

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 2 August 2010.

PRESENT: Councillors Brunton (Chair), Cole, Dryden, C Hobson (originator of the request to Call-In the decision), J Hobson, McPartland (as substitute for Councillor Ismail), Kerr, Khan, McIntyre (as substitute for Councillor J A Walker), Mawston, Purvis, Sanderson and Williams.

OFFICERS: J Bennington, C Davies, C Hawking, J Lewis, R G Long, J Ord, P Slocombe, M Storey and G Tyreman.

**** PRESENT BY INVITATION:** Councillor N J Walker, Executive Member for Resources.

**** ALSO IN ATTENDANCE:** Councillors Budd, Hubbard and McTigue.
Members of the public.

**** CHAIR – VICE-CHAIR – INTRODUCTIONS**

In the absence of the Chair at the commencement of the meeting, Councillor Dryden (Vice-Chair) took the Chair.

The Vice-Chair welcomed all to the meeting and following introductions explained the procedure to be followed at the meeting.

NOTED

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Ismail and J A Walker.

**** DECLARATIONS OF INTEREST**

No declarations of interest were made at this point of the meeting.

N.B. Councillor Brunton (Chair) took the Chair at this point of the meeting and apologised for the unavoidable delay in attending at the commencement of the meeting.

SITE 44 LONGRIDGE

A report of the Senior Scrutiny Officer had previously been circulated regarding the meeting, which had been arranged in accordance with the Council's Call-In procedure. The Call-In related to decisions made at a meeting of the Executive Sub-Committee for Property held on 12 July 2010 when consideration had been given to a report in respect of Site 44 (Longridge), Turnberry Way, Coulby Newham, Middlesbrough.

The main components of the report of the Senior Scrutiny Officer included the following: -

- a) a copy of the report entitled Site 44 (Longridge), Turnberry Way, Coulby Newham considered at the meeting of the Executive Sub-Committee for Property held on 12 July 2010 which set out the following:-
 - i) the offers received following the intention to sell by tender the 3.1 hectares for residential development, Site 44 (Longridge);
 - ii) the history of Site 44 in relation to its intended development for residential purposes and an indication of the affects of the recession on the site and the inability to maintain the original bid;
 - iii) the report illustrated the procurement methodology utilising European procurement rules and outlined the seven expressions of interest that had subsequently been received;

- iv) the Council had received four bids which had been considered worthy of consideration from which Bidder D had achieved the highest score;
 - v) the report outlined two options, one to dispose of the land based on the highest score while delivering the Council objectives and the other not to sell, although this had to be placed in the context with the non delivery of the Council's regeneration aims in relation to housing;
 - vi) the report gave an indication of such implications and recommended that Site 44 be sold to Bidder D.
- b) the decisions taken at the meeting of the Executive Sub-Committee for Property held on 12 July 2010 which were as follows:-
1. Site 44 be sold to Bidder D, on the terms that they have offered as part of their mandatory (up-front payment) option.
 2. If awarded, the scheme be tracked to see if there is any subsequent overage receipts.

The decision was supported by the following reason: -

In order to secure a capital receipt from the sale of the surplus land, which will be reinvested back into the Council's capital programme.

- c) details of the Call-In procedure;
- d) the reasons given to the Authority's Proper Officer, which had initiated the Call-In procedure as follows:-
 1. The disposal of this land for development goes against all Middlesbrough Policies on green spaces, biodiversity and wildlife habitats.
 2. Totally against the wishes of the local people.

The Executive Member for Resources in her initial comments referred to the reasons given for a Call-In of the decision made and emphasised that the main purpose of the meeting of the Executive Sub-Committee for Property held on 12 July had been to appoint a Developer. The decision taken to dispose of the land at Site 44, Longridge had previously been agreed and had been the subject of a Call-In.

The Executive Member for Resources confirmed that all persons present at the meeting on 12 July had been afforded the opportunity to ask questions or make comments.

Councillor C Hobson was afforded the opportunity of asking questions of the Executive Member for Resources. Reference was made to the mention of a previous meeting when consideration had been given regarding the sale of the land and a new development brief. The Executive Member for Resources reiterated that the meeting the subject of the Call-In purely related to the appointment of a developer.

Councillor C Hobson outlined the reasons for invoking the Call-In procedure, which included the following key issues: -

- i) the sale of the land was considered to be against many of the Council's own policies in terms of green spaces, biodiversity and wildlife habits;
- ii) it was considered that the recent proposals for 400 dwellings at Grey Towers Farm, Nunthorpe and other sites such as that at Prissick which were being developed would meet the Town's needs for high quality family homes;
- iii) concerns were expressed at the loss of a woodland park area for just 70 high quality homes;

- iv) in terms of providing a natural play area, green spaces, biodiversity and wildlife habitat issues the proposals were considered to be contrary to the principles of a number of Council policies including the Structure Plan, Local Development Framework, One Planet living model, Green Spaces strategy;
- v) although the area was identified in the Coulby Newham Master Plan the site in question was located in the Marton West area where there was less green space;
- vi) the site improved the local environment and was greatly valued by local people and contributed to their well-being.

The Executive Member for Resources was afforded the opportunity of asking questions of Councillor C Hobson. The main points arising from such discussion and issues of clarification were as follows: -

- a) Councillor C Hobson confirmed that the Executive Member for Resources had invited Members to make comment or ask questions but indicated that she had been present at the meeting in question as an observer and did not have a copy of all of the reports considered.
- b) The Executive Member for Resources confirmed that one of the reports had been classified as an exempt report but indicated that Members could have requested sight of the report.

Members of the Overview and Scrutiny Board posed questions of all parties the responses from which focussed on the following: -

- in response to comments about the main purpose of the meeting of the Executive Sub-Committee for Property Councillor C Hobson reiterated that the proposals were contrary to many of the Council's own policies especially with regard to green spaces and biodiversity issues;
- the Interim Head of Development summarised the planning background to Site 44 which was owned by the Council and earmarked for housing in the Coulby Newham Masterplan and subsequently the statutorily adopted Local Development Framework.

Following closing submissions of the Executive Member for Resources and Councillor C Hobson, the Board discussed the evidence received. Members of the Board indicated that the decision made was in accordance with the previous decision to dispose of the land and that the main purpose of the meeting of the Executive Sub-Committee for Property held on 12 July 2010 had been to appoint a Developer. Such a decision would secure a capital receipt, which would assist the Council's Capital programme.

The Board considered the evidence and voted upon its decision.

ORDERED that the decision taken at the meeting of the Executive Sub-Committee for Property held on 12 July 2010 be not referred back on the basis of the evidence presented.