

Bath & North East Somerset Council

MEETING:	Corporate Policy Development & Scrutiny Panel
MEETING DATE:	8 th February 2021
TITLE:	Call-in of decision E3229: - Asset Disposal: 117 Newbridge Hill, Bath
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1 Cabinet Decision</p> <p>Appendix 2 Accompanying Report for the Decision</p> <p>Appendix 3 Call-in Request</p> <p>Appendix 4 Terms of Reference for the Call-in</p>	

1 THE ISSUE

1.1 Any 9 Councillors not in the Council's Cabinet may request that a Cabinet or Single Member Decision made but not yet implemented be reconsidered by the person or body who made it. This is called a "call-in" and has the effect of preventing the implementation of the decision pending a review of the decision by a Policy Development and Scrutiny Panel.

1.2 This report sets out the call-in received by 9 Councillors of the decision of the proposed Asset Disposal of 117 Newbridge Hill, Bath (WL). The role of the Panel is to consider the issues raised by the call-in notice and to determine its response.

2 RECOMMENDATION

THE PANEL IS ASKED TO:

- 2.1 a. Consider the call-in request received (refer to Appendix 3), Please refer to the first two call in bullet points which have been validated
- b. Approve the Terms of Reference of the Call-in.
- c. Decide whether it will reach a conclusion about whether to uphold or dismiss the call-in; or refer the matter to the Council itself to undertake the role of the Panel, at this meeting or if a further meeting is required.
- d. If a further meeting is required to hear and determine the call-in, the Panel is asked to agree the date for this. [The constitutional requirement is for that

meeting to take place before the end of the 10th February 2021 (this timescale would not apply if the Panel decided to refer their role to the full Council)].

3 FINANCIAL IMPLICATIONS

3.1 The Panel should be aware that the Council's Constitution (Part 4E, Rule 13) requires that

“Where an Overview and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) the Panel has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources or the extent to which that should be seen as a priority for future years’ budget considerations”.

3.2 It is important, therefore, in its consideration of the call-in that the Panel gives consideration to the alternative options available to the decision-maker and the financial consequences of these.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSALS

4.1 A Call-in is a statutory process pursuant to the Council's Constitution Part 4D (1) & 4E;

<https://democracy.bathnes.gov.uk/documents/s57620/Part%204%20D-1%20Call-in%20procedure%20rules.pdf>

<https://democracy.bathnes.gov.uk/documents/s58425/Part%204%20E%20Overview%20and%20Scrutiny%20procedure%20rules.pdf>

5 THE REPORT

BACKGROUND

5.1 The decision which is now subject to a call-in request was a single Member Cabinet Decision made on the 18th January 2021 (Appendix 1) following consideration of the officer report (Appendix 2). The Council Solicitor, in consultation with the Chief Executive, has validated the call-in request for the first two bullet points of the call-in request. *(The Monitoring Officer has advised that the third bullet point is not deemed to be within scope as no decision was made by the Cabinet member on consultation/transparency. The decision maker had no control of the governance structure, which is set out in the Protocol for Local Authority Company Governance, agreed at Council.)*

5.2 Appendix 3 sets out the reasons for the call-in request. (please refer to the first two bullet points)

ASSESSING THE CALL-IN REQUEST

5.3 The Terms of Reference (Appendix 5) will indicate the suggested scope of the Call-in. This will outline the information and contributions the Panel is advised to consider in order to determine the call-in. It will have been prepared in consultation with the Chair. Panel members are invited to comment on the terms of reference

and any changes they request will be taken into account in an updated version which will be circulated at the meeting.

5.4 The Policy Development and Scrutiny Panel Chairs have approved guidance on the handling of call-in requests which make clear that there is a presumption that every validated call-in will proceed to a public meeting stage. The process for that meeting is set out in paragraph 5.5 below. If a second meeting of the Panel is required to complete the review it needs to take place no later than 19th February 2021 to comply with the constitutional requirement that the total period of overview and scrutiny involvement in a call-in must not exceed 21 working days.

SUGGESTED FORMAT FOR THE MEETING TO DETERMINE THE CALL-IN

5.5 When the Panel determines the call-in, it is suggested that the following format be adopted:

- (1) Remind itself of the issues to be considered and consider any additional written information supplied.
- (2) Hear from and ask questions of the Cabinet Member(s) and Lead (or other agreed) Officers.
- (3) Hear from and ask questions of Councillor(s) representing the call-in signatories.
- (4) Hear from and ask questions of any public speakers. appropriate external contributors (a "panel" style contributors` session is suggested).
- (5) Call-in Councillor and Cabinet member(s) have the opportunity to make comments on any new considerations that may have arisen during the debate.
- (6) Discuss and draw conclusions from the written and oral information presented.
- (7) Consider and formulate the Panel's determination of the call-in.

6 RATIONALE

6.1 The recommendations were suggested pursuant to the Council's constitution.

7 OTHER OPTIONS CONSIDERED

7.1 Not applicable

8 CONSULTATION

8.1 This report has been prepared following consultation with the Chair and Vice Chair of the Policy Development and Scrutiny Panel.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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Background papers	<i>none</i>
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