

Education Scrutiny Committee

Meeting to be held on Wednesday, 25 April 2018

Part I

Electoral Division affected:
All

Call In Request: Proposed Closure of Hameldon Community College, Burnley (Annex 'A' refers)

Contact for further information:

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Executive Summary

On 12 April 2018, Cabinet received a report (as at Annex 'A') on the proposed closure of Hameldon Community College, Burnley. Cabinet:

- i. Considered the information in the report
- ii. Approved the proposal as detailed in the statutory notice to close Hameldon Community College, Burnley, with implementation commencing from 31 August 2018; and
- iii. Approved that an appropriate statutory decision letter be sent out, as specified under legal requirements, to give the reasons for the decision to those who are to be informed of them.

Following requests from seven County Councillors in accordance with the "Call In" procedures, the Chair of the Education Scrutiny Committee has called a meeting to consider calling in the decision.

Recommendation

In accordance with the Call In procedures contained in Procedural Standing Orders (Standing Order 23 and Appendix 3) the Committee is asked to consider:

1. Whether or not to request Cabinet reconsider the decision made on 12 April 2018 to approve the recommendations as set out in the report (as at Annex 'A').
2. If so, to determine the grounds on which the request is to be based.

Background and Advice

On 12 April 2018, Cabinet received a report on the proposed closure of Hameldon Community College, Burnley. Cabinet:

- i. Considered the information in the report
- ii. Approved the proposal as detailed in the statutory notice to close Hameldon Community College, Burnley, with implementation commencing from 31 August 2018; and
- iii. Approved that an appropriate statutory decision letter be sent out, as specified under legal requirements, to give the reasons for the decision to those who are to be informed of them. The report is set out at Annex 'A'.

On Tuesday 17 April 2018, the Chief Executive received a request, signed by seven County Councillors representing more than one single political group, for the Education Scrutiny Committee to consider whether that decision should be the subject of a Call In.

The request was received in accordance with Procedural Standing Orders from County Councillors Jeff Sumner, Lorraine Beavers, Nicki Hennessy, Jean Parr, Sobia Malik, Mohammed Iqbal and David Howarth. The decision cannot now be implemented until the call-in procedure is completed.

The reasons for this request as submitted by the above members are as follows:

'For the Overview and Scrutiny Committee to look at how the decision was reached and made'.

'The parent action group to save the school have provided information they believe demonstrates the process of consultation was not followed according to the rules'.

To assist the Committee, the Call In procedures contained in Procedural Standing Orders (Standing Order 23 and Appendix 3) are summarised below:

- Any five County Councillors representing more than one single political group may, within three days of a decision being published, request that a special meeting of the relevant Scrutiny Committee is convened to consider that decision.
- That the decision shall not be implemented until the Call In procedure is completed.
- A Scrutiny Committee may request that a decision made but not yet implemented be reconsidered by the Decision Maker, or request that the Full Council decide whether to ask the Decision Maker to reconsider.
- The Scrutiny Committee must decide at the meeting whether or not to exercise its Call In powers.

- Any such request for reconsideration shall include the grounds upon which the request is based.
- Once the Scrutiny Committee has determined to make such a request, the request and the grounds upon which it is based must be registered with the Chief Executive in writing within three clear working days of the Scrutiny Committee meeting.
- If a request is made the Decision Maker must then reconsider the decision having regard to the grounds upon which it is based. The Decision Maker can affirm, amend or rescind their decision.
- The Decision Maker shall publish their response to a request for reconsideration and the reasons for their decision by writing as soon as is reasonably practicable to the Chair of the relevant Scrutiny Committee.
- The Decision Maker can only be required to reconsider the same decision once.
- A Scrutiny Committee shall not exercise its functions;
 - (1) where the decision has been designated by the Decision Maker as being urgent in that any delay in its implementation could adversely affect the efficient execution of the County Council's responsibilities; or
 - (2) in respect of day-to-day management and operational decisions taken by officers.

Of particular relevance in the above provisions are the requirements that the Committee must determine at the meeting whether or not to request that the decision be reconsidered, and if so to determine the grounds upon which the request is based.

The Committee is required to meet within seven clear working days of the request to consider the Call In being received, and a special meeting has therefore been scheduled for Wednesday 25 April 2018.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no significant risk management implications arising from this item. However, the risk management and other implications associated with the decision are set out in Annex 'A' to this report.

Local Government (Access to Information) Act 1985

List of Background Papers

| Paper | Date | Contact/Directorate/Tel |
|-------|------|-------------------------|
| N/A | N/A | N/A |

Reason for inclusion in Part II, if appropriate

N/A