

**Agenda Item No:**

**Report to:** Overview and Scrutiny (Resources)

**Date of Meeting:** 21 September 2011

**Report Title:** Call In to Overview and Scrutiny - Review of Capital Programme 2011/12 to 2013/14 (East Hill Café Scheme and Drill Hall site)

**Report By:** Jayne Butters  
Borough Solicitor

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**Purpose of Report**

The decision of Cabinet on 5 September 2011 concerning the Review of Capital Programme 2011/12 to 2013/14 (East Hill Café Scheme and Drill Hall site) has been called-in to scrutiny on the request of the Chair of the Resources Overview and Scrutiny Committee.

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**Recommendation(s)**

- 1. That members consider the options set out in paragraph 5 of the report**

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**Reasons for Recommendations**

This is in accordance with Rule 29.15 Rules of Procedure, Part 4 of the Council's Constitution.

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## **Decision of Cabinet called in**

1. Cabinet met on 5 September 2011 to consider the Deputy Chief Executive's and Head of Financial Services' recommendations concerning the Review of Capital Programme 2011/12 to 2013/14, specifically in relation to the deletion of the East Hill Scheme and purchase of the Drill Hall site. The report and the draft Cabinet minute are attached at Appendix A.
2. On Monday 12 September 2011, the Chair of the Committee requested that the decision be called-in for scrutiny by the Overview and Scrutiny Committee for Resources. Following receipt of the request, the Borough Solicitor gave notice to members of Cabinet and to the Chief Executive of the call-in, the effect of which is to delay implementation of the Cabinet decision until the call-in process has been completed.
3. The reasons given for this request relate to the way the decision was reached; no alternatives were seriously considered; questions to Lead Members at the meeting were not answered and relevant information was not considered.

## **Options available to the Committee**

4. Under the Constitution the Review of Capital Programme is a Cabinet function and so the decision will ultimately be a Cabinet decision, unless the decision is contrary to the policy framework or contrary to or not wholly consistent with the budget.
5. Following consideration of the matter, the Committee has the following options:
  - a. to take no action, in which case the Cabinet decision shall take effect immediately;
  - b. to refer the matter back to Cabinet with recommendations; or
  - c. to refer the matter to Council for consideration. In this situation, Council may accept Cabinet's decision or make recommendations back to Cabinet. Should Council not meet or not refer the matter back to Cabinet, then the Cabinet decision becomes effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

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## **Wards Affected**

Old Hastings, West St. Leonards

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## **Area(s) Affected**

East Hastings, South St. Leonards

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## **Policy Implications**

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Report Template v22.0

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	No

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### **Background Information**

Appendix A - Cabinet report and draft minute

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### **Officer to Contact**

Jayne Butters, Borough Solicitor  
jbutters@hastings.gov.uk  
01424 451733

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