
Meeting	Customer and Corporate Services Scrutiny Management Committee (Calling In)
Date	21 December 2020
Present	Councillors Crawshaw (Chair), Daubeney (Substitute for Cllr Hunter), Fenton (Vice-Chair), Hollyer, Kilbane, Pavlovic (Substitute for Cllr Musson), Pearson and Waudby (Substitute for Cllr Mason)
Apologies	Councillors Hunter, Mason, Musson and Rowley

9. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda. No interests were declared.

10. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of Annexes B1 and B2 to Agenda Item 5 (Called-in Item: Update on the Asset Management Strategy 2017-2022), on the grounds that they contain information relating to the financial or business affairs of particular persons (including the authority holding that information). This information is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

11. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Cllr K Taylor spoke on Agenda Item 5 (Called-In Item: Update on the Asset Management Strategy 2017-2022), as a Ward Member for Holgate. He spoke in support of the call-in, expressing concerns over the type of accommodation to be provided on the site and the record of the proposed provider.

Written comments on Item 5, also supporting the call-in, had been received from another Holgate Ward Member, Cllr Heaton, and circulated to Members before the meeting.

12. Minutes

Resolved: That the minutes of the meeting held on 15 September 2020 be approved as a correct record, to be signed by the Chair at a later date.

13. Called-in Item: Update on the Asset Management Strategy 2017-2022

Members considered a report which set out the reasons for the call-in of one of the decisions made by Executive on 26 November 2020 in respect of the Asset Management Strategy, along with the Committee's remit and powers in relation to the call-in.

The relevant decision was highlighted in the Decision Sheet at Annex 1 to the report. The original report to Executive was attached as Annex 2. The decision, which related to the disposal of Oakhaven, had been called in by Cllrs Melly, Perrett and K Taylor for the following reason:

“A failure to properly assess alternative options, including, following an earlier commitment, consulting the Health and Adult Social Care Policy and Scrutiny Committee on various options, in order to make best use of a site for elderly people's living in a sustainable location.”

Under with the provisions of the council's constitution and the requirements of Local Government Act 2000, the following options were available:

- A – not to refer the matter to Executive, in which case the original decision would be confirmed, or
- B - refer the matter to Executive with specific recommendations.

Cllr Melly addressed the committee on behalf of the Calling-In Members, explaining in more detail the reasons for the calling-in, and responding to questions put by Members. The Executive Member for Finance & Performance then outlined the reasons for the original decisions, and responded to Members' questions. A short break followed, after which questions were put to officers responsible for the report at Annex 2. During the question and answer sessions, Members were advised that:

- The Health Scrutiny Committee had not considered the matter as planned, due to cancellation of their meeting in March 2020 and the item being subsequently overlooked; however, this did not invalidate the Executive's decision.
- Steps were being taken to respond to the advice offered by Members when they considered the Executive report at the meeting of CCSMC on 23 November.
- All processes had been correctly followed when identifying the site for disposal; a holistic approach was taken, with no one objective (such as capital receipts) taking precedence.
- High-level due diligence had taken place in respect of the proposed disposal.

Members then moved into private session to ask questions on the exempt annexes. Following the return to the public session, Cllr Kilbane moved, and Cllr Pavlovic seconded, that Option B be approved. Cllr Hollyer then moved, and Cllr Pearson seconded, that Option A be approved. A named vote was taken on the first motion, in respect of which Cllrs Kilbane, Pavlovic and Crawshaw voted in favour, while Cllrs Fenton, Daubeney, Hollyer, Pearson and Waudby voted against. That motion was therefore declared lost and the motion to approve Option A was declared carried without the need for a vote.

Members went on to consider whether they wished to make any additional decisions or observations arising from their debate. Following this discussion, it was

Resolved: (i) That Option A be approved and that the original decision not be referred back to the Executive for reconsideration.

Reason: The Committee does not consider that there are grounds to make specific recommendations to the Executive in respect of the original report.

(ii) That a request be made for an appropriate Scrutiny committee to undertake scoping work, with a view to developing a strategy for the council on the ethical disposal of its assets.

Reason: In order to clarify the matters currently considered by the council when disposing of its assets and to identify areas for improvement, in the light of the issues raised by the calling-in.

Cllr J Crawshaw, Chair

[The meeting started at 11.00 am and finished at 2.05 pm].