


Scrutiny Panel

Item

8

16 May 2024

Report of	Chief Executive of Colchester Borough Homes	Author	Owen Howell  282518
Title	Call in: Update for Viability Assumptions used for HRA affordable housing delivery - April [20]24		
Wards affected	All wards		

1. Executive Summary

- 1.1 This report sets out the background for the review of a decision taken by the Portfolio Holder for Housing on 24 April 2024, to accept updated Viability Assumptions, used for HRA affordable housing delivery.

2. Action Required

- 2.1 The Panel is asked to review the decision set out in Appendices A and B, in light of the reasons given for the call-in, as laid out in paragraph 4.2 and Appendix C, and to consider the options set out in paragraph 4.6 of this report.

3. Reason for Scrutiny

- 3.1 A valid call-in request has been received and confirmed by Andrew Weavers, Monitoring Officer.
- 3.2 The Constitution provides for the Scrutiny Panel to review or scrutinise executive decisions made by the Cabinet, or by a Cabinet Member with delegated authority, but not yet implemented, pursuant to the Call-In Procedure.

4. Background Information

4.1 The decision taken by the Portfolio Holder for Housing on 24 April 2024, to accept updated Viability Assumptions, used for HRA affordable housing delivery, was called in by Councillor William Sunnucks, as Lead Member for the call in request, on 1 May 2024. The necessary indications of support were received from Councillors Bentley, Dundas, Laws, Naylor and Rowe, and the call in request was declared valid by the Council's Monitoring Officer, Andrew Weavers.

4.2 The grounds given for the call in request, as submitted by Councillor Sunnucks, were as follows:

Breach of articles 12.02 (g) and 12.02(i)

For reference, the Articles in question are given below:

12.02 Principles of decision making

In order that decision making is efficient, transparent and accountable, all decisions of the Council (whether taken by Full Council, the Cabinet, Panels and Committees and those under delegated powers) shall have regard to the following principles :-

(g) presumption for openness;

(i) due weight to all material considerations;

4.3 In accordance with the Overview and Scrutiny Procedure Rule 13(9), work was conducted to arrange an informal mediation session for the Chairman of the Scrutiny Panel [Councillor Darius Laws], to meet with the Portfolio Holder for Housing [Councillor Paul Smith] and Councillor William Sunnucks, as Lead Member on this call in. The informal session has been sought to allow the involved parties to discuss the issues and identify if a mutually agreed resolution could be found to resolve the reasons for the call in.

4.4 If a resolution can be found via informal mediation, this would negate the need to proceed with the formal meeting of the Scrutiny Panel scheduled for 16 May 2024 specifically in order to allow the call in to be formally considered. It was not initially possible to find a time for the mediation session which was convenient for both the Portfolio Holder and the lead member of the call-in, attempts are ongoing at time of agenda publication, to ascertain if this can be held, diaries permitting.

- 4.5 Councillor Sunnucks has provided material to support his call-in on this decision, and for consideration by the Panel. This can be found as Appendix C to this report.

Options available to the Panel

- 4.6 Pursuant to Section 13(19) of the Overview and Scrutiny Procedure Rules, the Panel may choose to:
- (a) Confirm the decision, which may then be implemented immediately, or;
 - (b) Refer the decision back to the Decision Taker for further consideration, setting out in writing the nature of its concerns, or;
 - (c) Refer the decision to Full Council which will exercise the functions of the Scrutiny Panel solely in relation the decision in question;
- 4.7 If the decision is referred back to the Portfolio Holder for Housing, as the Decision Taker, they shall reconsider the decision and if the Decision Taker agrees with the views of the Scrutiny Panel, then the decision may be implemented immediately. If the Decision Taker does not agree with the views expressed, then the matter will be referred to Cabinet who will determine the matter.
- 4.8 In the event that the Scrutiny Panel decides not to refer the decision back to the Decision Taker or to Full Council then the decision may be implemented immediately.
- 4.9 If the decision is referred to Full Council, and the Council confirms the decision, the decision may be implemented immediately.

5. Appendices

Appendix A – Record of decision taken under delegated power: Update for Viability Assumptions used for HRA affordable housing delivery - April 24

Appendix B – Portfolio Holder Decision Report: Update for Viability Assumptions used for HRA affordable housing delivery - April 24
[Confidential, due to commercial sensitivity]

Appendix C – Outline of reasons for the call-in, provided by Councillor William Sunnucks

6. Background Documents

- 6.1 [Overview and Scrutiny Procedure Rules](#)