costings had been arrived at, which variations in refurbishment costs were considered, and which variations in tenure mix and viability assumptions were considered, how these options would likely compare to the square metre cost of new build.
x	(f) A presumption in favour of openness Reason: Transparency of pricing information that has come back from the selected contractor, including a breakdown of material costs and supplier pricing.
x	(g) Clarity of aims and desired outcomes Reason: Stated aims for low/negative embodied carbon and energy efficiency, and for net gain in new council homes.
x	h) Consideration of the likely climate consequences and the likely equality (including socio-economic disadvantage and health inequality) consequences of the relevant decision and therefore reports for decision should include advice from officers of the likely climate and equality impacts of the decision Reason: The report details a write-off of over 8,000 tonnes of embodied carbon. More information on options for productive recycling demolished material.

5. Is the decision believed to be outside the policy or budget framework

(Yes / No): Yes.

While this decision has been arrived at due to a combination of external factors – the Grenfell tower fire, subsequent shifts in building regulations on treatment of high rise residential buildings, constantly shifting assumptions on costs and values affecting the viability of the plan for Maydew, engineering reports producing divergent conclusions etc.. – the decision sits uncomfortably with commitments to delivering economical net gain of new council homes and actions to respond to the declared climate emergency.

Signatures of those members requesting the call-in of the decision:

Note: each member must insert their own name in the table below. A separate email from the member communicating this is sufficient, but should be evidenced upon submission of the form.

Councillor Leo Pollak
Councillor Sunny Lamb
Councillor Ellie Cumbo

Section 2

To be completed by Head of Scrutiny (or officer of the scrutiny team)

6. Does the request meet the Call-in Threshold?

(All must apply for threshold to be met):

(a) Three members of the committee, (including education representatives for the purpose of education decisions only), have requested a decision to be called-in.	x
(b) A member (who is also a member of the overview and scrutiny committee) and participates in taking an executive decision has not signed a call-in request on the same decision.	x
(c) Evidence that the decision maker did not take the decision in accordance with the principles of decision making as set out in Article 1.3 of the constitution has been provided.	x
(d) The requisite number of signatures has been met and reasons given for the call-in. In particular, the request must state whether the members believe that the decision is outside the policy or budget framework.	x

7. Request for call-in considered valid?

(Yes / No): Yes

Reasons:

For reasons set out in sections (e),(f) and (g) above. The call-in will enable these elements to be further explored and clarified.

In respect of (a), (d) and (h), these are not considered to be valid grounds for call-in. The report addresses these issues as far as possible in the circumstances.

Signed: Everton Roberts

Date: 16 February 2023

Note: If the call-in is considered to be valid, the scrutiny officer shall notify the decision taker and the relevant chief officer, who shall suspend implementation of the decision. The scrutiny officer shall a) refer the called-in decision to the next meeting of the overview and scrutiny committee, if that meeting is within ten clear working days of the receipt of the call-in request, or b) call an extraordinary meeting of the overview and scrutiny committee to consider the called-in decision, to take place as soon as possible and in any case within ten clear working days of the call-in request, or

c) if appropriate arrange an extraordinary meeting of the overview and scrutiny committee to consider the matter outside the normal timetable, unless in the view of the monitoring officer and/or the chief finance officer, in consultation with the relevant chief officer, the matter cannot wait and in which case it shall be considered in accordance with the timescale set out above.

Invalid Call-in Request

Where a call-in has been ruled invalid by the scrutiny officer, a request can be made by those requesting call-in for the monitoring officer to review the ruling. The request shall be made by 4pm on the second working day after the day of the notification of the decision by the scrutiny officer.

In the event of dispute, the decision of the monitoring officer shall be final.

Request for review of scrutiny officer ruling. Please send this form to Doreen Forrester-Brown, Monitoring Officer by 4pm, @ date

(Email: Doreen.forrester-brown@southwark.gov.uk)

Section 3

To be completed by the monitoring officer upon receipt of request for review

I have reviewed the grounds for call-in and reasons given for an invalid request and conclude that the request for call-in is (Valid / Invalid)

Reasons:

Doreen Forrester-Brown, Monitoring Officer

Dated: