

MIDDLESBROUGH COUNCIL

AGENDA ITEM 3

OVERVIEW AND SCRUTINY BOARD

9 JUNE 2014

<p>CALL IN - FUTURE OF NETHERFIELDS COMMUNITY CENTRE</p>

PURPOSE OF THE REPORT

1. In accordance with Middlesbrough Council's Call In Procedure, to allow Members of the Overview and Scrutiny Board (OSB) the opportunity to review decisions made by the Executive Sub-Committee for Property.

RECOMMENDATION

2. That the Overview and Scrutiny Board considers the decisions of the Executive Sub-Committee for Property and determines whether the decisions should be referred back to the decision making body for reconsideration.

EXECUTIVE DECISION - 19 MAY 2014

3. A meeting of the Executive Sub-Committee for Property was held on 19 May 2014. At that meeting, consideration was given to a report of the Executive Member for Regeneration and Economic Development and the Executive Director of Neighbourhoods and Communities in respect of the future use of Netherfields Community Centre.
4. The report outlined the background to the community centre being identified as surplus to Council requirements. This decision followed a Community Buildings Review in 2011-12 and inclusion of the building for disposal as part of a cost rationalisation exercise undertaken as part of the authority's 2013-14 budget process.
5. The report went on to detail the following options that have been considered for the future use of the building:
 - a) A request from Priory Woods School to utilise the community centre as an extension for the school, as a vocational sixth form, from September 2014. The report included details of how this option could be progressed.

- b) A proposal from the existing Management Committee of Netherfields Community Centre to take over the building. The report submitted to the Executive Sub-Committee for Property highlighted that the business case submitted in respect of this proposal did not meet the requirements of the Council's Asset Transfer Group in terms of future viability.
6. A copy of the report submitted to the Executive Sub-Committee is attached at **Appendix 1**. The report included recommendations relating to use of Netherfields Community by Priory Woods School and the school working with the local community in the future.
7. Following consideration of the submitted report, the Executive Sub-Committee for Property approved the recommendations included in the report, as follows:
1. That the use of Netherfields Community Centre to facilitate an extension to Priory Woods School be approved; and
 2. That Priory Woods School is encouraged to work with the local community to accommodate their aspirations wherever possible.
8. The decisions were supported by the following reason: 'This would provide the building with an appropriate use, and a sustainable future, as well as helping to ensure that there are sufficient places for children to attend Priory Woods from September 2014. The opportunity to potentially accommodate community activity within the wider facility would also mitigate the loss of some of the existing provision.'

CALL IN PROCEDURE

9. The power to call in a decision of a local authority executive body was introduced under the Local Government Act 2000. The process is intended to hold decision makers to account and ensure that executive powers are discharged properly. Call in ensures that a decision can be reviewed and reconsidered before it is implemented.
10. The procedure allows Members the opportunity to call in decisions for review by the Overview and Scrutiny Board as follows:
- A decision made by The Executive;
 - A decision made by an individual Member of the Executive;
 - A decision made by a committee or sub-committee of the Executive;
 - A key decision made by an officer with delegated authority from the Executive; or
 - A decision made under joint arrangements.
11. The process is initiated by five Members of the Council requesting a decision to be reviewed within five working days following publication of the decision.

12. Following the meeting of the Executive Sub-Committee for Property on 19 May 2014, and in accordance with the agreed procedure, five Members have supported the request to call in the decisions outlined above. The reasons for the call in, as shown on the form submitted to the Council's Monitoring Officer, are as follows:
 1. Cost. The centre is to close to save money yet this transfer will cost £250 000.
 2. The Community Asset Transfer to the Centre Management Committee was not given enough consideration and Council officers were actively working against the committee, by directing prospective users away from the centre and to the Thorntree Hub.
 3. No consideration given to the effect on the local community. None of the activities lost will be accommodated by Priory Woods School.
13. To assist the Overview and Scrutiny Board in the call in process, Councillor D Budd, Chair of the Executive Sub-Committee for Property, and appropriate Council officers will be present at the meeting. The Executive Member and officers will explain the reasons and rationale behind the decisions that were taken. The Member who initiated the call in will also be present to explain their views and concerns in respect of the decisions.
14. A copy of the procedure to be followed at the meeting is attached at **Appendix 2**.
15. Having considered the submitted information, the Overview and Scrutiny Board has two courses of action available:
 1. To refer the decisions back to the Executive Sub-Committee for Property for reconsideration. In that case, OSB should set out in writing the nature of its concerns about the decisions.
 2. To determine that it is satisfied with the decision making process that was followed and the decisions that were taken. In that event, no further action would be necessary and the Executive decisions could be implemented immediately.
16. In the event that the decision is referred back to the Executive Sub-Committee, a further meeting of the sub-committee would be arranged within ten further working days. The sub-committee would then make a final decision in the light of any recommendations made by OSB.
17. Where the recommendations of the OSB are not accepted in full by the relevant Executive body, the body should notify the OSB of this and give reasons for not accepting the recommendations.

BACKGROUND PAPERS

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

- Middlesbrough Council's Constitution/Call In Procedure.
- Middlesbrough Council's Scrutiny Handbook.
- Report to Executive Sub-Committee for Property - 19 May 2014.

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