Title: Civic Centre petition- Request for funding

Open Report

Wards Affected: All

Report Author: Paul Field, Senior Governance Lawyer

Accountable Divisional Director: Fiona Taylor, Head of Legal and Democratic Services

Accountable Director: Chris Naylor, Chief Executive

Summary

Following initial consideration of a petition opposing the decision of the Cabinet to close the Civic Centre and seek to convert it into a secondary school, this report outlines the requested opinion of the Monitoring Officer as regards the provisions of the Constitution in relation to the request from PAASC to the Cabinet for the allocation of funding to meet the cost of an independent evaluation analysis of the costs involved in each option, including those not originally short listed that led to the closure decision.

Recommendation

That PAASC note this report and take into account the guidance offered by the Monitoring Officer in making their final determination on the petition re: Closure of the Civic Centre.

Reason(s)

It is the role of the Monitoring Officer to provide advice on the interpretation of the provisions of the Constitution – Part 7 (Review, Revision, Suspension, Interpretation and Publication of the Constitution) refers.

1. Background

1.1 Earlier this year the Council was presented with a petition regarding the future of the Civic Centre Dagenham. The petition called upon the Council to repeal the decision to convert the Civic Centre into a school, on the basis the current decision endangered the quality and accessibility of good public services for the residents of Dagenham. In accordance with the Council’s Petition Scheme it was referred to PAASC on 25 March 2015.
1.2 PAASC was of the view that it would not do justice to those concerns by simply rejecting or supporting the term of the petition and in those circumstances a decision on the petition was deferred pending further information to be presented to subsequent meeting(s). This included an independent financial evaluation of the costs involved in each option including those not originally short listed. As there was no budget available to do this work the Cabinet were asked to consider whether to support the Select Committee’s proposal and provide the necessary funding from the Council’s reserves to commission the evaluation.

1.3 The Cabinet considered the proposal at their meeting held on 2 June 2015. The Cabinet Member for Finance and Central Services commented that there was no reason to believe that the work undertaken by officers on the project was any less robust and thorough than on any other project that had been approved by the Council. On that basis he could not support the allocation of any monies from reserves to accommodate the Select Committee’s request. The Cabinet concurred with that view and formally declined the Select Committee’s request for funding.

1.4 The matter was reported back to PAASC on 23 June whereupon the decision to refer the request for funding to the Cabinet was challenged in the context of the current provisions of the Constitution, where it was suggested that Select Committees are directly answerable to Assembly, and to whom the request should have been properly directed. Furthermore it was felt that the request for funding was outside the budget framework and therefore in law should have been presented to the Assembly for a decision.

1.5 As a consequence PAASC decided to defer coming to a decision on a response to the petition to allow for the request for funds to meet the cost of the independent evaluation to be considered by the Assembly, subject to clarification and guidance from the Monitoring Officer on the provisions of the Constitution in this regard.

2. The Councils Constitution

2.1 The Constitution makes it clear that funding and expenditure is a Cabinet function as set out in Part 2 Chapter 6 para 2.1(i). There is no supplementary provision that permits the Assembly to make an allocation of resources in Part 2 Chapter 4.

2.2 The supporting reasons as to reaching that view are as follows:

2.2.1 The diagram set out in Part 1 – Summary and Explanation with the direct “reporting line” cited as the principle reason in support of the Committee’s view that the reference for the funding should have been referred to the Assembly, on the basis that ultimately all Committees are answerable to the Assembly. However that is principally in relation to appointments as opposed to operational issues. Bearing in mind Select Committees do not have decision making powers a good example is that whilst membership of the Development Control Board is determined by the Assembly, in law decisions are reserved to the Board and can only be challenged externally through the Planning Inspectorate.

2.2.2 The Cabinet is expected to carry out all of the Council’s functions which are not the responsibility of any other committee, whether determined by law or under the provisions of the Constitution.
2.2.3 The Cabinet is responsible in law for all key decisions and other major issues affecting the Council, particularly strategic, financial, policy related and corporate management matters, within the overall policy and budget framework set by the Assembly.

2.2.4 The request for funding for the independent study estimated to be in the region of £30 to £50K would have come out of reserves which form part of the overall policy and budget framework set by the Assembly in February each year.

2.3 Taking all the above factors into account it was right and proper that the request for funding was presented to the Cabinet for a decision and not the Assembly.

3. The Petition

3.1 Taking into account the advice of the Monitoring Officer and the views of members expressed at the last meeting the work programme has earmarked the scheduled meeting on 21 October 2015 to discuss and come to a decision on the petition in the light of any further evaluation that members may wish to undertake regarding the financial analysis of the various options presented to the Cabinet in December 2014 that led to the decision to close the Civic Centre and seek to convert into a secondary school.

4. Financial Implications

Implications completed by: Jonathan Bunt, Chief Finance Officer

4.1 There are no direct financial implications associated with this report based on the decision of the Cabinet to reject the request of PAASC for the provision of funding to meet the cost of an independent financial evaluation of the costs involved in each option including those not originally short listed. The subject of the petition namely the proposed closure of the Civic Centre, includes a copy of the report submitted to Cabinet on 16 December 2014 – Rationalisation of Corporate Office Portfolio which includes a full financial analysis.

5. Legal Implications

Implications completed by: Paul Feild, Senior Lawyer

5.1 The legal implications are addressed in the body of the report.

Public Background Papers Used in the Preparation of the Report:

- “Revenue and Capital Provisional Outturn 2014/15” report to Cabinet, 2 June 2015
- The Council Constitution
- Local Government Act 2000