
Strategic Policy Panel

9 June 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 referral to the Strategic Policy Panel (SPP) of the decision taken by the Executive (Calling In) on 13 May 2008 in respect of the Executive's original decision in respect of Back Park Petition, which was called in following the Executive meeting on 6 May 2008. It also explains the powers and role of SPP in relation to dealing with this referral.

Background

2. At their meeting on 6 May 2008, the Executive considered a report which asked them to respond to a petition presented to full Council in November 2007, seeking the removal of Back Park from the list of land for possible sale. They decided:

“(i) That the receipt of the petition, and the status of the land at issue, be noted.

“(ii) That Officers be asked to undertake an area asset management review in the Leeman Road area.

REASON: To ensure that the communities assets in this area are optimised and the highest quality of public provision achieved.”

3. Those decisions were subsequently called in and considered by the Scrutiny Management Committee (Calling In) on 12 May 2008, which decided to refer the decisions back to the Executive for reconsideration, with a recommendation that they make the following additional resolution:

“That this parcel of land be removed from the list of disposals, pending the outcome of the area asset management review.”

4. The matter was duly re-considered at a meeting of the Executive (Calling In) held on 13 May 2008, when the following decision was made:

“That the decision of the Executive on 6 May 2008 be amended to include the following additional resolution:

‘(iii) That the Executive will not approve the sale of any land in the Leeman Road area until the asset management review has been completed.’”

3. Councillor Scott, as Leader of the Labour Group, has now requested that this decision be referred to Strategic Policy Panel, in accordance with the constitutional requirements for referral, on the grounds that the Executive (Calling In) did not fully accept the recommendations of the Scrutiny Management Committee (Calling In).

Consultation

4. In accordance with the requirements of the Constitution, the Member who referred the item has been invited to speak at the meeting of the SPP.

Options

5. The following options are available constitutionally to the SPP in relation to dealing with this referral :
 - (a) To make a recommendation that the Executive confirm the decision of the Executive (Calling In) on 13 May 2008 in the sense that SPP does not believe there is any basis for reconsideration.
 - (b) To make a recommendation that the Executive reconsider or amend in part their decision of 13 May in the light of the reasons for referral.

The decision takes effect from the date of the Executive (Calling In) meeting; that is, 13 May 2008.

Analysis

6. Members need to consider the reasons for referral and the basis of the decision made by the Executive (Calling In) and form a view on whether there is a basis for reconsideration of that decision.

7. An extract from the minutes of the Executive (Calling In) meeting is attached as Annex A to this report. This indicates the basis upon which the decision now under consideration was taken.

Corporate Priorities

8. The issues in this report do not relate to the Council's current Corporate Priorities for Improvement.

Implications

8. There are no known implications in relation to the following in terms of dealing with the specific matter before Members, namely to determine and handle the referral.

- **Finance**
- **Human Resources (HR)**
- **Equalities**
- **Crime and Disorder**
- **Property**
- **Other**

Legal Implications

9. The Head of Civic, Democratic & Legal Services (Council's Monitoring Officer) will advise upon any relevant legal implications at the meeting associated with the reconsideration of this matter.

Risk Management

10. There are no risk management implications associated with the referral of this matter.

Recommendations

11. Members are asked to consider the referral and reasons for it and decide whether they wish to confirm the decision made by the Executive (Calling In) on 13 May, or recommend that the Executive reconsider or amend in part their decision in the light of the reasons for referral.

Reason:

To enable the referral to be dealt with efficiently and in accordance with the Constitution.

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Quentin Baker
Head of Civic, Democratic and Legal Services

Report Approved



Date 29/5/08

Specialist Implications Officer(s)

None

Wards Affected:

All



For further information please contact the author of the report

Annexes

Annex A – Extract from the minutes of the Executive (Calling In) meeting held on 13 May 2008.

Background Papers

Reports to and minutes of the following meetings (all available on the Council's website):

- Executive – 6 May 2008
- Scrutiny Management Committee (Calling In) – 12 May 2008