

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on Friday 31 March 2023.

PRESENT: Councillors , T Mawston (Vice-Chair), D Jones, D McCabe, J Platt, A Bell (Substitute for B Hubbard) and C Dodds (Substitute for B Hubbard)

PRESENT BY INVITATION: Councillor C Hobson (Call-In Proposer) Councillor E Polano (Executive Member for Regeneration)

ALSO IN ATTENDANCE: Mr James Hayton (Chair of the Nunthorpe Playing Fields Association)

OFFICERS: A Wilson and R Horniman

APOLOGIES FOR ABSENCE: Councillors M Saunders, R Arundale, C Cooke, D Davison, C Hobson, B Hubbard, C McIntyre, M Storey and J Thompson

20/178 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

20/179 **CALL IN - DEVELOPING A NEW NUNTHORPE COMMUNITY FACILITY**

The Chair welcomed all attendees to the meeting and outlined the Call-In procedure to be followed.

The Call-In Proposer and their witness would be afforded 15 minutes to present their case for the Call-In. Following this the Call-In Responders would be allowed a maximum of five minutes to ask factual questions on the presentation.

The Call-In Responder would then be afforded a maximum of 15 minutes to present the case for the original Executive decision made on 7 March. The Call-In Proposer would be allowed a maximum of five minutes to ask factual questions on the presentation.

After both submissions Overview and Scrutiny Board (OSB) would then be afforded the opportunity to question both Call-In Proposer and Responder with no time limit.

After all questions OSB would then vote to either refer the decision back to Executive or not.

The Chair reminded all participants that the times outlined would be strictly observed.

Members of OSB agreed the Call-In report had been taken as read.

As the Call in Proposer, Councillor Chris Hobson, was invited to present the case for the Call-In.

Councillor Hobson explained the Executive had not been equipped with all relevant information need for them to make an informed decision. Councillor Hobson then invited the Chair of the Nunthorpe Playing Fields Association to speak in support of Call-In. he explained the land used by the Nunthorpe Playing Fields Association was gifted by Lady Harrison in the 1960s and the Nunthorpe Playing Fields Association had not sought financial assistance from the Council at any stage.

It was explained the Nunthorpe Playing Fields Association was a charity and not a private members club. There were 1,500 direct users of the facility which had a community focus in how it was operated. The facility was the last of its kind in Nunthorpe and one of the last of its kind in Teesside and the UK. The facility was open to all and supported all demographics.

The Chair of the Nunthorpe Playing Fields Association described the creation of the Nunthorpe Vision Group and how existing members of Nunthorpe Parish Council formed the

Vision Group Board members various panels within that group.

It was commented there were three consultation processes, and during those processes the Nunthorpe Playing Fields Association raised various concerns to the Parish Council but felt those concerns were ignored.

The Parish Council were chosen to spearhead the consultation process which eventually led to the Parish Council and Nunthorpe Playing Fields Association leading on separate bids for a new community facility.

The first consultation process was agreed by both Parish Council and Nunthorpe Playing Fields Association with the second not agreed by either the Parish Council or Nunthorpe Playing Fields Association. The second process was a value for money exercise based on the proposal of what the community would like to be built. As part of this process the Nunthorpe Playing Fields Association submitted several proposals but none of them were taken seriously.

The third consultation process was initially administered by the Council's Finance Director and Head of Procurement and focussed on the location of a new facility. After approximately six to nine months the process was then handed to the Council's Regeneration team to administer. It was at this stage perceived shortcomings of the consultation process were highlighted but no check was made.

Despite this the third consultation process was released in both postal and social media formats. The online version of the consultation allowed for multiple responses while the postal response meant the Parish Council could receipt any responses. This was, therefore, not confidential. In the view of the Nunthorpe Playing Fields Association, the first consultation process reflected its preference however it seemed the second and third processes were re-worked to suit a different outcome.

At this point Councillor Hobson read an email from the Director of Regeneration that stated the winning bid had to be approved by the Nunthorpe Vision Group, which consisted of members of the Parish Council.

At this point in the meeting the Call-In proposers confirmed they had finished their presentation.

The Chair invited the Call-In responders to pose factual questions of the Call-In proposers for up to five minutes.

The Executive Member for Regeneration, Councillor Eric Polano, asked if members of the Nunthorpe Playing Fields Association paid an annual subscription. It was clarified the Playing Fields Association managed the facility, but there were some sections of the facility that received rent that contributed to the Playing Fields Association's overheads.

There were no other questions for the Call-In Proposers.

The Chair invited the Call-In responders to present their case within the 15 minutes allowed.

Councillor Polano advised Members there were two options considered as part of the Executive decision and both the Guisborough Road and Stokesley sites had been considered. Of both sites the Executive were happy with the Stokesley Road site.

The Director of Regeneration presented information to the Board and made the following points:

- The decision made by Executive concerned the site only and did not concern any other matters.
- The issues brought forward as part of the Call-In were understandable but not relevant to the decision that was made.
- A site appraisal was undertaken with pros and cons made for each.
- Both sites were scored following the appraisal with the Stokesley Road site being the preferred option.
- The consultation was carried out in the Nunthorpe area and focussed on which site

- residents preferred.
- Responses to the consultation were both electronic and hard copy.
 - While there were pros and cons for each side the consultation responses generally favoured the Stokesley Road site.
 - Many of the responses were similar, however they were still fed into the site appraisal.
 - The Council did not have control of the paper responses although it did have some control over the electronic element of the consultation.
 - The paper copy consultations were sealed in community boxes in the local area.
 - The consultation was not a vote, it was a gathering of views both for and against.
 - As there was no requirement for respondents to supply contact information this led to suggestions anyone could contribute to the process irrespective of where they were. However, this was done in line with Data Minimisation principles that were applied across the Council.
 - Importantly the decision made by Executive related to a discrete process and as the Vision Group had not met for several months, only the Council had control of the consultation process.
 - The proposals had all been considered by the Planning Department who were happy with the proposals.
 - The outcome of the previous report and decision was to start a new process to determine the preferred location of the facility.
 - While there had been a suggestion of bias in the process the views of the public were sought with a comprehensive assessment having been undertaken.
 - The consultation process had no sign of tampering and there was evidence of bias. The process gathered a community view rather than a vote.
 - The responses were in both electronic and hard copy formats, both of which favoured the Stokesley Road site.

The Councillor Polano and the Director of Regeneration confirmed they had finished their presentation.

The Chair invited the Call-In proposers to pose factual questions of the Call-In responders for up to five minutes.

The Chair of the Nunthorpe Playing Fields Association commented the Call-In was not an indictment of the Regeneration Department. It was also commented that 50 hard copy consultation documents were printed and left in the Playing Field Association's facility. It was queried why there was such low response rates from the hard copy formats. The Director of Regeneration stated he could only comment on those hard copy responses that were returned to the Council.

The Chair of the Nunthorpe Playing Fields Association commented the consultation appeared to be a vote "for" or "against", not just as a gathering of views. The Director of Regeneration reiterated that the process was to encourage people to express their views rather than a preference for one site.

The Chair reminded the Call-In proposers that the allotted time was for questions only.

Councillor Hobson stated a previous request for data had been made but refused despite it not containing any obvious confidential information and queried why this was the case.

The Director of Regeneration clarified this was in accordance with Data Protection practices. However, he also confirmed the information could be released to the Call-In proposers provided it had been double checked for Data Protection purposes.

The Call-In Proposers confirmed they had no further questions for the Call-In responders.

At this point in the meeting the Chair invited Members of OSB to pose questions to both the Call-In Proposers and Responders,

A Member queried if all residents in the area had the opportunity to input to the consultation process. It was confirmed that all residents had been provided with the opportunity to input to the process.

A Member asked for further information about the Vision Group and their role in the consultation process. It was clarified the Vision Group was brought together by the Parish Council to head up a vision for Nunthorpe. It was commented that many of the attendees at various panels of the Vision Group tended to be the same individuals. The Member also queried why the report agreed at Executive only showed the plan for the recommended site. The Director of Regeneration confirmed the plan in the report would only show the plans for recommended options.

The Chair commented the information presented to OSB seemed to be confusing and ambiguous. The Deputy Monitoring Officer advised OSB about the reasons Call-Ins could be considered, as stipulated in section 5.2 of the Call-In protocol.

At this point in the meeting the Chair invited the Call-In responder to sum up their position.

The Director for Regeneration stated that the consultation process was to gather the views of local residents the results of which showed a preference for the Stokesley Road site.

The Chair invited the Call-In Proposers to sum up their position.

The Chair of the Nunthorpe Playing Fields Association stated the consultation process seemingly changed to suit different results, and while the Nunthorpe Playing Fields Association had submitted their views these were seemingly ignored.

Councillor Hobson stated the Nunthorpe Playing Field Association had the ability to run a new Nunthorpe Community facility and that the Data previously requested should be released as soon as possible.

The Chair thanked both parties for their input and commented that the information presented to OSB seemed ambiguous. This was supported by other Members of the Board who agreed that the information used in support of the Executive decision was ambiguous and required clarity.

ORDERED:

- 1. That the decision “Developing a New Nunthorpe Community Facility” taken by Executive on 7 March 2023 should be referred to the Executive for reconsideration.**
- 2. In accordance with the Council’s Call-In Protocol, a meeting of Executive be convened within 10 working days of OSB’s decision to consider the referral.**

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ANY OTHER URGENT ITEMS WHICH, IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.

None.