

Report



meeting	CALL - IN SELECT COMMITTEE: PROPERTY DECISIONS TO LEASE THE DAKOTA BUILDING, SPACE 27, SHERWOOD BUSINESS PARK, ANNESLEY, AND LATEST ESTIMATED COST/ REVENUE COST		
date	9 February 2007	agenda item number	6 (a)

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: Cabinet Resolution no.2007/005 - Notts Connect Project – property decision to lease the Dakota Building , Space 27, Sherwood Business Park, Annesley, and latest estimated cost – and Cabinet Resolution no. 2007/018 - Notts Connect Project – property decision to lease the Dakota Building, Space 27, Sherwood Business Park , Annesley, and revenue cost.

At the Cabinet meeting on 10 January 2007 decisions were made about the Notts Connect Project.

The Notts Connect Project – property decision to lease the Dakota Building, Space 27, Sherwood Business Park, Annesley, and latest estimated cost – a Key Decision included in the Forward Plan - is shown at Resolution 2007/005 in Cabinet Notes.

The following is an extract from the Notes of the Cabinet meeting on this matter:-

“Councillor Storey explained the background to the proposals set out in the report and, in response to a question, agreed to provide further information on issues concerning reasons for using the buildings now proposed and the key dates in terms of the delivery of the issues set out in the report.

RESOLVED: 2007/005

1. That the acquisition of a ten year lease of the Dakota building, space 27, Sherwood Business Park, Annesley be approved and
2. that the latest estimated costs for Notts Connect, as set out in the report, be noted and that the amendment to the Capital Programme to provide funding for the fit out of space 27 for Notts Connect be approved. “

The Notts Connect Project – property decision to lease the Dakota Building, Space 27, Sherwood Business Park, Annesley and Revenue Cost – is shown at Resolution 2007/018 in Cabinet Notes. This decision was taken during that part of the meeting from which the public were excluded. The public had been excluded from the meeting earlier in the proceedings and by way of a decision (Resolution 2007/016) taken under paragraph 3 of the Local Government (Access to Information) (Variation) Order 2006 on the grounds of likely disclosure of exempt information.

The following is an extract from the Notes of the Cabinet meeting on this matter:-

“RESOLVED: 2007/018

That the information contained in the report, which is not for publication by virtue of paragraph 3 of the Local Government (Access to Information) (Variation) Order 2006, be received. ”

For both decisions, the decision date is 10 January 2007.

Notts Connect Project – property decision to lease the Dakota Building, space 27, Sherwood business Park, Annesley and latest estimated cost was published on 20 January 2007 (Decision Number CA/2007/00005).

Notts Connect Project – property decision to lease to lease the Dakota Building, Space 27, Sherwood Business Park, Annesley and revenue cost was published on 23 January 2007 (Decision number CA/2007/00018)

On 16 January 2007 a Call-In Request was received, in respect of both decisions, signed by Councillors Mrs KL Cutts, Andy Stewart, Thomas Pettengell, John Cottee and Richard Butler.

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

“We have concerns about:

- a) the propriety of the decision
- b) proper consultation
- c) range of options considered

d) relevant issues ignored “

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, or given that this is a Cabinet decision, by a representative of the Cabinet.

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 decisions may not be considered.

INFORMATION, ADVICE AND MATTERS FOR CONSIDERATION

(a) Paperwork

To assist the Committee, a copy of any relevant paperwork relating to Cabinet Resolutions 2007/005 and 2007/018, and any documentation submitted by the applicants and the decision maker, has 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 were invited to submit lists of the names of any people who they think will be able to help the Select Committee in its scrutiny of Cabinet Resolutions 2007/005 and 2007/018. 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.

Nominated by applicants –

Witnesses for Call-in on 9 February 2007

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

Councillor C Baron Portfolio Holder for Finance and Property	Cabinet Member responsible for Finance and Property
Suzanne Lloyd	Project Director for Notts Connect
Sarah Thurlby	Project Manager for Notts Connect
Richard Hanson Service Director (Property)	Information on County Council property issues
Councillor M Storey Deputy Leader	Cabinet Member responsible for Notts Connect – author of the report
Councillor D Kirkham Leader	Owner of the forward plan

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.