

## Executive (Calling-In)

23 November 2017

Report of the Assistant Director, Legal and Governance

### Called-in Item: Disposal of Willow House, Walmgate

#### Summary

1. This report sets out the reasons for the call-in of the decision made by the Executive on 19 October 2017 in relation to the disposal of the former Older Persons' Home at Willow House.
2. The report also sets out the decision of the Corporate and Scrutiny Management Policy & Scrutiny Committee (CSMPSC) (Calling In), which considered the call-in of the Executive's decision at a meeting held on 6 November 2017. The Executive (Calling In) is asked to re-consider its original decision, based on the reasons for the call-in and the resolution made at the CSMPSC (Calling-In) meeting.

#### Background

3. An extract from the Decision Sheet issued after the meeting of the Executive on 19 October is attached as Annex A to this report. This sets out the decision taken by the Executive on the called-in item. The original report to the Executive on the called-in item is attached as Annex B to this report.
4. The Executive's decision was called in by Councillors Craghill, Flinders and Looker for review by the CSMPSC (Calling-In), in accordance with the constitutional requirements for call-in. The reasons given were as follows:
  - *We are calling on the Council to delay the sale of the land for 2 months so that further negotiation can take place regarding the area of currently unfenced open space between Willow House and Walmgate and all the options for protecting the land can be explored. This might include a covenant and/or other options.*
  - *Irrespective of its legal status this area of land has operated effectively as public green open space for a long time now.*

- *It has functioned as part of the housing estate in an urban area which has very limited provision of green open space, and which is part of an area officially recognised to have a deficit in open space.*
  - *This is also an area of some deprivation, where supporting and empowering the local community should be a council priority; removing this open space is contrary to this objective.*
  - *There is widespread concern about the loss of this green open space from local residents and the newly formed Walmgate Community Association – as evidence by a recent protest by 30 local residents at very short notice.*
  - *Additionally, there is widespread concern about development on this area which forms the setting of the scheduled ancient monument of the city walls and recently refurbished historic Walmgate Bar.*
6. The CSMPSC (Calling-In) considered the reasons for the call-in at their meeting on 6 November 2017. Having heard from Cllr Flinders, on behalf of the Calling-in Members and Cllr Carr, as Chair of Executive, and after a full debate, they resolved:

*That the decision regarding the disposal of Willow House made by the Executive on 19 October 2017 be referred back to the Executive with a recommendation that the sale of this land be delayed in order to allow for a detailed consideration of each of the available options for protecting this important piece of green space, so that future generations may continue to enjoy its use.*

### **Consultation**

7. Councillor Williams, as Chair of CSMPSC, has been invited to attend the meeting to present the recommendations of CSMPSC (Calling In) and to answer any questions in relation to the decision made by the Committee.

### **Options**

8. The following options are available to Executive (Calling-In) Members in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:

- a. To amend the original decision of the Executive, in order to take account of the recommendations of the CSMPS (Calling In) and/or any other further considerations; or
- b. To reaffirm the original decision of the Executive, as set out in Annex A.

### **Analysis**

9. The Executive will no doubt wish to give careful consideration to the reasons for call-in of the decision, together with the recommendations of CSMPS (Calling-In). The Executive will wish to balance these factors against the arguments set out in the original Executive report which underpinned the decisions that were called in.

### **Council Plan**

10. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2015-19.

### **Implications**

11. The original report draws Members' attention to relevant implications and in particular the financial, equalities and legal implications.

### **Risk Management**

12. There are no significant risk management implications associated with the referral back of this matter.

### **Recommendation**

13. Members are asked to consider all the reasons put forward for calling in the Executive's decision, together with the views of the Corporate and Scrutiny Management Policy & Scrutiny Committee (Calling-In) in relation to the decision, and to decide whether to amend or to reaffirm their original decision.

**Reason:** To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

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report:**

Andrew Docherty  
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**Report  
Approved**



**Date** 13/11/17

**Specialist Implications Officer(s)** None

**Wards Affected:**

**All**



**For further information please contact the author of the report**

**Annexes**

Annex A – Extract from the Decision Sheet produced following the Executive meeting that considered the called-in item.

Annex B – Report to the Executive of the Corporate Director of Economy and Place on Disposal of Willow House, Walmgate (19 October 2017).

**Background Papers**

None