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

18 May 2009

Report of the Head of Civic, Democratic and Legal Services

Called-in Item: The Barbican Auditorium

Summary

1. This report sets out the reasons for the call-in of the decisions made by the Executive on 28 April 2009 regarding the next steps to be taken in a strategy designed to bring the Barbican Auditorium back into public use. The report also explains the powers and role of the Scrutiny Management Committee in relation to dealing with the call-in.

Background

2. An extract from the decision list published after the relevant meeting of the Executive is attached as Annex 1 to this report. This sets out the decisions taken by the Executive on 28 April in relation to the Barbican Auditorium. The original report to the Executive meeting is attached as Annex 2.
3. Following publication of the Executive's decisions, Councillors Scott, Looker and Gunnell called in the decisions on this item for review by the Scrutiny Management Committee (SMC) (Calling-In), in accordance with the constitutional requirements for post-decision call-in, on the grounds that:-

"The Executive has misdirected itself in opting simply to make safe the venue, and not taking a decision to progress the venue in line with the wishes of residents. The decision taken is effectively not to have taken a decision; it does not progress the building sufficiently with a view to getting it ready to open to the public and reneges on the Executive's responsibility to act decisively.

The Executive also appears confused over the venue's destiny. It says it cannot be multi-use, then says it should provide 'the major conference and/or entertainment facilities for the city'. It

seems uncertain as to what it should be used for in the future and residents need to know its clear intent.”

Consultation

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

Options

5. The following options are available to SMC (Calling-In) in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - (a) to confirm the decisions 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 decisions take effect from the date of the SMC (Calling-In) meeting;
 - (b) to refer the decisions back to the Executive, for them to reconsider or amend in part their decisions. If this option is chosen, the matter will be re-considered at the meeting of the Executive (Calling-In) scheduled for 19 May 2009.

Analysis

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

Corporate Priorities

7. An indication of the Corporate Priorities to which the Executive's decisions are expected to contribute is provided in paragraph 32 of Annex 2 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 decisions 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**

1 May 2009

Specialist Implications Officer(s) None

None

Wards Affected:**All**

For further information please contact the author of the report

Annexes

Annex 1 – decision of the Executive (extract from decision list published 28/4/09)

Annex 2 – report to Executive meeting on 28/4/09