

Overview and Scrutiny Select Committee

Thursday 11 January 2018 at 7.30pm

Council Chamber
Runnymede Civic Centre, Addlestone

Members of the Committee

Councillors M J Maddox (Chairman), D A Cotty (Vice-Chairman), J R Ashmore, Miss E G Bancroft, Mrs L M Gillham, Miss D Khalique, N M King, Mrs C S S Manduca and P S Sohi.

In accordance with Standing Order 29.1, any Member of the Council may attend the meeting of this Committee, but may speak only with the permission of the Chairman of the Committee, if they are not a member of this Committee.

AGENDA

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Overview and Scrutiny Select Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr J Gurmin, Democratic Services Section, Law and Government Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425624). (Email: john.gurmin@runnymede.gov.uk)**.
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.

'see overleaf'

- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.
- 5) **Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings**

Members of the public are permitted to film, audio record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings provided that this does not disturb the business of the meeting. If you wish to film a particular meeting, please liaise with the Council Officer listed on the front of the Agenda prior to the start of the meeting so that the Chairman is aware and those attending the meeting can be made aware of any filming taking place.

Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Chairman will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the Committee meeting.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

- a) Exempt Information
(No reports to be considered under this heading)
- b) Confidential Information
(No reports to be considered under this heading)

1. **FIRE PRECAUTIONS**

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. **NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP**

3. **MINUTES**

To confirm and sign, as a correct record, the Minutes of the meeting of the Committee held on 5 October 2017 (at Appendix 'A').

4. **APOLOGIES FOR ABSENCE**

5. **DECLARATIONS OF INTEREST**

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Democratic Services Officer at the start of the meeting. A supply of the form will also be available at the meeting.

Members are advised to contact the Council's Legal section prior to the meeting if they wish to seek advice on a potential interest.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is a disclosable pecuniary interest or if the interest could reasonably be regarded as so significant as to prejudice the Member's judgement of the public interest.

Members are reminded that a non pecuniary interest includes their appointment by the Council as the Council's representative to an outside body and that this should be declared as should their membership of an outside body in their private capacity as a Director, trustee, committee member or in another position of influence thereon.

6. **APPLICATION OF THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014 TO THE LOCAL PLAN MAKING PROCESS AND SUBMISSION - (LAW AND GOVERNANCE)**

Synopsis of report:

To explain how the provisions of the Openness of Local Government Bodies Regulations 2014 apply to the Local Plan making process and its submission for examination.

Recommendation:

For information.

1. **Context of report**

1.1 Members have requested that advice be provided on the application of the Openness of Government Bodies Regulations 2014 (the 2014 Regulations) to decisions which may be made in relation to the making of the Local Plan. The Chairman of the Overview and Scrutiny Select Committee has called this Special Meeting so that the Committee can consider this issue.

- 1.2 The 2014 Regulations impose a requirement that certain decisions taken by Officers acting under powers delegated to them by a council or local government body, its committees or sub-committees or a joint committee are recorded and published.
- 1.3 Subject to the resolution of the Council the making of the Local Plan may require, due to time constraints, that authority is delegated to Officers, in consultation with the relevant Chairman, to make decisions. If such delegated authority is granted then when such powers are exercised there will have to be compliance with the provisions of the 2014 Regulations.

2. Report

- 2.1 The concept of delegated decision making has long existed in local government. The origins stem from the practical issues that given the diverse range and volume of decisions which a local authority has to make it would be impractical to convene meetings of the Full Council to make all the necessary decisions.
- 2.2 The current legislative provision which authorises delegated decision making is section 101 Local Government Act 1972 (the 1972 Act), which states:

101.— Arrangements for discharge of functions by local authorities.

(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions—

- (a) by a committee, a sub-committee or an officer of the authority; or
- (b) by any other local authority.

- 2.3 The Council exercises this power through its Constitution by expressly stating what delegated powers are granted to its various Committees and what powers are granted to Officers.
- 2.4 The provision permitting delegation to Officers generally is new. Apart from the power in s.277 of the Local Government Act 1933 (see now s.223 of the 1972 Act) by which an Officer could be authorised to take or defend proceedings in a magistrates' court on behalf of a local authority, there was previously only a limited power in respect of Planning matters. The position now is that, subject to specific exceptions relating to tax raising powers, section 101 of the 1972 Act and those implicit in the terms of a statute which specifically requires action to be taken by a resolution passed by a local authority, there are no limits on the power of a local authority to arrange for the discharge of their functions by an Officer.
- 2.5 Whilst the concept of delegated decision making has been accepted and operated for many years there grew a debate over time concerning the question of making the operation of local government more open and transparent. The 2014 Regulations were enacted to facilitate greater public access to the decision making process of local authorities. These 2014 Regulations deal with a number of issues such as filming and recording of meetings, access to documents and, of most relevance for the purposes of this report, the recording of delegated decisions made by Officers.
- 2.6 The 2014 Regulations impose the following requirements in relation to delegated decisions made by Officers:

Recording of decisions

7.—(1) The decision-making officer must produce a written record of any decision which falls within paragraph (2).

(2) A decision falls within this paragraph if it would otherwise have been taken by the relevant local government body, or a committee, sub-committee of that body or a joint committee in which that body participates, but it has been delegated to an officer of that body either—

(a) under a specific express authorisation; or

(b) under a general authorisation to officers to take such decisions and, the effect of the decision is to—

(i) grant a permission or licence;

(ii) affect the rights of an individual; or

(iii) award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.

(3) The written record must be produced as soon as reasonably practicable after the decision-making officer has made the decision and must contain the following information—

(a) the date the decision was taken;

(b) a record of the decision taken along with reasons for the decision;

(c) details of alternative options, if any, considered and rejected; and

(d) where the decision falls under paragraph (2)(a), the names of any member of the relevant local government body who has declared a conflict of interest in relation to the decision.

(4) The duty imposed by paragraph (1) is satisfied where, in respect of a decision, a written record containing the information referred to in subparagraphs (a) and (b) of paragraph (3) is already required to be produced in accordance with any other statutory requirement.

Decisions and background papers to be made available to the public

8.—(1) The written record, together with any background papers, must as soon as reasonably practicable after the record is made, be made available for inspection by members of the public—

(a) at all reasonable hours, at the offices of the relevant local government body;

(b) on the website of the relevant local government body, if it has one; and,

(c) by such other means that the relevant local government body considers appropriate.

(2) On request and on receipt of payment of postage, copying or other necessary charge for transmission, the relevant local government body must provide to the person who has made the request and paid the appropriate charges—

(a) a copy of the written record;

(b) a copy of any background papers.

(3) The written record must be retained by the relevant local government body and made available for inspection by the public for a period of six years beginning with the date on which the decision, to which the record relates, was made.

(4) Any background papers must be retained by the relevant local government body and made available for inspection by the public for a period of four years beginning with the date on which the decision, to which the background papers relate, was made.

(5) In this regulation "written record" means the record required to be made by regulation 7(1) or the record referred to in regulation 7(4), as the case may be.

Confidential and exempt information

9.—(1) Nothing in this Part is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

(2) Nothing in this Part—

(a) authorises or requires a relevant local government body to disclose to the public or make available for public inspection any document or part of a document if, in the opinion of the proper officer, that document or part of a document contains or may contain confidential information; or

(b) requires a relevant local government body to disclose to the public or make available for public inspection any document or part of a document if, in the opinion of the proper officer, that document or part of a document contains or is likely to contain exempt information.

2.7 It should be noted that the 2014 Regulations do not create any specific requirement in respect of any decisions which might be delegated in respect of the Local Plan making process, rather they apply generally to delegated decisions made by Officers and thus decisions made in relation to the Local Plan are captured in this way.

2.8 Members' attention is drawn to Regulation 7 (4) of the 2014 Regulations which states that if a written record in respect of a delegated decision is already produced due to some other statutory requirement then a separate record pursuant to the 2014 Regulations is not required.

2.9 The Council is currently in the process of producing its Local Plan pursuant to requirements imposed by the Planning and Compulsory Purchase Act 2004. This process is lengthy and has to follow a set timetable. There may be instances when decisions in respect of the Local Plan may need to be delegated to Officers. In such instances any delegated decision will have to be recorded and published in accordance with the requirements of the 2014 Regulations unless the exemption contained in Regulation 7(4) of the 2014 Regulations can be satisfied.

- 2.10 The standard approach which is adopted by the Council when granting any Officer delegated authority in relation to matters which have great public interest or are sensitive is to require that the exercise of such authority is subject to consultation with specific Members, normally the Chairmen of relevant Committees and/or the Leader of the Council. Given the importance of the Local Plan to the future of the Borough it is almost certain that if any delegated authority were granted it would be subject to such a Member consultation requirement.
- 2.11 As has been mentioned the making of the Local Plan is subject to its own legislative regime. If an Officer delegation were granted to make any changes to the draft Local Plan prior to submission and there is a statutory requirement to publish those changes then the exemption under Regulation 7(4) of the 2014 Regulations would apply. Any such decisions would be recorded and reported, along with the relevant changes on the Council's website in accordance with normal practice.
- 3. Policy framework implications**
- 3.1 The requirement to produce a Local Plan is a policy requirement imposed on the Council by national legislation. Compliance with the 2014 Regulations enables the Council to deliver its public engagement objectives.
- 4. Resource implications**
- 4.1 The publication of details in respect of any decision made under Officer delegated authority forms part of the normal duties of staff and would not require any additional resources.
- 5. Legal implications**
- 5.1 Legal implications are contained within the body of the report.
- 6. Equality implications**
- 6.1 There are no equalities implications associated with the publication of Officer delegated decisions.
- 7. Conclusions**
- 7.1 The 2014 Regulations do not alter in any way the legal principle that a local authority can delegate authority to an Officer to make a decision, what they do is to impose a requirement that when such a decision is made it is publicised. The 2014 Regulations are of general effect and do not create any specific obligations in respect of delegated authority which may be granted in relation to the making of the Local Plan. Any delegated decisions made in relation to the Local Plan will have to be publicised in the same way as any other decision unless the exemption granted by Regulation 7(4) is engaged.

(For information)

Background papers

The Openness of Local Government Bodies Regulations 2014

The Department of Communities and Local Government publication "Open and accountable local government – a guide for the press and public on attending and reporting meetings of local government"

7. **EXCLUSION OF PRESS AND PUBLIC**

OFFICERS' RECOMMENDATION that –

where appropriate, the press and public be excluded from the meeting during discussion of the following report(s) under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in appropriate paragraphs of Part 1 of Schedule 12A of the Act.

(To resolve)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)

OVERVIEW AND SCRUTINY SELECT COMMITTEE

11 JANUARY 2018

APPENDIX

<u>APPENDIX</u>	<u>REPORT</u>	<u>PAGE NOS</u>
A	MINUTES OF OVERVIEW AND SCRUTINY SELECT COMMITTEE MEETING HELD ON 5 OCTOBER 2017	1

Runnymede Borough CouncilOVERVIEW AND SCRUTINY SELECT COMMITTEE5 October 2017 at 8.27.p.m.

Members of the
Committee present: Councillors M J Maddox (Chairman), D A Cotty (Vice-Chairman),
J R Ashmore, Miss E G Bancroft, Mrs L M Gillham, N M King,
Mrs G M Kingerley, Mrs C S S Manduca and P S Sohi.

Members of the
Committee absent: None.

Councillors J R Furey, Mrs M T Harnden, M T Kusneraitis, S M Mackay, D W Parr and
Miss J K Sohi also attended.

261 FIRE PRECAUTIONS

The Chairman read out the Fire Precautions.

262 NOTIFICATION OF CHANGE TO COMMITTEE MEMBERSHIP

The Group mentioned below had notified the Chief Executive of their wish that the change listed below be made to the membership of the Committee. The change was for a fixed period ending on the day after the meeting and thereafter the Councillor removed would be reappointed.

<u>Group</u>	<u>Remove From Membership</u>	<u>Appoint Instead</u>
Conservative	Councillor Miss D Khaliq	Councillor Mrs G M Kingerley

The Chief Executive had given effect to this request in accordance with Section 16(2) of the Local Government and Housing Act 1989.

263 MINUTES

The Minutes of the meeting of the Committee held on 6 July 2017 were confirmed and signed as a correct record.

264 DECLARATION OF INTEREST

Councillor J R Furey declared a non-pecuniary interest in item 6 on the Agenda on Impact of Reduction in Services: Surrey County Council as he was a Surrey County Councillor. He did not take part in the discussion on the item but remained in the room for the item.

265 IMPACT OF REDUCTION IN SERVICES: SURREY COUNTY COUNCIL

The Committee considered a report setting out the impact of cost reductions in services supplied and/or funded by Surrey County Council on Runnymede Borough Council budgets.

At its meeting on 6 July 2017, when considering its Annual Report for the Municipal Year 2016/17, the Committee had considered whether there were any items that it wished to discuss at future meetings. The Committee had noted that Surrey County Council was considering reducing its budgets in a number of service areas. This would

leave Runnymede with decisions to make on whether or not to increase funding for these areas. The Corporate Management Committee on 29 June 2017 had requested that the Chief Executive provide a list of items of this kind for its consideration and it was suggested at the Overview and Scrutiny Select Committee on 6 July 2017 that the Overview and Scrutiny Select Committee might receive this list before the Corporate Management Committee so that it could then refer any matters of concern to the Corporate Management Committee.

The report set out the latest position on cost reductions being proposed by Surrey County Council (SCC). At the beginning of this financial year, Runnymede Borough Council (RBC) was informed that a comprehensive savings plan was to be implemented by SCC. Savings for SCC necessary in the current financial year amounted to over £100m. Rising social care costs for children, adults and people with learning disabilities were at the heart of the cost reductions necessary. In essence however, all services were hit by cuts and some of the reductions affected Surrey District Councils including RBC. The current prediction was that SCC might not meet all of its savings targets for this year and was experiencing particular cost pressures in social care. Therefore there might be further implications for Surrey District Councils that were unknown at this stage.

Surrey County Council was a waste disposal authority (WDA) and the Surrey Districts were waste collection authorities (WCAs). For almost 20 years, the County Council had incentivised District Councils in Surrey to re-cycle through re-cycling credits, which in turn had reduced or contained landfill costs. SCC needed to make savings of £8m in this area from 2018/19 onwards. A new methodology for calculation of recycling credits was proposed and part of the formula was still being worked on by Surrey Waste Partnership but needed to be agreed by the end of the calendar year. It would be prudent for Runnymede not to budget for any additional income from the discretionary element of the formula.

SCC had indicated that it would only pay for 4 cuts a year on all highway verges. Like most Surrey Districts, RBC considered this unacceptable and Full Council in July 2017 had approved a supplementary revenue estimate to enable the frequency of highway verge cuts to be maintained and increased in the borough.

SCC had set a target of £200,000 additional income for on street parking and was seeking efficiency savings across the whole of Surrey. RBC enforced on street parking on behalf of SCC. RBC received an apportioned amount to cover its costs in respect of issuing on street parking tickets. The Surrey districts had been required by SCC to identify on street parking savings/income opportunities. SCC expected that districts would form "clusters" or groups in order to reduce costs (in the case of Runnymede the grouping would be with Spelthorne and Elmbridge) or alternatively SCC would invite competition from the private sector for a county wide contract. At this time, RBC was struggling to identify either savings or income generating opportunities. It was noted that SCC had looked at Controlled Parking Zones as a potential income opportunity but this was in relation to larger town centres in Surrey rather than residential areas.

Street lighting was a SCC function. It would cost RBC approximately £26,000 to turn back on street lights in the borough that SCC had switched off from midnight to 5.00.a.m. Some concern had been expressed by residents that crime would increase in the early morning period when the lights were switched off. The matter would be kept under review.

For the past 3-4 years, Surrey Districts had formed teams with SCC Officers to offer generic support to families. Some of these families had relatively mild forms of dysfunctionality (e.g. a child not attending school regularly) whilst others had more complex needs. The method of working was designed to achieve swift outcomes over a period of 10-12 weeks. More complex needs were often referred on to SCC Social Services to give longer term support.

The reduction in grants from SCC for this function over the last three years was concerning for a number of reasons. This service was difficult to withdraw from families who needed support. Secondly, this level of intervention had been successful in terms of preventing families seeking more expensive and complex forms of support. Thirdly, early intervention could save money in terms of time pressures (e.g in the management and control of child truancy). SCC also proposed to make reductions in support for learning disability groups and gypsy/traveller support which would mean less resources available in Surrey to assist with the education and welfare of gypsies and travellers.

The Committee noted a number of potential reductions in SCC support affecting the Housing service. In addition to the rent and usual service charges, Independent Retirement Living (IRL) residents had a further charge on their rent account from the Supporting People budget which covered the higher level of management and support provided in the schemes. The Government devolved the Supporting People grant to Surrey County Council and since 2003 SCC had funded this charge for all tenants in receipt of Housing Benefit but the funding was not ring-fenced and they now intended to use it for Adult Social Care. In the budget year 2016/17 Surrey County Council paid £95,524 in Housing Related Support payments for residents of IRL. SCC might not be prepared to do this in future for those residents that were not deemed to be sufficiently in need of this support after a means testing exercise had been undertaken.

Housing Related Support was also expected to be withdrawn from people with learning, physical and sensory disabilities. Although Runnymede did not directly receive payments, 13 disabled residents within the borough were provided with housing solutions through this funding and if the current schemes were withdrawn by SCC the Housing Business Centre might have a duty to find alternative suitable accommodation for this vulnerable group or source additional funding.

SCC currently funded a number of support services for people in socially excluded groups who would not currently manage in general needs accommodation. This incorporated supported housing schemes for people with mental health problems and who were homeless due to alcohol/addiction issues. There were 58 Supported Housing placements in the borough that Runnymede Borough Council nominated to and currently there was a proposed 10% cut in payments to Transform, Riverside and Welmede. It was not clear if the providers would be able to sustain services.

The Floating Support Service was a service for tenants within any sector who were struggling to sustain their tenancy. Runnymede made referrals to the provider and the tenant was allocated a support worker for a period of time to assist in resolving their issues. Used by both Tenancy Management and Housing Options, this was a useful Tenancy Sustainable tool. However, in-house specialists were now used. The current proposal was to reduce funding for this service by 50% and review its provision. The estimated apportioned financial loss to the Borough would be around £25,000.

All residents of Runnymede had access to a telecare alarm system if they required it, many of whom would be homeowners and self-fund the service. IRL tenants benefitted from the alarm as part of their package and Runnymede Council tenants living in General Needs properties who had the alarm would be subsidised by the HRA if they were in receipt of Housing Benefit. Supporting People currently paid £33,785 per year to the HRA for these alarm charges and this was then part of the £99,000 that was paid to Safer Runnymede for monitoring the alarm service. However, it was understood that SCC was considering reallocating the Supporting People grant so this payment to the HRA might cease.

It was noted that it would be prudent for Runnymede to budget for meeting the cost of these potential reductions in support affecting the Housing service.

It was suggested that SCC could raise income by selling its Kingston offices in Greater London and relocating within the Surrey area. However, it was noted that any possible relocation would be a complex issue without an easy solution, e.g. covenants on the SCC premises in Kingston would make relocation problematic.

It was agreed that the report be copied to the Members of the Corporate Management Committee for information.

266 OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

The Committee noted that Councillor Mrs Manduca had requested that, as part of the Committee's work programme for 2017/18, a review be undertaken of Runnymede Borough Council's compliance with the Openness of Local Government Bodies Regulations 2014 and that the Overview and Scrutiny Select Committee consider that review and whether to recommend that any action, and, if so, what action, should be taken to improve its compliance and/or best practice.

The Committee noted that this item had been added to the Committee's work programme for 2017/18.

267 CALL-IN OF DECISION – WAITROSE CAR PARK – EGHAM

By resolution of the Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A(4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraph 3 of Schedule 12A to Part 1 of the Act.

The Overview and Scrutiny Select Committee considered a call-in of decisions of the Corporate Management Committee held on 21 September 2017 relating to the Waitrose car park, Egham.

Call-in of a decision was a procedure available to the Overview and Scrutiny Select Committee which prevented implementation of a decision or decisions of a Policy Committee until it/they had been considered further. A request for a call-in had to be signed by at least two Members of the Overview and Scrutiny Select Committee and delivered to the Chief Executive within the timescale required in the Council's Constitution. A call-in within the required timescale had been received dated 25 September 2017. The request had been made by Councillor Mrs Manduca and it had been supported by another Member of the Overview and Scrutiny Select Committee, Councillor P S Sohi. The Overview and Scrutiny Select Committee noted the terms of the call-in and an Officer response to the grounds for call-in along with the agenda report to the Corporate Management Committee on 21 September 2017 and the draft Minute of that Committee on this item.

The call-in was in respect of three decisions of the Corporate Management Committee (the relevant Policy Committee) which at its meeting on 21 September 2017 had resolved that –

- i) the progress made with resolving the long-standing debt referred to in the report be noted and a supplementary revenue estimate in the sum reported be approved to cover the specialist legal costs referred to in resolution iii) below and to settle the debt together with the further accumulated debt for 2017/18 as required, but with the first call on any car parking income surplus after all costs have been paid, to help fund the repayment of the debt;
- ii) the decision of Officers to sponsor a winding up order against the company referred to in the report be supported in order to seek repayment of the Council's loss through the payment of the debt referred to in resolution i) above; and

- iii) in view of the need to settle the debt and incur specialist legal costs in respect of sponsoring of the winding up proceedings against the company referred to in the report without delay, resolutions i) and ii) above be approved by the Corporate Management Committee under paragraph 1.3 of Committee Responsibilities in the Council's Constitution.

Although the Corporate Management Committee had also taken a separate decision that these decisions be not called-in and the Chairman of the Overview and Scrutiny Select Committee had voted in favour of that decision at that meeting, having reconsidered the matter under the Overview and Scrutiny Procedure rules, he had determined that the call-in request would be effective and that the matter be considered by report, advice and debate. As these decisions had been the subject of a call-in, action in respect of these decisions had ceased from the point at which the call-in was effective.

The Overview and Scrutiny Select Committee noted that in considering this call-in, the Chairman, Councillor Maddox and Councillor Mrs Gillham would abstain on any Overview and Scrutiny Select Committee vote as they had voted on the original decisions taken by the Corporate Management Committee that were the subject of the call-in.

Paragraph 12 of the Overview and Scrutiny Procedure Rules in the Council's Constitution provided that Members could call-in a decision where they had evidence which suggested that the Policy Committee did not take the decision in accordance with the principles set out in Article 12 (Decision Making). Article 12 of the Council's Constitution was noted by the Overview and Scrutiny Select Committee.

In accordance with the Overview and Scrutiny Procedure rules, the Members that had requested the call-in were called upon to explain their reasons for the request. Councillor Mrs Manduca made points at the meeting in support of the request and the Overview and Scrutiny Select Committee noted the responses of Officers to each of those points.

Conclusion

A Member suggested that the Corporate Management Committee would provide a better opportunity for a more full and open debate of these matters than at Full Council. A motion was moved by Councillor Cotty and seconded by Councillor Ashmore and was carried as set out below. Councillor Mrs Manduca then sought to move an amendment to this motion to the effect that the first two decisions that were the subject of the call-in should be recommended to full Council for discussion and that the Council's due diligence protocols should be reviewed. The meeting was advised that, under the provisions of Standing Order 34.3, Councillor Mrs Manduca's proposed amendment consisted of a contrary motion and could not be proposed unless and until the original motion was lost. As the original motion was carried, there was no purpose in moving the contrary motion.

RECOMMEND that –

the following recommendations be reconsidered by the Corporate Management Committee at its meeting on 12 October 2017: -

- i) the progress made with resolving the long-standing debt referred to in the report be noted and a supplementary revenue estimate in the sum reported be approved to cover the specialist legal costs referred to in resolution iii) below and to settle the debt together with the further accumulated debt for 2017/18 as required, but with the first call on any car parking income surplus after all costs have been paid, to help fund the repayment of the debt;**
- ii) the decision of Officers to sponsor a winding up order against the company referred to in the report be supported in order to seek repayment of the Council's loss through the payment of the debt referred to in resolution i) above; and**

iii) in view of the need to settle the debt and incur specialist legal costs in respect of sponsoring of the winding up proceedings against the company referred to in the report without delay, resolutions i) and ii) above be approved by the Corporate Management Committee under paragraph 1.3 of Committee Responsibilities in the Council's Constitution.

In accordance with Standing Order 39.2 and at the request of Councillor Mrs Manduca, the names of those voting on the recommendation above were recorded as follows:-

For 4 (Councillors D A Cotty, J R Ashmore, Miss E G Bancroft, Mrs G M Kingerley)

Against 2 (Councillors Mrs C S S Manduca, P S Sohi)

Abstentions 3 (Councillors M J Maddox, Mrs L M Gillham, N M King)

N.B. A more detailed Part II Minute of the Overview and Scrutiny Select Committee's consideration of this call-in can be found in Exempt Appendix '6' to the Corporate Management Committee Agenda of 12 October 2017 which contains exempt information under Section 100A(4) of the Local Government Act 1972 of the description specified in paragraph 3 of Schedule 12A to Part 1 of the Act.

Chairman

(The meeting ended at 10.28.p.m)