



AGENDA ITEM:

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

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**Report of: Council Secretary and Solicitor**

**Portfolio Holder: Councillor Owens**

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**SUBJECT: CALLED IN ITEM: SALE OF SMALL PLOTS OF LAND OWNED BY  
THE  
COUNCIL**

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Borough Wide Interest

**1.0 PURPOSE OF THE REPORT**

1.1 To advise the Executive Overview and Scrutiny Committee of the reason for the call in of the decision on the above item, as set out in Minute No. 7 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.

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**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. 7:-

## **“7. SALE OF SMALL PLOTS OF LAND OWNED BY THE COUNCIL**

Councillor A Owens introduced the report of the Executive Manager Regeneration and Estates which detailed the proposed method of dealing with the sale of small plots of land owned by the Council and sought approval for the methodology of such sales.

Councillor Owens advised Members that the report would also be submitted to Council on 15 July 2009.

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 methodology for the sale of small parcels of land as set out in Appendices A and B attached to the report be approved.
- B. That receipts up to a ceiling limit of £5,000 from the sale of small plots of land be “ring fenced” for regeneration schemes in the Borough.”

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

*“Insufficient robust methodology leading to potential problems and unintended consequences”*

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

*“That the methodology as set out in Appendices A and B have added to it further appendices as necessary to cover the following issues:*

*Ward member involvement in sales decisions*

*Planning conditions to ensure adequate maintenance and appearance*

*Future land use and development in context of covenant case law*

*Relationship between location of land for sales and location/type of regeneration scheme benefiting*

*Sales of land to people living in rented accommodation”*

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 W.G. Roberts

Councillor Carson

Councillor Mckay

Councillor J. Roberts

Councillor R. Pendleton

## **4.0 CONCLUSION**

- 4.1 Following consideration of the decision of Cabinet and the requisition 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.

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### **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 Regeneration and Estates