

Item No: 1	Classification: OPEN	Date: 25 th September 2003	Meeting Name: OVERVIEW & SCRUTINY COMMITTEE
Report Title:		Call-In: Appropriation for planning purposes of the Council owned section of Potter's Field former coach site.	
Ward(s) or Group affected:		Riverside	
From:		Head of Corporate Strategy	

RECOMMENDATION

1. That the Committee considers a call-in request relating to the decision taken by the Executive on 9th September 2003 to approve the appropriation of Potter's Field to planning purposes.

BACKGROUND INFORMATION

1. On 9th September 2003 the Executive considered report 7 & 7a from the Strategic Director of Regeneration seeking approval to the appropriation of Potter's Field to planning purposes under section 122 of the Local Government Act 1972. The Executive approved the recommendation.
2. On 16th September 2003 the Chair of Overview & Scrutiny Committee, Councillor Kim Humphreys, and three members of the Committee (Councillors John Friary, Barrie Hargrove and Andy Simmons) requested a call-in of this decision.

The reasons given for the call-in were as follows:

"That the comments of the Chief Financial Officer were not sought according to the Audit Trail and no evidence of adequate risk management".

3. A briefing paper from the Strategic Director of Regeneration will be circulated to Overview & Scrutiny Members before the meeting. Previous reports/minutes relating to this item are attached as follows, i.e.

Appendix A: Executive report: Appropriation for planning purposes of the Council owned section of Potters Field former coach park site:

Appendix B: Supplemental Executive report: Appropriation for planning purposes of the Council owned section of Potters Field former coach park site:

Appendix C: Deputation from Masons:

Appendix D: Executive minutes 9th September 2003:

Appendix E: Call-In request.

KEY ISSUES FOR CONSIDERATION

1. Requests for call-in should normally only be made if there is evidence that the Executive *[or officer to whom responsibility for that decision was delegated]* did not take a decision in accordance with the principles of decision making as set out in the Constitution:
 - (a) Proportionality (i.e. the action must be proportionate to the outcome)
 - (b) Due consultation and the taking of professional advice from Officers
 - (c) Respect for human rights
 - (d) Presumption in favour of openness
 - (e) Clarity of aims and desired outcomes
 - (f) The link between strategy and implementation must be maintained
 - (g) Decision-making generally, whether by individual Officers, individual Executive Members or the Executive collectively, should have reference to the policy framework and be in accordance with the budget
2. The Overview and Scrutiny Procedure Rules require the Committee to consider any call-in request and in particular whether or not the decision might be contrary to the policy framework or not wholly in accordance with the budget. Advice should be sought from appropriate Chief Officers including the Monitoring Officer and the Chief Finance Officer.
3. If, having considered the decision and all relevant advice, the Overview & Scrutiny Committee is still concerned about it, then it may either:
 - refer it back to the decision-making body *[or officer to whom responsibility for that decision was delegated]* for reconsideration, setting out in writing the nature of its concerns; or
 - refer the matter to Council Assembly if the decision is deemed to be outside the policy and budget framework.
9. The Members of the Executive with relevant portfolio responsibilities have been advised of this meeting.

LEGAL & FINANCIAL IMPLICATIONS

10. Rule 18.6 of the Overview and Scrutiny Procedure Rules requires a call-in request to be signed by the Chair or Vice-Chair of the Overview and Scrutiny Committee plus three members of the Committee; the call-in request has been validly made in accordance with this rule. Rule 18.2 which sets out the circumstances in which call-in requests should normally be made is reflected in

paragraph 6 of this report. The decision of the Strategic Director of Regeneration is not contrary to the policy framework and accords with the budget.