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| 14 May 2013 | | ITEM 5 |
| Corporate Overview and Scrutiny Committee | | |
| CALL-IN TO CABINET DECISION 01104203 – ASSET MANAGEMENT DELIVERY PLAN PROGRESS | | |
| Portfolio Holder: Councillor John Kent, Leader of the Council | | |
| Wards and communities affected: All | Key Decision: Yes | |
| Accountable Head of Service: Ian Rydings, Head of Asset Management | | |
| Accountable Director: Martin Hone, Director of Finance and Corporate Governance | | |
| This report is public | | |
| Purpose of Report: To summarise the call-in made to cabinet decision 01104203, including outlining the options available to the committee when considering it. | | |

EXECUTIVE SUMMARY

This report outlines the call-in made to the above cabinet decision, highlighting the reasons why the call-in was made and the alternative proposals being put forward. This report offers advice to the committee on how to manage the call-in through the committee process and should be used as a summary document to help understand the overview of this particular call-in.

1. RECOMMENDATIONS:

1.1 The Committee can either:

- a) **If it is concerned about the original decision in light of the call-in, refer it back to Cabinet for reconsideration, setting out in writing the nature of its concerns.**
- b) **If it considers the decision is contrary to the Budget or Policy Framework, refer the matter to the Council.**
- c) **Reject the call-in stating the reasons why.**

2. INTRODUCTION AND BACKGROUND:

- 2.1 On 19th April 2013 Councillor Shane Hebb called in cabinet decision 01104203, in his capacity as an individual Member whose ward is particularly affected by the decision, on the basis that:
- *In recommendation 1.1 (“agree two property disposals previously deferred by Cabinet as described in detail in section 3.1”) specifically in relation to King Street Car Park in Stanford-le-Hope, the decision maker (Cabinet) did not make the decision in accordance with the decision making principles set out in the Constitution, Article 13, paragraph 2, specifically a) due regard for the individuals and communities served by Thurrock Borough Council and c) due consultation.*
- 2.2 The call-in was agreed as a valid call-in in accordance with the rules set out in the Constitution. .
- 2.3 As part of the Call-in, Councillor Hebb recommended an alternative proposal:
- *That the decision be delayed for six months to allow for further expressions of interest in purchasing the site and allowing residents to submit their views through the neighbourhood plan. This will deal with the objections as follows: The best interest of residents and the community are achieved through achieving best value from any disposal of a key piece of land. Accepting the first offer on the table does not constitute due regard. Councillors, including the portfolio holder are aware of at least one other interested party. A delay would enable further potential buyers to make offers, ensuring the best interests of the community are served. Additionally, awaiting community input through the neighbourhood plan would constitute due consultation. Sale of a key regeneration site without consultation with the community forum would not.*

3. ISSUES AND/OR OPTIONS:

- 3.1 When considering the call-in at its meeting, the committee is recommended to adhere to the following schedule:
- The person who made the call-in to briefly introduce the reasons for the call-in and his/ her alternative proposals.
 - The portfolio holder and officers to respond to the Call-in and make their points.
 - Receive comments from third parties that may be directly involved in the original cabinet decision if applicable.
 - The person who made the Call-in to summarise.
 - Committee to weigh up evidence and ask any relevant questions to those in attendance.

- Committee to decide to do one of the following:
 - a) if it is concerned about the original decision in light of the call-in, refer it back to Cabinet for reconsideration, setting out in writing the nature of its concerns. If referred to Cabinet, the decision may be amended or confirmed by them; or
 - b) if it considers the decision is contrary to the Budget or Policy Framework, refer the matter to the Council.
 - c) reject the call-in stating the reasons why.

4. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 4.1 The call-in has a positive impact on corporate policies as it allows for the proper exercise of the democratic function, namely for a concerned ward member to call-in a cabinet decision based on valid arguments.
- 4.2 The role of Overview and Scrutiny in this function will allow for issues to be discussed in a public arena with cross party involvement and will give the opportunity for interested parties to join the debate and make representations.

5. IMPLICATIONS

5.1 Financial

Implications verified by: **Sean Clark**
Telephone and email: **01375 652010**
sclark@thurrock.gov.uk

The Council has a duty to obtain best value for the disposal of the site. This consideration is not limited to a monetary value but also how it contributes to a number of factors such as regeneration, community need, etc. The report sets out the contributing factors of this proposal in terms of accommodation, retail and parking spaces as well as supporting the disposal price through independent evaluation.

The Medium Term Financial Strategy does assume capital receipts of £3m this year and this disposal would contribute towards that sum.

5.2 Legal

Implications verified by: **David Lawson**
Telephone and email: **01375 652087**
dlawson@thurrock.gov.uk

This report is prepared in response to a Call-in. In accordance with the terms of the Constitution in relation to the Call-in procedure the Committee, having

considered the contents of the report and the representations made, have the options as listed at paragraph 1.1 (a) to (c)

5.3 **Diversity and Equality**

Implications verified by: **Samson DeAlyn**
Telephone and email: **01375 652472**
sdealyn@thurrock.gov.uk

There are no direct equality implications arising from this call in. Any alternative proposals would need to be reviewed and any equality implications arising from them would be stated as part of the proposals.

APPENDICES TO THIS REPORT:

- Appendix A: Excerpt from the minutes of the Cabinet meeting on 10 April 2013.
- Appendix B: Cabinet Report from 10 April 2013 – Asset Management Delivery Plan Progress
- Appendix C: Call-In from Councillor Hebb

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