

Bath & North East Somerset Council

MEETING:	Corporate Policy Development & Scrutiny Panel	
MEETING DATE:	3 April 2023	EXECUTIVE FORWARD PLAN REFERENCE:
		E3452
TITLE:	Call-in of decision E3452 - Wansdyke Business Centre, Midsomer Norton	
WARD:	Midsomer Norton North	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 Call-in Request Appendix 2 Single Member Cabinet Decision Appendix 3 Original Report to Cabinet Members Appendix 4 Summary of Options (appendix to original report) Appendix 5 Public Exemption Notice (appendix to original report) Exempt Appendix 6 Wansdyke Business Centre Financial Impact (appendix to original report) Reason for exemption: Information relating to the financial or business affairs of any particular person (including the authority holding that information). Please see Information Governance Report (Appendix 5) for this item for more details.		

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 from 15 Councillors of the decision relating to close the Wansdyke Business Centre and return the long leasehold to the market, as office, industrial and warehouse accommodation. 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 Consider the call-in request received (Appendix 1);
- 2.2 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.

3 THE REPORT

- 3.1 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. The Panel will only address questions from the validated points within the call-in notice.
 - (2) Hear from any public speakers (and external contributors if appropriate)
 - (3) Hear from and ask questions of Councillor(s) representing the call-in signatories.
 - (4) Hear from and ask questions of the Cabinet Member(s) and lead officer(s).
 - (5) Hear closing statements from the Cabinet Member(s) and Lead Call-In Member.
 - (6) Discuss and draw conclusions from the written and oral information presented.
 - (7) Consider and formulate the Panel's determination of the call-in.
- 3.2 It is important to note that the panel (or Council fulfilling this role) can only recommend that the Cabinet Members reconsider the decision. The Panel does not have the power to amend the decision itself and the ultimate decision remains with the original decision maker.
- 3.3 If referring the issue to Council rather than determining the call-in at Panel, no further debate should take place at the Panel.

4 STATUTORY CONSIDERATIONS

- 4.1 A Call-in is a statutory process pursuant to the Council's Constitution Part 3.2.25. The Monitoring Officer, on behalf of the Chief Executive, has validated the call in and confirms that it conforms to constitutional requirements in terms of time of receipt and number of Members validly subscribing to it.
- 4.2 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.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 The Panel should be aware that the Council's Constitution (Part 3.3.14) 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".

5.2 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.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations (of the issue being called-in) has been undertaken, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 N/A

8 CLIMATE CHANGE

8.1 N/A

9 OTHER OPTIONS CONSIDERED

9.1 N/A

10 CONSULTATION

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

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Background papers	<i>None</i>
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