

MIDDLESBROUGH COUNCIL

AGENDA ITEM 4

OVERVIEW AND SCRUTINY BOARD

15 JANUARY 2019

<p>CALL IN – SOUTHLANDS – FUTURE REDEVELOPMENT</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 consider a decision made by the Executive Sub-Committee for Property.

RECOMMENDATION

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

EXECUTIVE DECISION –

3. A meeting of the Executive Sub Committee for Property was held on 19 December 2018. At that meeting, consideration was given to a report of the Executive Member for Culture and Communities and the Director of Regeneration in respect of the Southlands – Future Redevelopment. Due to the nature of the decision being requested, the Executive Member for Economic Development and Infrastructure also provided input.
4. A copy of the above report and its associated Appendices, which outlined the background to the decision, is attached at **Appendix 1**.
5. The report included the following recommendations:-
 - 1) That Executive approves that Southlands is designated as a community hub with football / associated sports activity and the remainder of the site is developed accordingly.

The decision was supported by the following analysis:

Due to a combination of the current impediments on the Southlands site, the benefit of the existing artificial grass pitches, future fit for purpose community centre, associated car parking together with the low land values in this area, the most cost effective solution is to develop the site as a community hub with

football / associated sports activity which will free up higher value housing sites elsewhere in Middlesbrough.

Further discussions will take place with both the Football Foundation and Sport England on how best to take this scheme forward and maximise the space available to support playing field provision within Middlesbrough.

CALL IN PROCEDURE

6. 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.
7. 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.
8. 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 and submitting a form that outlines the reason(s) for the call in.
9. Following the meeting of the Executive Sub Committee for Property on 19 December 2018, the required call in form signed by five Members supporting the request to call in the decision outlined above was received on 28 December 2018. The five Members supporting the call in were Councillors Hubbard, McCabe, Mohan, Rathmell and Saunders.
10. The decision to be Called-In is as follows:
 1. That Executive approves that Southlands is designated as a community hub with football / associated sports activity and the remainder of the site is developed accordingly.
11. The reasons for the call in, as determined as being valid by the Council's Monitoring Officer, are as follows:-
 - There is no mention of an impact assessment having been carried out in relation to the effect on residents living nearby, including where the sports will take place and how close this will be to residents' homes.
12. To assist the Overview and Scrutiny Board in the call in process, the Executive Member for Economic Development and Infrastructure and the Executive Member for Culture and Communities as well as appropriate Council officers will be present at the meeting. The Executive Members and officers will explain the reasons and rationale behind the report and the

decision that was made. The Member who initiated the call in will also be present to explain their views and concerns in respect of the decision.

13. A copy of the procedure to be followed at the meeting is attached at **Appendix 2.**
14. Having considered the submitted information, the Overview and Scrutiny Board has the following courses of action available:
 - i. To refer the decision back to the Executive/Executive Sub-Committee/Executive Member/Officer for reconsideration. In that case, OSB should set out in writing the nature of its concerns about the decisions.
 - ii. To determine that it is satisfied with the decision making process that was followed and the decision that was taken by the Executive/Executive Sub-Committee/Executive Member/Officer. In that event, no further action would be necessary and the Executive decision could be implemented immediately
 - iii. Request that the decision be deferred (adjourned) until the Overview and Scrutiny Board has received and considered any additional information/evidence required to make a decision with regard to the Call-In from other witnesses not present at the committee. (The Committee need to clearly identify the relevant issues that need to be given further consideration and whether there are any specific time constraints or other implications affecting the proposed implementation of the decision.)
 - iv. Take no action in relation to the Called-In decision but consider whether issues arising from the Call-In need to be added to the Work Programme of any existing or new Overview and Scrutiny Standing Panel/OSB. (The Committee need to clearly identify the issues to be added to the Work Programme.)
 - v. If, but only if (having taking the advice of the Monitoring Officer and/or the Chief Finance Officer), the Committee determines that the decision is wholly or partly outside the Budget and Policy Framework refer the matter, with any recommendations, to the Council after following the procedure in Rule 8 of the Budget and Policy Framework Procedure Rules. Only in this case is there a continuing bar on implementing the decision.
15. 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.
16. Where the recommendations of 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

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

- Middlesbrough Council's Call-In Procedure.
- Report to Executive Sub Committee for Property – 19 December 2018.

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