

19 November 2013		ITEM 5
PLANNING, TRANSPORTATION AND REGENERATION OVERVIEW AND SCRUTINY COMMITTEE		
Call-in to Cabinet Decision 01104224 – Grays Town Centre Regeneration Vision		
Portfolio Holder: Councillor Andy Smith, Portfolio Holder for Planning, Transport and Regeneration		
Wards and communities affected: All	Key Decision: Yes	
Accountable Head of Service: Matthew Essex, Head of Regeneration		
Accountable Director: Steve Cox, Assistant Chief Executive		
This report is public		
Purpose of Report: To summarise the call-in made to cabinet decision 01104224, including outlining the options available to the committee when considering it.		

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 proposals 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. RECOMMENDATIONS:

1.1 The Committee can either:

- a) **If it is concerned about the original decision in light of the call-in, refer it back to Cabinet for reconsideration, setting out in writing the nature of its concerns.**
- b) **If it considers the decision is contrary to the Budget or Policy Framework, refer the matter to the Council.**
- c) **Reject the call-in stating the reasons why.**

If the Committee upholds the call-in through recommendation 1.2 a) or b) above, it is requested to:

1.2 Agree the recommendations attached in Appendix A and commend them to Cabinet.

2. INTRODUCTION AND BACKGROUND:

2.1 On 19th July 2013 Councillors Phil Anderson, Robert Gledhill and Joy Redsell called in cabinet decision 01104224, in their capacity as three non-executive Members, on the basis that:

- *The decision maker did not take the decision in accordance with the principles of decision making as set out in the Constitution (Article 13, Paragraph 2.1). Specifically e) the exempt nature of the report and recommendations regarding possible multi-million pound expenditure on the State Cinema was largely unnecessary, contrary to the presumption in favour of openness g) the proposed costs which could be incurred in 13/14 are unbudgeted and therefore any purchase is contrary to the budget framework. This decision allows that process to happen without detailed figures being made available for scrutiny f) the proposed use is unspecified, contrary to the requirement for clarity of aims and desired outcomes h) the proposed spend, on one building, compared to the quoted figure of around £50 million spending on the entire Grays regeneration project, is contrary to the requirement for proportionality.*

2.2 The call-in was agreed as a valid call-in in accordance with the rules set out in the Constitution.

2.3 As part of the Call-in, the Councillors recommended an alternative proposal:

- *That Overview and Scrutiny refer the decision to full council as it is outside the budget framework. Alternatively, refer the decision back to Cabinet with the following alternative recommendations:*
 - *Recommendation 1.1 as written*
 - *Recommendation 1.2 as written up to "...current owners"*
 - *A new recommendation 1.3 reading "agree that any decision to acquire the State cinema should only be taken in a transparent way, once a full business case has been prepared, including costs of acquisition, conversion to an appropriate commercially viable use, and expected benefits"*

3. ISSUES AND/OR OPTIONS:

3.1 When considering the call-in at its meeting, 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 his/ her alternative proposals.
- The portfolio holder and officers to respond to the Call-in and make their points.

- Receive comments from third parties that may be directly involved in the original cabinet decision if applicable.
- The person who made the Call-in to summarise.
- Committee to weigh up evidence and ask any relevant questions to those in attendance.
- Committee to decide to do one of the following:
 - a) if it is concerned about the original decision in light of the call-in, refer it back to Cabinet for reconsideration, setting out in writing the nature of its concerns. If referred to Cabinet, the decision may be amended or confirmed by them; or
 - b) if it considers the decision is contrary to the Budget or Policy Framework, refer the matter to the Council.
 - c) reject the call-in stating the reasons why.

4. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 4.1 The call-in has a positive impact on corporate policies as it allows for the proper exercise of the democratic function, namely for a concerned ward member to call-in a cabinet decision based on valid arguments.
- 4.2 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.

5. IMPLICATIONS

5.1 Financial

Implications verified by: **Mike Hursthouse**
Telephone and email: **01375 652079**
mhursthouse@thurrock.gov.uk

There are no financial implications of this paper as any decisions taken as a result will not have any budgetary ramifications.

5.2 Legal

Implications verified by: **Daniel Toohey**
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There are no specific legal implications directly arising from the recommendations beyond the procedural matters cited at the start of this

report. The council constitution provides for call in of cabinet decisions in Chapter 4, Part 3, Rule 10.

5.3 **Diversity and Equality**

Implications verified by: **Samson DeAlyn**
Telephone and email: **01375 652472**
sdealyn@thurrock.gov.uk

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.

APPENDICES TO THIS REPORT:

- Appendix A: Officer Evidence Report.
- Appendix B: Excerpt from the minutes of the Cabinet meeting on 9 July 2013.
- Appendix C: Call-In from Councillor Anderson

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