
**Scrutiny Management Committee
(Calling – In)**

12 May 2008

Report of the Head of Civic, Democratic and Legal Services

**Called-in Item: Back Park Petition – Executive
Response**

Summary

1. This report sets out the reasons for the call-in of a decision made by the Executive in relation to a petition, originally submitted to full Council on 29 November 2007, seeking the removal of Back Park from the list of leisure land for potential sale.

Background

2. The relevant extract from the decision list of the meeting of the Executive held on 6 May is attached as Annex A to this report. The original report to the Executive is attached as Annex B.
3. Following publication of the Executive's decision, Councillors Alexander, Bowgate and Crisp called in the decision for review by the Scrutiny Management Committee (SMC) (Calling-In) in accordance with the constitutional requirements for post-decision call-in. The reasons given for the call-in are as follows:-

“That the Executive did not follow the full recommendations of the Shadow Executive namely:

- *Back Park, aka Balfour Street Play Area, should not be sold off*
- *Investigations to legal title and ability to sell land should be halted.”*

Consultation

4. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

Options

5. The following options are available to SMC (Calling-In) in relation to dealing with this call-in in relation to the constitutional and legal requirements under the Local Government Act 2000:
 - (a) to confirm the decision of the Executive, on the grounds that the SMC (Calling-In) does not believe there is any basis for reconsideration. If this option is chosen, the decision takes effect from the date of the SMC (Calling-In) meeting;
 - (b) to refer the decision back to the Executive, for them to reconsider or amend in part their decision. If this option is chosen, the decision will be re-considered at the meeting of the Executive (Calling-in) scheduled for Tuesday, 13 May 2008.

Analysis

6. Members need to consider the reasons for call-in and the basis of the decision made by the Executive and form a view on whether there is a basis for reconsideration of that decision.

Corporate Priorities

7. An indication of the Corporate Priorities to which the Executive's decision is expected to contribute is provided in paragraphs 17 and 18 of Annex B to this report.

Implications

8. There are no known financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in:

Risk Management

9. There are no risk management implications associated with the call in of this matter.

Recommendations

10. Members are asked to consider the call-in and reasons for it and decide whether they wish to confirm the decision made by the Executive or refer the matter back to the Executive for re-consideration.

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 Approved

Date

8 May 2008

Specialist Implications Officer(s) None

None

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex A – decision of the Executive (extract from decision list) - 6 May 2008

Annex B – report to Executive – 6 May 2008