

**SPECIAL OVERVIEW AND SCRUTINY BOARD**

**5 JANUARY 2005**

<p><b>CALL-IN: PROVISION OF A BMX TRACK IN THE BEECHWOOD WARD</b></p>
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**PURPOSE OF THE REPORT**

1. To allow Members of the Overview and Scrutiny Board (OSB) the opportunity to review a decision made by an Individual Executive Member on 17 December 2004, in accordance with the Authority's Call-In Procedure.

**INDIVIDUAL EXECUTIVE DECISION-MAKING MEETING – 17 DECEMBER 2004**

2. At an Individual Executive Decision-Making Meeting held on 17 December 2004, consideration was given by the Executive Member for Community Safety and Leisure in relation to the Council's position to a bid to provide a BMX track adjacent to the Community Centre in the Beechwood Ward.
3. At this meeting, the Executive Member for Community Safety and Leisure considered a report of the Executive Director of Environment Services (**Appendix A**) together with the views of Members, the Chair and Vice Chair of Beechwood Community Council and residents of Beechwood, all of whom were in attendance.
4. In doing so, the Executive Member for Community Safety and Leisure ordered that the Council should support the Living Spaces bid providing the capability to provide management arrangements, CCTV coverage and lighting facilities can be met. The decision was also supported by

the following reason 'the funder needed to know whether or not the Council supported the bid before making a final recommendation' **(Appendix B refers).**

5. In accordance with the Constitution, such decision would of come into effect on 29 December 2004, five clear working days after publication of the decision, should it not have been subject to the Call-In Procedure.

## **CALL-IN PROCEDURE**

6. The Call-In Procedure allows Members the opportunity to Call-In a decision for scrutiny by the OSB which was made by:-
  - (a) The Executive;
  - (b) An individual Member of the Executive;
  - (c) A Committee of the Executive;
  - (d) A key decision made by an officer with delegated authority from the Executive; or
  - (e) Under Joint Arrangements.
7. The Call-In Procedure may only be implemented if so requested by any five Members of the Council and upon receipt of any such request by the Proper Officer before the end of the third working day after the making of that decision.
8. Following the BMX Track (Beechwood Ward) key decision taken by the Executive Member for Community Safety and Leisure on 17 December 2004, six Members supported the request to Call-In such decision, in accordance with the Call-In Procedure.
9. Throughout this Special Meeting of the OSB, Members will have the opportunity to review such decision. If, having considered the decision the OSB may refer it back to the decision-making person for re-consideration, setting out in writing the nature of their concerns.
10. If the decision is referred, then a further Individual Executive Decision-Making Meeting will be held for the Executive Member for Community Safety and Leisure, to re-consider the decision within ten further working days, amending the decision or not, before adopting a final decision.
11. If the recommendations of the OSB are not accepted in full, then the decision-maker should notify the OSB and give reasons for not accepting the recommendations.

## **REASONS GIVEN FOR THE CALL-IN**

12. Summarised below are the reasons given to the Authority's Proper Officer which are considered the key issues that initiated the Call-In Procedure:-
- (a) Concerns over the consultation process undertaken in relation to:
    - (i) Size of sample not seen as representative of Ward;
    - (ii) Consultation with Ward constituents in public meeting felt inappropriate, private ballot may of encouraged better response rate;
    - (iii) Community Council's comments do not represent the views of the Beechwood Estate or Ward; and
    - (iv) Initial facility request triggered by non-local group.
  - (b) Concerns over the proposed location of the BMX track in relation to:-
    - (i) Little recognition of evidence against the proposed siting of the track;
    - (ii) No indication for monitoring the use or the effects of anti-social behaviour incidents;
    - (iii) Vandalism;
    - (iv) Considered the track will promote drug and alcohol abuse;
    - (v) The busy main road where the entrance/exit to the facilities are proposed; and
    - (vi) Already a similar facility exists within easy access.

## **REVIEW OF THE PROVISION OF A BMX TRACK IN THE BEECHWOOD WARD**

13. To assist Members of the OSB to review the decision made by the Executive Member for Community Safety and Leisure in relation to the provision of a BMX Track in the Beechwood Ward, the following key witnesses will be in attendance during this Special Meeting:-
- (a) Executive Director – Environment Services (to present the background to the report presented to the Individual Executive Decision Making Meeting of the Executive Member for Community Safety and Leisure held on 17 December 2004);
  - (b) Executive Member for Community Safety and Leisure (to present how the decision was reached); and
  - (c) The Member who initiated the Call-In request (to present their views and concerns with regard to decision made by the Executive Member for Community Safety and Leisure).

## PROPOSED CALL-IN TIMETABLE

14. To ensure the Call-In Procedure is adhered to, the following Call-In Timetable is as outlined below:-

MEETING	DATE/TIME	PURPOSE
Special Meeting - Overview and Scrutiny Board	5 January 2005 at 2.00 pm	To review the decision taken by the Executive Member for Community Safety and Leisure on 17 December 2004, in accordance with the Call-In Procedure.
Individual Executive Decision Making Meeting	TBA	To re-consider the decision
Overview and Scrutiny Board	TBA	To notify the OSB of the reasons for not accepting the OSB recommendations (if applicable).

## RECOMMENDATION

15. It is recommended that the Overview and Scrutiny Board consider the content of this report, to enable the Call-In Procedure to be adhered to.

### Contact Officers:

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## BACKGROUND PAPERS

The following background papers were used in the preparation of this report:-

- (a) Middlesbrough Council's Constitution / Call-In Procedure.
- (b) Middlesbrough Council's Scrutiny Handbook 2004/05.