



AGENDA ITEM: 10(a)

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
29 March 2012**

Report of: Borough Solicitor

Relevant Managing Director: Managing Directors

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SUBJECT: CALL IN ITEM – PUBLIC LAND AUCTION PILOT

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

- 1.1 To advise the Executive Overview & Scrutiny Committee of the reason for the call in of the decision on the above item, as set out in Minute No. 142 of the meeting of Cabinet held on 13 March 2012.

2.0 RECOMMENDATIONS

- 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 5.1 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 a meeting of Cabinet on 13 March 2012.
- 3.2 The decision of Cabinet reads as follows:

142. PUBLIC LAND AUCTION PILOT

“Councillor Forshaw introduced the report of the Assistant Director Housing and Regeneration which sought approval to investigate and develop a Department of Communities and Local Government (DCLG) sponsored public land action pilot between the Homes and Communities Agency and the Council.

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 Assistant Director Housing and Regeneration be authorised to investigate and develop a land auction pilot scheme.
- B. That the Assistant Director Housing and Regeneration be authorised to enter into any necessary documentation to facilitate the pilot.
- C. That a report be brought back before Cabinet at the earliest opportunity providing details of the pilot and a detailed costing programme for progressing the pilot forward."

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

"To enable full scrutiny of the pilot scheme"

3.4 The requisition also provided a different decision which was:

*"That a report be brought back before Cabinet at the earliest opportunity **and Executive Overview and Scrutiny** providing details of the pilot and a detailed costing programme for progressing the pilot forward"*

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

Councillor Fillis
Councillor Gagen
Councillor Gibson
Councillor Hennessy
Councillor Furey

4.0 COMMENTS OF THE ASSISTANT DIRECTOR HOUSING AND REGENERATION

- 4.1 The invitation to participate in the public land auction pilot and the grant that will support the initial stages of the application have been made on the basis that the Council will sign up to the pilot by the end of March.
- 4.2 The grant has been confirmed at £100K and if the Council decides after fully evaluating the proposal to withdraw from the pilot, the grant will not be refundable.
- 4.3 I would recommend to Members that it would be better to take advantage of the grant that is on offer and then evaluate the costs rather than report further on the financial implications and risk losing the grant as the deadline of the 31st March has been exceeded.

5.0 CONCLUSION

- 5.1 Following consideration of the decision of Cabinet, the requisition for call in and the comments of the Assistant Director Housing and Regeneration, the Executive Overview & Scrutiny Committee can decide if it wishes to ask for a different decision. If the Committee does not wish to ask for a 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.
- 5.2 The Secretary of State in his Guidance recommends that Overview & 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

The decision does not have any direct impact on members of the public, employees, elected members and/or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Report of the Assistant Director Housing and Regeneration