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| <b>Report To:</b>       | <b>Overview and Scrutiny</b>  |
| <b>Date of Meeting:</b> | <b>15<sup>th</sup> August 2023</b>  |
| <b>Report Title:</b>    | <b>Call In- Land and Property Disposal Programme</b>                          |
| <b>Report By:</b>       | <b>Coral Harding (Continuous Improvement and Democratic Services Officer)</b> |
| <b>Key Decision:</b>    | <b>Y</b>  |
| <b>Classification:</b>  | <b>Public (Part 1)</b>  |

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### **Purpose of Report**

Overview and scrutiny committee have called in the Cabinet decision 'Land and Property Disposal Programme' from the meeting held on 7<sup>th</sup> August 2023.

The committee needs to decide the next steps in accordance with the call in process contained within the constitution and in line with statutory legislation.

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### **Recommendation(s)**

- 1. After hearing evidence and reasons regarding the decision called in, the committee will need to choose one of the following options;**
  - A. The matter does not need to be referred back and the original Cabinet decision can be implemented;**
  - B. Refer the decision back to Cabinet for reconsideration;**
  - C. Refer the decision to Full Council if they believe the decision is contrary to the Budget and/or Policy Framework.**

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### **Reasons for Recommendations**

The statutory requirement for call in is contained in the Local Government Act 2000 in Section 21. It allows Overview and Scrutiny committee to call in a decision made by Cabinet before it is yet to be implemented.

## Introduction

1. Overview and Scrutiny have called in the decision 'Land and Property Disposal Programme' made at Cabinet on 7<sup>th</sup> August 2023.
2. The original decision was to seek approval to sell 4 Council owned sites to generate capital receipts estimated at more than £3 million. The sites included;
  - Land at rear of 419 to 447 Bexhill Road
  - Mayfield E
  - 12/13 York Buildings
  - Land at Upper Wilting Farm
3. Call In is a procedure that Overview and Scrutiny can use to delay the implementation of a Cabinet key decision. It allows for key decisions to be reconsidered.
4. Overview and Scrutiny believe that the recommendations of the 'Land and property Disposal Programme' should be reconsidered.
5. This meeting seeks to find out if there are reasons and evidence that will either allow the original decision to be implemented or the decision either referred back to Cabinet or Full Council.

## Call in

6. The legislation that guides Overview and Scrutiny and Call in is contained in the Local Government Act 2000 in section 21 and can be found [here](#).
  7. The legislation states that local authorities with Executive arrangements (Cabinet) must have an Overview and Scrutiny committee. Overview and Scrutiny must have the power to review and scrutinise any key decisions made by Cabinet.
  8. The constitution contains the Councils procedure for Call In in Part 4 section 29.15 and can be found [here](#).
  9. The Call In procedure states that after meeting to discuss the reasons and evidence for the decision, Overview and Scrutiny will have 3 options available to them;
    - That they are satisfied, and the original decision can be implemented
    - The decision is referred back to Cabinet for consideration. Overview and Scrutiny will have to give their reasons in writing if they choose this option.
    - The decision is referred to Full Council as they believe the decision is contrary to Budget and/or Policy Framework. A report would be drafted for Full Council's consideration.
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## Reasons for Call In

10. Overview and Scrutiny have asked for the decision to be reconsidered for 'Land and Property Disposal Programme for several reasons.
11. They believe the report doesn't contain the financial information needed to make this decision. They are appreciative that this information will be commercially sensitive and will require a discussion that will exclude the public and press.
12. Given the Councils Asset Management Strategy is currently being created they would like to see how these 4 sites were selected.
13. They would also like to understand how the sale of these sites will affect Corporate Plan objectives including delivering 500 affordable homes.
14. Overview and Scrutiny are in the process of compiling questions that they will circulate to Senior Officers and Lead Councillors to help with this meeting.

## Timetable of Next Steps

15. Please include a list of key actions and the scheduled dates for these:

| Action  | Key milestone                          | Due date (provisional)       | Responsible           |
|---|--|------------------------------|-----------------------|
| Overview and Scrutiny meeting held to discuss call in | Next step will be decided by committee | 15 <sup>th</sup> August 2023 | Overview and Scrutiny |
| Next step actioned                                    | Call in process finalised              | 16 <sup>th</sup> August 2023 | Democratic Services   |

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## Wards Affected

Castle, Hollington, West St Leonards.

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## Policy Implications

Reading Ease Score:

Have you used relevant project tools?: Y

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

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|---------------------------------------|---|
| Equalities and Community Cohesiveness | Y |
| Crime and Fear of Crime (Section 17)  | N |
| Risk Management                       | Y |
| Environmental Issues & Climate Change | Y |
| Economic/Financial Implications       | Y |
| Human Rights Act                      | Y |
| Organisational Consequences           | Y |

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| Local People's Views | Y |
| Anti-Poverty         | Y |
| Legal                | Y |

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**Additional Information**

Original Cabinet report for Land and Property Disposal Programme

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**Officer to Contact**

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