

## APPENDIX B

The terms of this call-in echo many of the problems associated with the Ashfield Area Office. There needs to be a clear trail of how decisions have been arrived at, and where they are recorded for anyone to follow.

Most ideas start with a discussion, but at the end of that discussion a proposal then needs to be formalised and documented. It isn't sufficient to have a Members' Reference Group making decisions. Members' Reference Groups are not part of the legal structure of the Council, and since they only consist of one party can only be seen as a 'brainstorming' forum.

If, following from the discussions of a Member Reference Group, Members and Officers wish to take a matter forward then they must follow the formal decision making procedures as set out in the constitution, it does not become exempt from the rules.

Officers need to consider whether a decision is ripe to bring forward. If this is the case, then they must have regard to the constitution which clearly sets out all steps to be taken.

If it is a Key Decision, then it must be included in the Forward Plan.

With regard to the international Clothing Centre, legal advice should have been taken regarding leases to our tenants, and also the use that the Council may have for the building - for example, the Disaster Recovery Centre. The Council cannot enter into any negotiations with staff regarding redundancy or redeployment until a formal decision has been taken and properly recorded. Advice should also be taken from the Legal Officer as to the effect on tenants if the Council removes those things which we have covenanted to provide for the tenants. Also, since the Landlord & Tenant Act is being relied upon in the lease, continuing to take rent from the tenant gives the tenant legal rights.

The Key Decision cannot be taken under Delegated Decisions: it must be published in due time in the Forward Plan, before progressing to the Cabinet or Full Council. This gives proper notice to Members and an opportunity to comment on the decision before it has been made. It must, therefore, be inappropriate to send out a press statement before a decision has been taken by all Members, and it is unacceptable for the Corporate Communications Team to be involved at the planning stage. Officers and Members should have due regard at all times to the Constitution and their duty and responsibility to act within it. They have a duty to keep all other Members of the Council properly informed at all times This includes members of other parties - not just Members of one Group.

Any informal meeting held by the Corporate Property Team to which Members of other groups may be invited remains simply that: an *informal* meeting. Such a meeting cannot be relied upon by the Cabinet Member as formal consultation.

I do not believe it was the intention of anyone to wilfully ignore proper procedures, but there does appear to be an ignorance on the part of senior Members and officers of the requirements of the constitution and the need to adhere to it. I therefore consider that some formal training should be undertaken as soon as practical.

### **Conclusion**

In the case of the International Clothing Centre, none of these steps were taken, and a decision to market the premises was made without any basis. The closure of the centre had never been agreed or published. No proper regard was taken to the affect on our tenants and whether any compensation would be due to them. Staff had been redeployed without any decision being published. The effect on the Disaster Recovery Centre appears not to have been considered at all, and attempting to sell the premises on the open market with a sitting tenant could have cost the Council money, either by way of rent paid to a new landlord or a lower price being achieved on the sale of the land and building.

Having regard to the fact that scrutiny is a form of holding the Executive to account, it is important to remember that we all are accountable to the public. Therefore, the test should be not only that these decisions are fair and transparent, but whether the man in the street would consider them to be.

Our reason for calling this decision in was that in our view it fails all of these tests.