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| Item No: 4 | Classification OPEN | Date: 10 October 2016 | Meeting Name: Overview & Scrutiny Committee |
| Report Title: | | Call-in: Aylesbury Regeneration Delivery | |
| Ward(s) or Group affected: | | Faraday | |
| From: | | Head of Overview & Scrutiny | |

BACKGROUND INFORMATION

1. On 20 September 2016 the Cabinet considered a report Aylesbury Regeneration Delivery.
2. The Cabinet agreed:
 - i). That a series of actions as set out in paragraphs 10, 11, 13 and 14 of the substantive report to bring forward the delivery of the Aylesbury regeneration programme be approved, namely:
 - a) The council funding directly the demolition of Plot 18
 - b) The council underwriting design fees on Plot 18 and Phase 2 in order to progress planning applications and
 - c) The council bringing forward funding and delivery of the approved premises facility.
 - ii) That in the light of the recent Secretary of State decision on the Compulsory Purchase Order (CPO) for the first development site, it is also further agreed that:
 - a) The council should proceed with funding the partial demolition of the first development site on land where there are no outstanding third party interests. The agreement to the scope of the contract and the revised cost to be delegated to the chief executive for approval
 - b) That it be noted that due to the CPO decision that any additional costs arising from the delay of the demolition of the first development site will need to be identified and will be subject to future approval by cabinet
 - c) The council should review the development proposals for the first development site to take account of the phased demolition; and
 - d) The council should make an application to the High Court for the Secretary of State decision to be reviewed.
 - ii). That approval of the final terms of the agreed actions, as set out on paragraphs 10, 11, 13 and 14 of the substantive report be delegated to the director of regeneration.
 - iv). That those remaining leaseholders in phase 1, that are not subject to land valuation tribunals, be allowed to enter non-binding arbitration, subject to legal advice.

REASONS FOR CALL-IN

3. On 28 September 2016 the cabinet decision was called in for scrutiny by Councillors Al-Samerai, Linforth-Hall and Shimell
4. The reasons for call-in were as follows:

There has been a complete lack of consultation about the decision to see seek a judicial review of the Secretary of State's decision. (Para 2d in the cabinet decision). This would qualify in our opinion as the “decision maker did not take the decision in accordance with the principles of decision-making as set out in Article 1.3 of the constitution.” There was a late report published in light of the Secretary of States decision which was then incorporated into the main report, and this was only circulated on the day of the Cabinet meeting last Tuesday.

Other grounds that also apply:

- a) Proportionality (i.e. the action must be proportionate to the outcome). Is it right that the Council seeks the expense of a judicial review to overturn a Secretary of State decision that goes against it?
- b) Due consultation and the taking of professional advice from officers. There is nothing in the report about the views of legal officers and no consultation with ward councillors or residents affected.
- c) Respect for human rights. The views, rights and status of the Aylesbury leaseholders are being ignored despite the Secretary of State’s decision and specific mention of their human rights being trampled on.
- d) Presumption in favour of openness. There is nothing in the report about the pros/cons of a judicial review so we do not know if it is a sound decision or whether Cabinet has decided it in spite of officer/legal advice.

CALL-IN MEETING

5. The committee will consider the call-in request and whether or not the decision might be contrary to the policy framework or not wholly in accordance with the budget.
6. If, having considered the decision and all relevant advice, the committee is still concerned about it then it may either:
 - a) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or
 - b) refer the matter to council assembly if the decision is deemed to be outside the policy and budget framework.
7. If the committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the scrutiny meeting.

BACKGROUND DOCUMENTS

| Background Papers | Held at | Contact |
|-------------------|-------------------------------------|---------|
| | 160 Tooley Street London SE1 2TZ | |

APPENDICES

Cabinet reports from the relevant item (12) at the Cabinet meeting on 20th September 2016 are published with the agenda.

Audit Trail

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| Lead Officer | Shelley Burke, Head of Overview & Scrutiny | |
| Report Author | | |
| Version | Final | |
| Dated | 30 September 2016 | |
| Key Decision? | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER | | |
| Officer Title | Comments Sought | Comments included |
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