



AGENDA ITEM: 7(1)

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
2 July 2009**

Report of: Council Secretary and Solicitor

Portfolio Holder: Councillor Fowler

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SUBJECT: CALLED IN ITEM: LITTLE DIGMOOR PLAY AREA

The following ward is affected:- Digmoor

1.0 PURPOSE OF THE REPORT

1.1 To advise the Executive Overview and Scrutiny Committee of the reasons for the call in of the decision on the above item, as set out in Minute No. 11 of the meeting of Cabinet held on 16 June 2009.

2.0 RECOMMENDATIONS TO CABINET

2.1 That the Committee determines whether it wishes to ask for a different decision.

2.2 That if the Committee does wish to ask for a different decision, the Committee indicates which of the options set out at paragraph 4.1 below, it wishes to pursue.

3.0 DETAILS RELATING TO THE CALL IN

3.1 The report attached as an Appendix to this report was considered at Cabinet held on 16 June 2009.

3.2 The following decision of Cabinet is contained at minute no. 11:-

“11. LITTLE DIGMOOR PLAY AREA

Councillor A Fowler introduced the report of the Executive Manager Community Services which outlined issues of anti-social behaviour linked to teenage play equipment at Abbeystead, Little Digmoor and sought guidance as to the preferred way forward to deal with these issues.

Councillor Fowler referred to a petition received and circulated to all Cabinet Members from Abbeystead residents.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

RESOLVED:A. That the petition received from Abbeystead residents be noted and referred to the Executive Manager Community Services.

B. That the equipment at the multi use games area (MUGA), teenage shelter and children’s play area at Abbeystead, Little Digmoor remain in situ, and the Executive Manager Community Services be asked to request further police action regarding drug and anti social behaviour at the site, involving the MAPS team as appropriate with this to be reviewed in 12 months time.”

3.3 Two call in requisitions have been received on this item as follows:-

Call in A

3.4 The following reason for call in was given in the requisition:

“Resolution B – 12 month timeframe too long and a more robust approach required.”

3.4 The requisition also provided an alternative decision which was:-

“Resolution B – That equipment remain in situ. That Cabinet should consider the installation of CCTV which has been proven to reduce anti-social behaviour in other play areas of district.”

3.5 The following Members of the Executive Overview and Scrutiny Committee signed the requisition for call-in in accordance with the provisions of Overview and Scrutiny Committee Procedure Rule 15:

Councillor Bailey
Councillor Griffiths
Councillor Grice
Councillor Gartside
Councillor Mrs. Blake

Call in B

3.6 The following reason for call in was given in the requisition:

“Insufficient account taken of urgent need to resolve situation”

3.7 The requisition also provided an alternative decision which was:-

“That Council officers produce an active management plan providing for a satisfactory solution to current problem, including provision for removal of ‘sitter’ as necessary, for review by Cabinet on 15 July.”

3.8 The following Members of the Executive Overview and Scrutiny Committee signed the requisition for call-in in accordance with the provisions of Overview and Scrutiny Committee Procedure Rule 15:

Councillor W.G. Roberts
Councillor R. Pendleton
Councillor J. Roberts
Councillor McKay
Councillor Carson

4.0 CONCLUSION

4.1 Following consideration of the decision of Cabinet and the requisitions for call in, the Executive Overview and Scrutiny Committee can decide if it wishes to ask for a different decision. If the Committee does not wish to ask for different decision then the decision of Cabinet takes immediate effect. If the Committee does wish to ask for a different decision, it may:

- a. refer the decision back to Cabinet (as the decision making body) for reconsideration, setting out the different decision; or
- b. refer the matter to Council. If the matter is referred to Council and Council does not object then the decision of Cabinet will take effect immediately from that Council meeting date. If the Council does object, then the decision and the objection will be referred back to Cabinet (as the decision making body) for reconsideration.

4.2 The Secretary of State in his Guidance recommends that Overview and Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

Report of the Executive Manager Community Services