



meeting	CALL - IN SELECT COMMITTEE: NOTTINGHAMSHIRE INTERNATIONAL CLOTHING CENTRE – SALE OF BUILDING AND ADJACENT LAND	
date	4 December 2006	agenda item number

Report of the Head of Scrutiny

CALL-IN

Purpose of report

- 1 To report details of a Call-In Request.
- 2 To suggest a procedure to be followed for determination of the Request.

BACKGROUND

Call in request

Delegated Decision numbers RE/2006/00220 and RE/2006/00221, both entitled “Nottingham International Clothing Centre- sale of building and adjacent land”

For both delegated decisions, approval was given by the Cabinet Member (Finance and Property) to the appointment of an external firm of chartered surveyors to progress the disposal of Nottinghamshire International Clothing Centre and adjacent land situated off Annesley Road, Hucknall.

The decision date for both delegated decisions is 31 October 2006, and the publication date was 4 November 2006.

The report on which decision number RE/2006/00221 is based contains exempt information by virtue of paragraph(s) 3 post March 2006 as described in the Local Government (Access to information) (Variation) Order 2006 and is not therefore available for public inspection.

A Call-In Request was received, dated 9 November 2006, signed by Councillors Joe Lonergan, T Pettengell, K Girling, Mrs KL Cutts and John Cottee.

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

“We consider that the decision report raises concerns about:

- the propriety of the decision
- whether proper consultation has taken place
- whether a full range of options has been considered
- whether relevant issues have been ignored , and
- whether irrelevant issues have been taken into account “

Following consideration, the Joint Acting Head of Members Services confirmed that the Request was valid. To comply with the Constitution, the Call-In Request has to be considered and determined within 19 working days of its receipt. This Select Committee meeting will hear and consider submissions by or on behalf of the members who have signed the request (the applicants) and the decision-maker. The Select Committee should also make a decision on the matter at this meeting.

In considering this matter, issues relating to the merits of the decision may not be considered.

INFORMATION, ADVICE AND MATTERS FOR CONSIDERATION

(a) Paperwork

To assist the Committee, a copy of any relevant paperwork including decision reports for Delegated Decisions numbers RE/2006/00220 and RE/2006/00221, both entitled “Nottingham International Clothing Centre- sale of building and adjacent land”, and documentation submitted by the applicants and the decision maker have been circulated with the agenda to this meeting.

Any paperwork which contains exempt information, or potentially exempt Information, will be sent only to Members of the Committee, the applicants, and the decision-maker. The Select Committee will need to determine whether the meeting will be held in public or in private.

(b) Persons giving account

The applicants and the decision-maker have submitted lists of the names of people who they think will be able to help the Select Committee in its scrutiny of Delegated Decisions – numbers RE/2006/00220 and RE/2006/00221 .These people have been invited to this meeting and are listed at Appendix A.

The Select Committee will need to determine whether to hear from these people; a suggested procedure for the meeting is included at Appendix B of this report.

(c) Procedure for the meeting

The Committee will, initially, need to determine the validity of the Call-In Request in terms of the Constitution. Members will need to consider whether the decision is capable of being called-in, i.e. if it is a decision which falls within the description shown in section 16 (Limitations on Call-In) of the Overview and Scrutiny Procedure Rules (copies will be available for the Select Committee during the meeting), then exceptional circumstances apply.

The Select Committee will then need to determine whether this meeting is held in public or in private

If the Committee decides to proceed, it is suggested that the procedure for the meeting, whether held in public or in private, should be as shown in Appendix B.

Lynn Senior
Head of Scrutiny

Appendix A

List of Persons nominated to contribute information /evidence to consideration of a call-in request; the following information was submitted for publication with this report.

a) Nominated by applicants

Witnesses for Call-in on 4 December 2006

In considering the call-in, Members of the Select Committee may wish to consider evidence from the following:

Mick Burrows Strategic Director for Communities	Director of Department responsible for regeneration and usage of NICC
Steve Sankey Service Director IT	Service Director for other County Council usage of NICC
Derek Chester Principal Surveyor Corporate Property	Author of the report
David Buckland Professional Services Manager Corporate Property	In the absence of the Service Director (Property) responsible for the report.
Richard Scott Head of Corporate Communications	Responsible for communication with the press relating to this decision
Councillor C Baron Portfolio Holder for Finance and Property	Decision Maker
Councillor D Kirkham Leader	Owner of the forward plan

It may also be of use to invite current/recent tenants to contribute to this Select Committee, however this can not be confirmed at this point.

b) Nominated by the decision maker

From Nottinghamshire County Council -

Mr D Buckland
Professional Services Manager
Corporate Property

Mr D Chester
Principal Surveyor
Corporate Property

Mr R Upton
Corporate Property Manager
Corporate Property

Ms H Dickinson
Assistant Head of Legal Services
Chief Executive's

Mr M Williams
Research Accountant
Resources

Appendix B

Suggested Procedure for Use During Consideration of a Call-In Request

Step 1 A representative from or on behalf of the applicants to present a summary of the application for call-in, referring as necessary to any paperwork previously circulated.

Step 2 The decision-maker, or representative, to be given the opportunity to reply, again referring as necessary to any paperwork previously circulated.

Step 3 Select Committee to invite firstly the applicant and then the decision maker, to describe why additional information or evidence should be heard.

Step 4 Select Committee to decide whether to hear additional information or evidence and from whom.

Step 5 Persons referred to in Step 4 above to be called in turn in the following order:-

1. Any persons nominated by the applicants
2. Any persons nominated by the decision-maker.

Where a person has been nominated by both the applicants and decision maker the Select Committee may decide that all their information will be heard before moving on to the next person nominated by the applicants.

Any persons nominated will have been informed in advance of the Select Committee meeting.

In each case, the person called will be asked to introduce themselves and give a brief description of their job role or the role of their organisation.

Questions will then be put by a representative of those who made the nomination, - alternatively the person nominated may be asked to give, in a verbal statement, any information they feel is relevant for the Select Committee. Following this there may be questions from Members of the Select Committee. There will be no opportunity for cross-examination by the other side, although the following paragraph should be noted.

Questions must be confined to matters of fact or evidence clearly related to the Call-In Request before the Committee. Replies should be based on knowledge or evidence, not supposition. Officers or Members of the Council called before the Committee must reply to questions, although a response that they do not know the answer is acceptable. External representatives cannot be required to respond.

Step 6 There will be a brief adjournment to enable the Chair to review the notes he or she has taken/provided for him or her.

Step 7 The Chair will summarise the additional information obtained through questioning and invite the Committee to debate the matters before them.

Step 8 The Committee will form a view as to an appropriate decision. That decision can only be one of the following:-

- a) that the decision should not be challenged.
- b) that the decision-maker should be asked to reconsider the decision.
- c) that the matter is outside the policy and budget framework of the Council and that it should therefore be referred to the full County Council.

Step 9 The Select Committee will vote on its decision.