

Committee: OVERVIEW AND SCRUTINY	Date: 6 September 2011	Classification: Unrestricted	Report No.	Agenda Item No. 5.1
Report of: Service Head, Democratic Services		Title: Cabinet Decision Called-in:		
Originating Officer(s): Antonella Burgio, Democratic Services		The Baishakhi Mela – Transfer to Community Management Wards: All		

1. SUMMARY

- 1.1** The attached report of the Corporate Director, Culture Learning and Leisure was considered by the Cabinet on 3 August 2011 and has been “Called-In” by Councillors Peter Golds, Craig Aston, Emma Jones, Gloria Thienel and David Snowdon. This is in accordance with the provisions of Part Four Sections 16 and 17 of the Council’s Constitution.

2. RECOMMENDATION

- 2.1** That the Committee consider the contents of the attached report, review the Cabinet’s provisional decisions arising and
- 2.2** decide whether to accept them or refer the matter back to Cabinet with proposals, together with reasons.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

Brief description of “background paper”

Cabinet report - 3 August 2011

**Name and telephone number of holder
and address where open to inspection**

**Antonella Burgio
0207 3644881**

3. BACKGROUND

- 3.1** The request to call-in the Cabinet's decision was considered by the Assistant Chief Executive, Legal Services who has responsibility under the constitution for calling in Cabinet decisions in accordance with agreed criteria. Overview and Scrutiny (O and S) Procedure Rules require that the request for a call-in must give reasons in writing and outline an alternative course of action (Rule 16.3.3). It was considered that the reason given in the proforma 're-examine proposal', did not adequately satisfy this condition. Accordingly the request was rejected.
- 3.2** Councillor Golds, on behalf of the Councillors who signed the call-in proforma, challenged the refusal and provided an additional statement giving further reasons for the call-in; these are printed at section 5.2 of the report. The statement was considered by the Chief Executive and Monitoring Officer under O and S Procedure Rule 16.5 which provides that that "where a matter is in dispute, both the Chief Executive and the Monitoring Officer should be satisfied that one of the criteria [to refuse a request] applies."
- 3.3** The Chief Executive and Monitoring Officer each agreed that the additional statement satisfied the requirements of Overview and Scrutiny Procedure Rule 16.3.3 and the call-in request could be accepted and processed accordingly.

4. THE CABINET'S PROVISIONAL DECISION

- 4.1** The Cabinet after considering the report attached, at Appendix 1, provisionally decided:-
1. *That it be agreed that the Baishakhi Mela in Banglatown, Brick Lane be returned to community management for 2012 and that the right to manage the Mela be granted for a period of nine years, subject to reviews at year one, three, and six by an independent panel;*
 2. *That the approach to select a successor organisation as set out in the report (CAB 021/112), including the proposal to delegate the recommendation of the successor organisation to an independent panel which will be supported by staff, be agreed;*
 3. *That the outline specification, as set out in paragraph 6.3 of the report (CAB 021/112), be agreed;*
 4. *That the level of financial and other support for the successor organisation as set out in paragraph 6.4 of the report (CAB 021/112), be agreed; and*
 5. *That the timetable for granting the right to manage the Mela, as set out in paragraph 6.6 of the report (CAB 021/112), be agreed.*

4.2 Reasons for Decisions

These were detailed in paragraph 3.1 of the report (CAB 021/112) and stated that “The Council’s management of the Mela was intended to be temporary and it is now considered the opportune time to return it to community management.”

4.3 Alternative Options Considered

These were detailed in paragraphs 4.1 to 4.2 of the report (CAB 021/112) and reprinted as follows:

- 4.1 *The option to continue to run the Mela in-house is not recommended as there is a strong wish within the community to return the management to a local organisation.*
- 4.2 *The option to cease to support the Mela is not recommended; there is huge local support for the event and without the Council managing the transfer arrangement it is likely to result in confusion and multiple competing rivalries.*

5. REASONS / ALTERNATIVE COURSE OF ACTION PROPOSED FOR THE ‘CALL IN’

- 5.1 The Call-in requisition signed by the five Councillors listed gives the following reason for the Call-in:

‘Re-examine proposal’

- 5.2 The reason provided in the original proforma was supplemented by the following statement:

‘The report considered by Cabinet gave no reason why the Council should transfer management of the Mela following the events of 2008. The report gave no indication as to what circumstances had changed in the past three years which would precipitate this transfer.

There was no reference to the Deloitte report which triggered the 2008 change and what would be done in light of the report to provide transparency and financial rectitude should the council transfer management.

The 2011 Mela is already being investigated by Ofcom for media breaches and this is not mentioned in the report although the information is publicly available and will be well known to the Mayor and Cabinet.

The report does not indicate how the community management will be selected.

The idea of a nine year contract is unprecedented for such an event. A contract for this length of time would normally be associated with major engineering projects and not a community event.'

5.3 The requisition also proposed the following alternative course of action:

'More detailed report'.

6. CONSIDERATION OF THE "CALL IN"

6.1 Having met the call-in request criteria, the matter is referred to the Overview and Scrutiny Committee in order to determine the call-in and decide whether or not to refer the item back to the Cabinet at its next meeting. The implementation of the Cabinet decision regarding "The Baishakhi Mela – Transfer to Community Management" is suspended pending the Committee's decision in accordance with call-in procedures.

6.2 The following procedure is to be followed for consideration of the "Call In":

- (a) Presentation of the "Call In" by one of the "Call In" Members followed by questions.
- (b) Response from the Lead Member/officers followed by questions.
- (c) General debate followed by decision.

N.B. – In accordance with the Overview and Scrutiny Committee Protocols and Guidance adopted by the Committee at its meeting on 5 June, 2007, any Member(s) who presents the "Call In" is not eligible to participate in the general debate.

6.3 It is open to the Committee to either resolve to take no action which would have the effect of endorsing the original Cabinet decision(s), or the Committee could refer the matter back to the Cabinet for further consideration setting out the nature of its concerns and possibly recommending an alternative course of action.