

Appendix 4 - Terms of Reference

Call-in of the Cabinet decision: E3229

Introduction

A single member Cabinet Decision was made on the 18th January 2021 resolved as set out below:

The Cabinet Member agrees to:

- 1.1 Approve the disposal of 117 Newbridge Hill, Bath to ACL for £308k with the voluntary conditions detailed within this report;
- 1.2 Authorise the Director of Economy & Growth to enter a Development Agreement with ACL for the redevelopment of the site into 6 apartments
- 1.3 The rationale for the decision states that the disposal on the open market, and without restriction, is likely to result in the property being developed into a luxury single dwelling house, student or holiday lets. The Council is therefore applying additional conditions, formally known as voluntary conditions, to ensure that the development meets the wider strategic aims of the Council as detailed in the covering report.

2.1 On the 21st January 2021 a call-in notice was received, signed by 9 Councillors, objecting to this decision.

This relates to the proposed Asset Disposal of 117 Newbridge Hill, Bath (WL) taken on 18th January 2021 by the Cabinet Member for Resources for the following reasons:

- **the decision to dispose of the asset at nearly half a million pounds below market value, and on a non-competitive basis, is contrary to the interests of Council Taxpayers in B&NES**
- **the case has not been made to justify the below market value disposal and so the asset should be listed on the open market, where it will fetch greater returns for the Council**
- although consultation has taken place with the Statutory Officers, Cabinet Members and the Council's Client Liaison Board, the governance structure underpinning this decision is overly complex and confusing and, as a result, there has been a lack of transparency

Relevant PDS Panel

The 'call-in' request has been referred to Bath & North East Somerset Council's Corporate Panel to review the decision.

Call-in Meeting

At the Panel meeting on the 8th February 2021 the Panel will investigate and determine the matter. They will assess in detail the reasons for the Cabinet decision and consider the objections, (**the first two bullet points**) stated in the call-in notice via a range of information from Councillors, Officers and members of the public (further details below).

Objective

The objective of the Call-in review is to determine whether or not the resolution made by the Cabinet Members should: -

- Be referred back to the Cabinet for reconsideration [**'Uphold' the call-in**]
- Proceed as agreed by the Cabinet [**'Dismiss' the call-in**], or
- Be referred to Full Council to undertake the role of the Panel [*the ultimate decision would still remain with the Cabinet*].

Method

To achieve its objective, **the Panel will investigate the original decision and the objections stated in the call-in notice reasons received for the first two bullet points.** The Panel will hear statements from members of the public who have registered to speak about both the substance and processes behind the decision. Public statements will be limited to 3 minutes per speaker or any variation proposed by the Chair. It will also require attendance and/or written submissions from: -

- Representative Councillor(s): Cllr Vic Pritchard
- Lead Cabinet Member – Cllr Richard Samuel (Cabinet Member for Resources) and key service officers

Outputs

The Panel's view and supporting findings will be made publicly and will include:

- Minutes & papers from public Panel call-in meetings.
- A summary note will be provided, setting out the result of the call-in meeting

Constraints

- **The Panel will only address questions from the validated points within the call-in notice.**

- **Timescales.** The Panel must hold its initial meeting within 14 working days of the call-in being verified to consider the call-in request. The Panel has a total of 21 working days to reach its decision.
 - Initial Public Meeting must be held by **10th February 2021** [14 working days from receipt of validated call-in request]
 - If meeting adjourned, second public meeting must be held by the **19th February 2021** [21 working days from receipt of validated call-in request]
 - If referred directly to the Cabinet, a response must be received by the **23rd February 2021** [10 working days from date of 1st meeting]
 - If adjourned and then referred to the Cabinet, a response must be received within 10 working days from date of 2nd meeting, **4th March 2021**

- **Resources.** The call-in process must be managed within the budget and resources available to the Panel.

- **Council 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*”. Section 3.1 of the cover report (formal agenda papers) provides further explanation.

- **Code of Conduct**