

1 November 2023

ITEM: 4

Corporate Overview and Scrutiny Committee

Call-in to Cabinet Decision 110667 - Asset Disposals Programme – Recommended next tranche of properties for disposal

Wards and communities affected:
West Thurrock and South Stifford

Key Decision:
Key

Report of: Asmat Hussain, Director of Legal and Governance

Accountable Assistant Director: Rob Large, Assistant Director, Property

Accountable Director: Mark Bradbury, Director of Place

This report is Public

Executive Summary

This report outlines the call-in made to the above Cabinet decision, highlighting the reasons why the call-in was made and the alternative proposal being put forward.

This report offers advice to the committee on how to manage the call-in through the committee process and should be used as a summary document to help understand the overview of this particular call-in.

1. Recommendation(s)

That Committee can either:

- 1.1 If it is concerned about the original decision in light of the call-in, refer the recommendation (Decision 110667 - Asset Disposals Programme – Recommended next tranche of properties for disposal) to Cabinet for reconsideration, setting out in writing the nature of its concerns.**
- 1.2 If it considers the decision is contrary to the Budget or Policy Framework, refer the matter to the Council.**
- 1.3 Reject the call-in stating the reasons why.**

2. Introduction and Background

Call-in

- 2.1 Following the reissuing of the asset disposal list to all Members on 28 September 2023, Councillor Green submitted a call-in to the Monitoring Officer on 2 October 2023. This was duly validated and progressed.
- 2.2 The reason for making the call in was the land in question sits on the green belt and once again the residents of Purfleet on Thames are bearing the brunt of over development. It states that the land is being put forward to be sold for potential residential dwellings. Purfleet on Thames has a significant regeneration programme that although is currently going through evaluation it will provide 3,000 homes, a new school, and an integrated medical centre, but over 20 years so the infrastructure is not adequate enough for more housing. The land is currently used as recreational land and green space. Purfleet on Thames has one very small parade of shops on the Garrison Estate. The lack of shops is already an issue for Purfleet without the added issue of additional residents. There are also the health effects losing more trees in the area. Potentially more green space will be lost, if and when the Mardyke development goes to planning. That is frequented by walkers.
- 2.3 In accordance with Chapter 4, Part 3, Rule 10.4 of the Constitution, this has been cited as a failure of the decision maker to take the decision in accordance with the following decision-making principles:
- a) Due regard for individuals and communities served by Thurrock Council.
 - c) Due consultation in line with the council's consultation strategy.
 - e) A presumption in favour of openness.
- 2.4 The call-in was agreed as a valid call-in in accordance with the rules set out within Chapter 4, Part 3 of the Councils Constitution.
- 2.5 The alternative proposal stated on the call-in form is:
- For the Cabinet to look at other options in the borough preferably brown field sites where it will not affect the local residents and a full public consultation takes place.

3. Issues, Options and Analysis of Options

- 3.1 When considering the call-in, the Committee is recommended to adhere to the following schedule:
- The person who made the call-in to briefly introduce the reasons for the call-in and their alternative proposal(s).
 - The portfolio holder and officers to respond to the call-in and advise the Committee of any points that may be relevant.

- If applicable, the Committee should receive comments from third parties that may be directly involved in the original cabinet decision.
- The person who made the call-in to summarise.
- The Committee should then weigh up evidence and ask any relevant questions to those in attendance.
- The Committee should decide to do one of the following:
 - a) if it is concerned about the original decision in light of the call-in, refer it to the decision maker (Cabinet) for reconsideration, setting out in writing the nature of its concerns; or
 - b) reject the call-in stating the reasons why.

4. Reasons for Recommendation

4.1 The Committee are requested to manage the call-in in accordance with the provisions set out in Chapter 4, Part 3 of the Constitution.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Not applicable.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The call-in has a positive impact on corporate policies as it allows for the proper exercise of the democratic function, namely for Members to call-in a Cabinet decision based on valid arguments.

6.2 The role of Overview and Scrutiny in this function will allow for issues to be discussed in a public arena with cross party involvement and will give the opportunity for interested parties to join the debate and make representations

7. Implications

7.1 Financial

Implications verified by: **Jonathan Wilson**
Assistant Director - Finance

There are no specific financial implications attached to the Call-in process. The financial implications attached to the original report – ‘Asset Disposals Programme – Recommended next tranche of properties for disposal’ are set out in that report.

7.2 Legal

Implications verified by: **Jayne Middleton-Albooye**
Interim Head of Legal Services and Deputy Monitoring Officer

There are no specific legal implications directly arising from the recommendations beyond the procedural matters cited in this report. The Council Constitution provides for Call-In of Cabinet decisions in Chapter 4, Part 3, Rule 10. The options available to Overview and Scrutiny Committee having considered the call-in are set out in the report.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer | Adults, Housing & Health

There are no direct equality implications arising from this call in. Any alternative proposals would need to be reviewed and any equality implications arising from them would be stated as part of the proposals.

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

- None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

Appendix 1: Call-In form Councillor Green

Report Author:

Jenny Shade
Interim Principal Democratic Services Officer