

Bath & North East Somerset Council

MEETING:	Corporate Policy Development & Scrutiny Panel	
MEETING DATE:	11 July 2023	EXECUTIVE FORWARD PLAN REFERENCE:
		E3453
TITLE:	Call-in of decision E3453 – Entry Hill Depot Site, Entry Hill, Bath BA2 5NA – Recommendation for Disposal	
WARD:	Widcombe & Lyncombe (small area contained in Combe Down)	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 Summary Briefing Note - Property Options Report Appendix 2 The Future of Entry Hill Depot Site Appendix 3 Entry Hill Depot Site, Recommendation for Disposal Appendix 4 Decision – Entry Hill Depot Site – Recommendation for Disposal Appendix 5 ‘ Call-in ’ request – Entry Hill Depot Site Appendix 6 – Call in Validation – Exercise of Emergency Powers		

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 the recommended disposal of the Entry Hill Depot site. The role of the Panel is to consider the issues raised by the call-in notice and to determine its response.
- 1.3 The call-in request was validated by the Chief Executive on 25 April, 2023. Given the sensitivity on timing it was considered inappropriate to determine the call-in immediately prior to the election date. The Chief Executive, therefore, suspended the requirement on timings, using powers set out in the Council’s Constitution under rule 3.4.5, highlighting that the disposal of the site did not have an urgent timeframe for completion and could therefore wait until a Panel was convened in the new Administration.

1.4 Following the 4 May 2023 election, nine of the original signatories are now former Members of the Council however, as the call-in was ratified during the life of the previous Council, the process is required to continue. Cllr Wright, substituted by Cllr Heijltjes, has subsequently agreed to be the new lead.

2 RECOMMENDATION

The Panel is asked to;

2.1 Consider the call-in request received (Appendix 5);

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 Member reconsiders 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 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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