

## OVERVIEW AND SCRUTINY BOARD

<b>Date:</b> Friday 20th November, 2020
<b>Time:</b> 2.30 pm
<b>Venue:</b> Virtual Meeting

## AGENDA

Please note: this is a virtual meeting.
-----------------------------------------

The meeting will be live-streamed via the Council's <a href="#">Youtube channel</a> at 2.30 pm on Friday 20th November, 2020
------------------------------------------------------------------------------------------------------------------------------

1. Apologies for Absence
2. Declarations of Interest  
To receive any declarations of interest.
3. Call-in - Future Accommodation 3 - 22
4. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Date Not Specified

### MEMBERSHIP

Councillors J Thompson (Chair), M Storey (Vice-Chair), C Cooke, D Coupe, L Garvey, A Hellaoui, T Higgins, T Mawston, C McIntyre, J McTigue, J Platt, M Saunders and Z Uddin

### **Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Chris Lunn, 01642 729742, [chris\\_lunn@middlesbrough.gov.uk](mailto:chris_lunn@middlesbrough.gov.uk)**

**MIDDLESBROUGH COUNCIL**

**AGENDA ITEM 3**

**OVERVIEW AND SCRUTINY BOARD**

**20 NOVEMBER 2020**

**CALL IN – FUTURE OFFICE ACCOMMODATION  
UPDATE**

**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.

**RECOMMENDATION**

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

**EXECUTIVE DECISION**

3. A meeting of the Executive was held on 27 October 2020. At that meeting, consideration was given to a report of the Mayor and the Chief Executive in respect of future accommodation update.
4. A copy of the above report, which outlined the background to the Future Accommodation Update, is attached at **Appendix 1**.
5. The report included the following recommendations:-

That the Executive reconsiders the preferred option of Centre North East for the future accommodation of Council Staff and approves that alternative options for accommodation are explored.

The decision was supported by the following analysis:

Covid-19 has had a significant impact on working practices and the effects of social distancing, home working and locality working means that the Council needs to re-evaluate the amount of future office accommodation required.

The investment the Council would be making in selecting new accommodation is significant, and this would represent appropriate due diligence in the current (and anticipated future) climate.

## **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. The completed Call-In form, signed by five Members supporting the request to call in the decision outlined above was received by the Monitoring Officer on 4 November 2020.
10. The five Members supporting the call in were Councillors Bell (Proposer) Hill, Hubbard, Platt and Wilson.
11. The decision to be called in is as follows:
  - That the Executive reconsiders the preferred option of Centre North East for the future accommodation of Council Staff and approves that alternative options for accommodation are explored.
12. The reasons for the call in, as determined as being valid by the Council's Monitoring Officer, are as follows:

Decision: that the Executive reconsiders the preferred option of Centre North East for the future accommodation of Council Staff and approves that alternative options for accommodation are explored as presented and agreed by the Executive 27th October 2020

## Reasons

The decision was taken with insufficient information provided to enable a valid decision. It does not comply with the principles or requirements of Value for Money.

Please note: there is agreement that the decision to occupy Centre North East should be revisited as moving to Centre North East was never going to be cost effective and was always a poor decision.

The decision should be called-in and scrutinised regarding the cost of over £150,000 which is said to be required to revisit the decision to occupy Centre North East.

No information was provided to explain:

- Why the cost will be over £150,000?
- What the exact cost will be?
- What the money is required for?
- How /on what the money will be spent?
- What will be achieved for the spend?

No alternatives to spending £150,000 were provided. No other options of achieving the aim stipulated in the report were provided.

Without the basic information described above, it is impossible for members to be assured of correct decision making. An informed decision is not possible and value for money cannot be demonstrated.

Middlesbrough Council's accounts for 2019/20 will have the Value for Money section qualified. This recurring state of affairs is unacceptable.

Taking a decision without the required information to enable a valid decision to be taken could result in the auditors qualifying the Value for Money element in this years' accounts.

More importantly, there is no information provided that allows members to scrutinise if spending £150,000 represents Value for Money. Nor can members assess if there is another less expensive approach that would achieve the same outcome. It is extremely concerning that spend of over £150,000 is seemingly dismissed as being unimportant because it represents *less than half of one percent of the potential cost of the project being explored*. This significant amount of money should be properly accounted for to ensure that the tax payers of Middlesbrough receive value for money.

13. To assist the Overview and Scrutiny Board in the call in process, the Mayor and appropriate Council officers, will be present at the meeting. The Mayor 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.

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 the following courses of action available:
  - i. To refer the decision back to the Executive 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. 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.
16. In the event that the decision is referred back to the Executive, a further meeting of the Executive would be arranged within ten further working days. The Executive would then make a final decision in the light of any recommendations made by OSB.
17. 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**

18. The following background papers were used in the preparation of this report:
  - Middlesbrough Council's Call-In Procedure.
  - Report to Executive – 27 October 2020.

**Contact Officer:**

Chris Lunn  
Democratic Services Officer  
Democratic Services  
Tel: 01642 729742 (direct line)  
E-mail: [chris\\_lunn@middlesbrough.gov.uk](mailto:chris_lunn@middlesbrough.gov.uk)

This page is intentionally left blank



<b>Report of:</b>	The Mayor: Andy Preston Chief Executive: Tony Parkinson
-------------------	------------------------------------------------------------

<b>Submitted to:</b>	Executive - 27 October 2020
----------------------	-----------------------------

<b>Subject:</b>	Council - Future Office Accommodation Update
-----------------	----------------------------------------------

**Summary**

<b>Proposed decision(s)</b>
The Executive reconsiders the preferred option of Centre North East for the future accommodation of Council Staff and approves that alternative options for accommodation are explored.

Report for:	Key decision:	Confidential:	Is the report urgent? <sup>1</sup>
Decision	Yes it is over financial threshold	No	No

Contribution to delivery of the 2020-23 Strategic Plan		
People	Place	Business
We will work with local communities to redevelop Middlesbrough's disadvantaged estates, and introduce locality working with our partners, placing services at the heart of communities.	We will transform our town centre, tackling crime antisocial behaviour, improving accessibility, developing Centre Square as an iconic Tees Valley office, leisure and residential location, and creating other iconic spaces for digital, media and leisure businesses.	We will become recognised as a good employer, with employees who are happy in their jobs, demonstrate our values, and deliver our priorities.

<b>Ward(s) affected</b>
Central.

<sup>1</sup> Remove for non-Executive reports

## **What is the purpose of this report?**

1. The Executive reconsiders the preferred option of Centre North East for the future accommodation of Council Staff and approves that alternative options for accommodation are explored.

## **Why does this report require a Member decision?**

2. An Executive decision on 20<sup>th</sup> December 2019 approved Theakston as the preferred developer and lessor to provide suitable arrangements for the future accommodation of Council staff and services in Centre North East.
3. A decision is required from Executive members as the proposal is a move away from a previous decision on this issue.

## **Report Background**

4. Since the Executive decision in December 2019 the Council has seen significant change in working practices due to Covid-19, with the majority of staff currently working from home. The Council are also in the process of implementing Locality Working where relevant Council staff will be based in the communities they work in. This means that the Council needs to re-evaluate the amount of future accommodation needed.
5. Covid-19 has impacted on the facilities and lay-out required for office accommodation to ensure that the risk of transferring covid-19 is minimised and social distancing can be maintained. Some of the lay-outs within Centre North East would not meet the Council's needs without significant investment and reconfiguration.
6. The Government have issued Guidance for the safe use of Council buildings and Working safely during the coronavirus both of which have been updated again in September 2020. The guidance is evolving and is regularly updated which makes it difficult at present to plan future accommodation needs.
7. The impact of Covid-19 has made the proposed move to Centre North East more expensive than previously anticipated. This is because of changes in the amount of space the Council would require, and an increased reliance upon the commercial potential of the additional, unused space within Centre North East. At this moment in time, the additional risk this brings, makes a move to Centre North East less attractive.
8. It is therefore proposed that additional work be undertaken to re-evaluate the options available to the Council in central Middlesbrough, and provide the information required to inform a final decision on future location.
9. The work required would cost approximately £150,000 but would provide greater assurance to the Council prior to committing to significant long term expenditure on new accommodation.

## **What decision(s) are being asked for?**

10. The Executive reconsiders the preferred option of Centre North East for the future accommodation of Council Staff and approves that alternative options for accommodation are explored.

## **Why is this being recommended?**

11. Covid-19 has had a significant impact on working practices and the effects of social distancing, home working and locality working means that the Council needs to re-evaluate the amount of future office accommodation required.
12. The investment the Council would be making in selecting new accommodation is significant, and this would represent appropriate due diligence in the current (and anticipated future) climate.
13. This subject of this Executive report has not been examined by the Overview and Scrutiny Board or by a Scrutiny Panel.

## **Other potential decisions and why these have not been recommended**

14. The Council could continue to proceed with leasing and occupying Centre North East. However, Centre North East is unlikely to meet the Council evolving needs and this will result in higher costs and greater risks than necessary.

## **Impact(s) of recommended decision(s)**

### ***Legal***

15. A further report will be presented to the Executive when alternative options for Council accommodation are finalised.

### ***Financial***

16. The financial impact of alternative options will be set out in a subsequent report to the Executive. This will include an appraisal of the whole life costs of the preferred option. The work required will cost approximately £150,000, which represents less than half of one percent of the potential cost of the projects being explored. This would represent appropriate due diligence in the current (and anticipated future) climate.

### ***Policy Framework***

17. The decision will be within the existing policy framework.

### ***Equality and Diversity***

18. An Impact Assessment is not required as the proposals will not have an impact on protected groups. In line with building regulations, the final design of the accommodation will be fully accessible.

## **Risk**

19. Centre North East had surplus office space which the Council was to let to other occupiers who had not yet been secured. Conservative letting assumptions were used in previous reports however it would present a risk to the Council that lettings targets may not be achieved in view of the major economic changes facing the country.

## **Actions to be taken to implement the decision(s)**

20. A report will be presented back to Executive in January 2021 setting out options for future Council accommodation. A revised preferred option would be recommended at that stage.

## **Appendices**

21. None.

## **Background papers**

<b>Body</b>	<b>Report title</b>	<b>Date</b>
Executive	Council - Future Office Accommodation	20 <sup>th</sup> December 2019

**Contact:** **Richard Horniman**

**Email:** [Richard\\_horniman@middlesbrough.gov.uk](mailto:Richard_horniman@middlesbrough.gov.uk)

## THE EXECUTIVE

A Virtual meeting of the Executive was held on 27 October 2020 at 1:00 p.m.

**PRESENT:** Councillors Mayor A Preston (Chair) and Councillors D Davison, A High, C Hobson, D McCabe, M L Smiles and A Waters

**INVITEES:** Councillor M Storey

**OFFICIALS:** C Benjamin, S Bonner, P Clarke, G Field, C Lunn, G Moore, S Reynolds and E Scollay

**APOLOGIES FOR ABSENCE:** Councillor J Thompson

### DECLARATIONS OF INTERESTS

Name of Member	Type of Interest	Item/Nature of Interest
Councillor M Smiles	Non-Pecuniary	Item 6/scheme submitted for Members Small Scheme Allocation

#### 20/54 **MINUTES - EXECUTIVE - 29 SEPTEMBER 2020**

The minutes of the Executive meeting, held on 29 September 2020, were submitted and approved as a correct record

#### 20/55 **COUNCIL - FUTURE OFFICE ACCOMMODATION UPDATE**

The Mayor and the Chief Executive submitted a report for the Executive's consideration. The purpose of the report was to seek approval to explore alternative options in respect of future accommodation for Council staff.

On 20 December 2019 the Executive approved Theakston as the preferred developer and lessor to provide suitable arrangements for the future accommodation of Council staff and services in Centre North East.

Since that decision, the Council had seen a significant change in working practices due to Covid-19, with the majority of staff currently working from home. The Council was also in the process of implementing locality working, whereby relevant Council staff would be based in the communities they served.

Covid-19 had impacted on the facilities and lay-out required for office accommodation to ensure that the risk of transferring Covid-19 was minimised and social distancing could be maintained. Some of the lay-outs within Centre North East would not have met the Council's needs without significant investment and reconfiguration.

The impact of Covid-19 had made the proposed move to Centre North East more expensive than previously anticipated, due to the changes in the amount of space the Council would require, and an increased reliance upon the commercial potential of the additional, unused space within Centre North East.

It was therefore proposed that additional work be undertaken to re-evaluate the options available to the Council in central Middlesbrough, and provide the information required to inform a final decision on future location.

The report highlighted that the work required would cost approximately £150,000 but would provide greater assurance to the Council prior to committing to significant long-term expenditure on new accommodation.

#### **OPTIONS**

**The Council could have continued to proceed with leasing and occupying Centre North East. However, Centre North East was unlikely to meet the Council's evolving needs and would have resulted in higher costs and greater risks than necessary.**

#### **ORDERED**

**That the preferred option of Centre North East, for the future accommodation of Council staff, be reconsidered and that alternative options for accommodation be explored.**

#### **REASONS**

**Covid-19 had impacted significantly on working practices and the effects of social distancing, home working and locality working meant that the Council needed to re-evaluate the amount of future office accommodation it required.**

**The investment the Council would be making in selecting new accommodation was significant, and that would represent appropriate due diligence in the current (and anticipated future) climate.**

**The subject of the report had not been examined by the Overview and Scrutiny Board or by a Scrutiny Panel.**

20/56

#### **COVID-19 GOVERNANCE AND DECISION-MAKING UPDATE**

The Mayor and the Chief Executive submitted a report for the Executive's consideration. The purpose of the report was to provide an overview of the governance framework that decisions were made within, details of those decisions and the process the Council had followed to reflect on lessons learned to date in order to strengthen future responses.

COVID-19 was an unprecedented global event that would have long-term impacts on life within Middlesbrough and significant implications for the Council's objectives, the way it did business and its finances both in the current and future years.

The Council's Scheme of Delegation gave the Executive collective responsibility for corporate strategic performance and financial management / monitoring, together with associated action. The submitted report provided transparency around how delegations were exercised during the pandemic in order to provide assurance around the robustness of governance processes.

The submitted report stated that the Mayor of Middlesbrough had delegated authority to the Council's Chief Executive to make Executive decisions of a policy, financial and operational nature in response to the COVID-19 emergency.

The Executive Scheme of Delegation had been amended to reflect that and was approved by Council in September 2020. It stated that "*The Chief Executive of the Council, or any officer nominated by the Chief Executive as his Deputy in this regard, will have delegated authority to make Executive decisions of a policy, financial and operational nature in response to the COVID-19 emergency.*"

During the course of the pandemic, decisions on the exercising of those powers had been communicated to Members and staff extensively.

As the pandemic progressed, the Council had worked to minimise the need to use those emergency powers, taking decisions following business as usual processes where timescales allowed. That was reflected in the timeline of decisions taken between June and the end of September, which was set out in the submitted report.

#### **OPTIONS**

**Not applicable - the Council had a legal duty to respond to an emergency incident.**

**ORDERED**

1. That the governance arrangements that were and remain in place to support timely decision-making during the COVID-19 pandemic, and decisions taken between June and September 2020, be noted.
2. That the robust lessons learned process undertaken on the Council's overall response as part of its commitment to continuous improvement, and the changes implemented and planned as a result, be noted.
3. That the planned adjustments to decision-making processes, to reflect those lessons learned, be approved.
4. That a quarterly update report on COVID-19 decision-making, from February 2021, be presented alongside existing updates on the Strategic Plan and the Council's financial position and also be presented to the Overview and Scrutiny Board.

**REASON**

The planned actions allowed the Council to continue to meet its legal obligations under the Civil Contingencies Act 2004 and enabled the effective management of finances, performance and risk in line with the Council's Local Code of Corporate Governance.

20/57

**MEMBERS SMALL SCHEME ALLOCATION 2020/21**

The Executive Member for Finance and Governance and the Director of Environment and Community Services submitted a report for the Executive's consideration. The purpose of the report was to provide information on the schemes put forward in respect of the Members Small Scheme Allocation.

Members had previously approved funding within the capital programme for the Members Small Scheme Allocation with an allocation of £106,000, in respect of 20/21, which was inclusive of uncommitted funds from previous years. There was currently an allocation of £60,000 for both 2021/22 and 22/23.

Members had been invited to submit bids and a total of 9 compliant bids were received within the bidding timeframe, totalling £112,500.

The schemes received were as follows:

- Cllr Furness, Pedestrian Crossing, The Avenue, Linthorpe, £15,000
- Cllrs Branson / Walker, Pedestrian Crossing, Newham Way, Coulby Newham, £10,000
- Cllr Wilson, Fencing / Gates, Thorntree Park, Thorntree, £15,000
- Cllr Lewis, CCTV, Saltwells Playground, Saltwells Rd, £5,000
- Cllrs Polano / Dean, Traffic Calming, Tollesby Rd, Acklam, £15,000
- Cllr Platt, Off Street Parking, The Oval, Brookfield, £15,000
- Cllr Hobson, Traffic Calming, Turnberry Way, Marton, £15,000
- Cllr Smiles, Pedestrian Crossing, Clevegate, Nunthorpe, £15,000
- Cllr McCabe, CCTV / Lighting, Stonedale Walk / Geltdale, Trimdon, £7,500

Based on the outcome of the scoring panel, and subject to additional match funding from services, the following schemes could be funded from the current 20/21 allocation of £106,000:

- Cllrs Branson / Walker, Pedestrian Crossing, Newham Way, Coulby Newham, Score 58, £10,000 with £15,000 from service
- Cllr McCabe, CCTV / Lighting, Stonedale Walk / Geltdale, Trimdon, Score 57, £7,500
- Cllr Lewis, CCTV, Saltwells Playground, Saltwells Rd, Score 57, £5,000
- Cllr Furness, Pedestrian Crossing, The Avenue, Linthorpe, Score 56 £15,000 with £15,000 from service.

- Cllr Wilson, Fencing / Gates, Thorntree Park, Thorntree, Score 41, £15,000.

Those schemes would use £52,500 of the £106,000 available from the current scheme, leaving a balance of £53,500.

However, match funding was not currently available from the services for the remaining schemes.

It was therefore proposed that Members defer the remaining schemes pending the outcome of public consultation and more detailed technical assessment regarding their individual viability and available match funding. Those schemes could then be approved and funded from the 2020/21 balance (£53,500) with the remaining £6,500 coming from the 21/22 allocation (£60,000) in the event that they were deliverable and public consultation had been favourable.

## OPTIONS

**Members could have deferred all of the schemes until 21/22 when a further £60,000 would be available, however, schemes would be dependent on available match funding from Highways at that time.**

## ORDERED

1. That the following schemes be approved:

- Cllrs Branson / Walker, Pedestrian Crossing, Newham Way, Coulby Newham, £10,000 with £15,000 from service
- Cllr McCabe, CCTV / Lighting, Stonedale Walk / Geldale, Trimdon, £7,500
- Cllr Lewis, CCTV, Saltwells Playground, Saltwells Rd, £5,000
- Cllr Furness, Pedestrian Crossing, The Avenue, Linthorpe, £15,000 with £15,000 from service.
- Cllr Wilson, Fencing / Gates, Thorntree Park, Thorntree, £15,000.

2. That the following schemes be endorsed, pending consultation outcomes and subject to the availability of match funding:

- Cllr Platt, Off Street Parking, The Oval, Brookfield, £15,000
- Cllr Smiles, Pedestrian Crossing, Clevegate, Nunthorpe, £15,000
- Cllr Hobson, Traffic Calming, Turnberry Way, Marton, £15,000
- Cllrs Polano / Dean, Traffic Calming, Tollesby Rd, Acklam, £15,000

## REASONS

The schemes recommended for funding in 20/21 had received the highest scores when evaluated by an officer panel. The schemes were evaluated against the following criteria:-

- Council's Strategic Objectives;
- Output Benefits and Social Value.
- Savings Payback Achieved and Value for Money.
- Project Risks.

All schemes which required match funding from Highways would be subject to the available finances in 20/21 and 21/22.

20/58

## ADOPTION OF DEVELOPMENT BRIEFS FOR SITES AT HEMLINGTON NORTH AND HEMLINGTON GRANGE SOUTH

The Executive Member for Regeneration and the Director of Regeneration and Culture submitted a report for the Executive's consideration. The purpose of the report was to present the development briefs for sites at Hemlington North and Hemlington Grange South.



In March 2020, the Executive had approved draft development briefs for the development of land at Hemlington North and Hemlington Grange South. Both sites formed part of the wider Hemlington Grange mixed-use development site that was allocated in the Housing Local Plan (2014). The briefs provided a significant opportunity to support place making in the south of the borough, with both of them supporting sustainable development and high levels of environmental enhancement.

A consultation had been undertaken, details of which were contained at paragraph 4 of the submitted report.

Overall 60 comments had been received, 30 relating to the Hemlington North site and 30 relating to Hemlington Grange South. Two reports of consultation had been prepared (one for each development brief, see Appendices 1 and 2 of the submitted report), setting out details of those comments and the Council's response to them.

In summary, in respect of Hemlington North, a significant number of the respondents were concerned about the provision of affordable housing on the site, and the impact that might have on crime and house prices. Respondents stated that the site should stay green and that there should be no apartments on the site. Respondents were also concerned about the potential increase in traffic from the proposed development and the Hemlington Grange South proposal.

In summary, in respect of Hemlington Grange South, respondents were concerned about the traffic implications of additional houses and, in particular, a number of those that responded suggested that there should be a separate access to the site rather the proposed development being access through Elderwood Park.

The development briefs had been finalised, taking into account all of the comments received, with some minor amendments being made in view of material planning considerations. The amended briefs were attached at Appendix 3 (Hemlington North) and Appendix 4 (Hemlington Grange South) of the submitted report.

Following their adoption, the development briefs would be used to help to market the sites, and in the selection of the preferred bidder. The briefs would also be used in the consideration of any future planning applications.

## **OPTIONS**

**Not to approve the development briefs for sites at Hemlington North and Hemlington Grange South - that would have meant that there would be an absence of planning guidance on the key layout principles, type of housing and quality of development that the Council would be seeking on those sites. There would be less certainty and potentially higher risks for future developers.**

## **ORDERED**

**That the development briefs, for sites at Hemlington North and Hemlington Grange South, be adopted.**

## **REASON**

**The development briefs planned to help to clarify the Council's expectations for the development of the Hemlington North and Hemlington Grange South sites for residential development, which would help deliver a high quality development whilst, at the same time, reducing risk and uncertainty for future developers.**

The decision(s) will come into force after five working days following the day the decision(s) was published unless the decision becomes subject to the call in procedures.

This page is intentionally left blank

### Procedure for Call-in Requests at OSB

1. Once a valid call-in request has been received, a meeting of the Overview and Scrutiny Board must be held to consider the matter.
2. The procedure shall be as follows:

**Agenda:**

The agenda for the meeting shall include a report, or a set of reports, which will include the following:

- (a) The procedure to be followed, including an explanation of the courses of action open to the committee.
  - (b) Details of the call-in request and any additional written material the members making the call-in wish to submit for consideration.
  - (c) Details of the decision, which shall include:
    - A copy of the original report or other papers considered by the Executive (or other decision maker) when the decision was made.
    - A copy of the minutes of the meeting where the decision was made.
  - (d) A copy of any written information provided by the decision maker, in response to the points raised in the call-in request.
3. Procedure to be followed in the meeting:
    - 3.1. Once the Chair has opened the meeting, a note will be taken of the members present at the meeting. Any member who arrives after the call-in signatories have started their presentation may not vote on the call-in, although they may take part in the discussion. If there is a very low turnout, or if the Chair has been made aware that other members are on their way but have been delayed, they may, at their discretion, delay the start of the meeting to allow time for members to arrive.
    - 3.2. It should be noted that no party whip should be applied to call-in meetings and any member who has been subject to a party whip in respect of the matters being considered must declare it in accordance with Paragraph 15 of the Scrutiny Procedure Rules.
    - 3.3. The Chair will outline the Procedure to be followed.
    - 3.4. The Proposer – the first named member who called-in the decision will then be asked to explain why the decision has been called-in and what should be reviewed. The members making the call-in shall be allowed up to 15 minutes in total to present their case. It shall be up to them to determine how they wish to use their time, they may ask one speaker to speak or

- share the time among several speakers/witnesses as they see fit. (Maximum 15 minutes).
- 3.5. The Executive Member and the service department will have the opportunity to ask factual questions of the Member who called in the decision(s) and the witnesses (Maximum 5 minutes).
  - 3.6. The relevant Executive Member will explain the background to the decision(s). The Executive Member must speak first (unless the decision that has been called in was made by an officer under delegation), The Executive member may then call on officers to deal with matters of detail. (Maximum 15 minutes).
  - 3.7. The Proposer – the first named Member who called in the decision(s) will have the opportunity to ask factual questions (Maximum 5 minutes).
  - 3.8. Members of the Overview and Scrutiny Board (OSB) will have the opportunity to question all parties. Requests to speak should be made through the Chair. It shall be up to the Chair to decide whether to allow people to speak and how many speakers will be allowed.
  - 3.9. Following questioning, both parties may make closing submissions (5 minutes each), commencing with the Executive Member, then the Member submitting the call in. After closing submissions, no further representations will be heard.
  - 3.10. The Chair should then clearly indicate that the floor is open for debate and invite members to discuss and examine the main issues. Members may ask further questions of the members making the call-in or the decision makers, or any other people present at the meeting, during the debate. The members making the call-in and the decision maker will not normally speak during the debate, except to answer questions.
  - 3.11. When the Chair considers that the matter has been debated for a reasonable length of time, the Chair will invite the committee members to vote on whether the decision should be referred back and what the reasons for this are. The committee may also agree any comments or recommendations it would like the decision maker (or Council) to consider.
  - 3.12. Following the completion of discussions on the Call-in request, the Overview and Scrutiny Board has a number of 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.

3.13. The Chair will confirm the OSB's decision.

- ii) If members vote not to refer the decision back at this stage, the call-in is ended. The matter will not be referred back and the original decision may be implemented.
- iii) Even though members have decided not to refer the decision back for reconsideration they may still decide to refer issues of concern arising from the call-in to the Executive, officers, a committee, or Council, or any other body they consider appropriate, for consideration.
- iv) If members vote in favour of referring the matter for reconsideration, the decision will normally be referred directly back to the decision maker.
- v) A written report, detailing OSB's decision and the reasons for it, will be prepared and made available to all Council Members by e mail.
- vi) Where OSB refers a decision back to the decision maker, it shall be reconsidered by the decision maker within 10 working days.

This page is intentionally left blank