



'CALL-IN' REQUEST

Please complete this form to register a request for a decision of the Executive to be 'called in' for consideration by one of the Overview and Scrutiny Committees, in accordance with the Council's Constitution (Part 4.05 - *Overview and Scrutiny Procedure Rules* – paragraph 14).

Contact details

Name: Rob Fail
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Daytime telephone number: 01253 863680
Email address: rob.fail@wyre.gov.uk
Date call-in sent: 30 June 2015

Details of the decision to be called-in

Decision title: Disposal of Cleveleys Community Centre and Church
Decision ref no: arm/ph/re/dn/250615/dn03amcf
Date the decision was taken: 25 June 2015

Reasons for call-in and issues to be considered

I share the wish of the Resource Portfolio holder to secure the future of Cleveleys Community Centre. However I believe the "process" that has been followed to be both incomplete and ineffective. I have concerns about this going ahead without any consultation, with only one valuation having been obtained, and with insufficient safeguards in place to ensure levels of service to the residents are maintained. The current decision has been made without the necessary information being in place and therefore it cannot be considered as an informed decision, just a rushed one with little in the way of evidence within the report to back up the decision.

What issues would you like the Overview and Scrutiny Committee to consider? * (please list):

- 1) There has been no consultation to confirm or otherwise, that the sale is acceptable to the Cleveleys' public. A unilateral decision has seemingly been made that consultation isn't necessary.
- 2) The Portfolio Holder's reason for not consulting, ie. that he believes that there would be no change in the service to the public, is just too big an assumption to make without validating that assumption.
- 3) Although the valuation obtained is an external one, without further valuations, it must remain open to question as to whether or not the Council will receive the best price that can reasonably be obtained.
- 4) There is uncertainty that a legally binding and enforceable agreement will be put in place and doubt that it will be sufficiently detailed to ensure service levels are maintained or improved.
- 5) The decision was made on the basis of an incomplete report by the Resource Portfolio Holder. The report is deficient in that it does not contain any user impact and is therefore procedurally non-compliant.
- 6) Notwithstanding the obvious and logical reasons why this decision needs to be reconsidered, the action taken to date is contrary to the Constitution in terms of obtaining the best price, and producing the necessary reports.

*This will assist officers to ensure that the relevant issues are addressed during the Overview and Scrutiny Committee's consideration of the decision. Use additional sheet if necessary.

Would you like to make a statement or representation in respect of your objection?

Yes No

Name of objectors (please print)

1 Cllr Rob Fail

2 Cllr Terry Lees

3 Cllr Natalie Reeves

4 Cllr Brian Stephenson

5.

6.

7.

N.B Please note that any request to call-in a decision must be personally **supported** by at least four individual members of the council.

Please complete and return this form to the Democratic Services and Scrutiny Manager, Civic Centre, Breck Road, Poulton-le-Fylde, Lancashire, FY6 7PU. Alternatively, you can email it to Roy.Saunders@wyre.gov.uk .

If you have any queries or difficulties regarding completion of the form, please contact the scrutiny officer on 01253 887606 or 887481.

For internal use only

Date request received:	30 June 2015
Date committee meeting called:	1 July 2015
Date of meeting:	21 July 2015
Signature of the 'Proper Officer':	

mdo/ind/1007dj



Record of a decision taken by the Resources Portfolio Holder

Disposal of Cleveleys Community Centre and Church

On 18 June 2015, the Corporate Director of People and Places submitted a report requesting that Cleveleys Community Centre and Church be declared surplus to requirements and seeking approval for the sale of Cleveleys Community Centre and Church forming part only of Title Number LA618776, to the Trustees of New Waters Christian Fellowship.

Decision taken

The Resources Portfolio Holder agreed that the Cleveleys Community Centre and Church be declared surplus to requirements and approved the disposal in accordance with the terms set out in the report

Date of Publication: 25 June 2015

What were the reasons for the recommendations and what other options were considered and rejected?

Full details of the reasons for the recommendation and any alternative options that were considered and rejected are included in the original report.

When will this decision be implemented?

All decisions will be put into effect five working days from the date of publication, unless a decision is "called-in" by any four members of Wyre Council within that period. The "call-in" procedure is set out in [Part 4 of the Council's Constitution](#) (Paragraph 17 of the Overview and Scrutiny Procedure Rules).

If a decision is "called-in", the Overview and Scrutiny Committee may decide that the original decision should be upheld or ask the Portfolio Holder to reconsider the decision.

Record of a decision taken by a Wyre Borough Council Portfolio Holder

arm/ph/re/dn/250615/dn03amcf

GUIDANCE NOTES

PROCEDURE FOR DEALING WITH CALL-INS AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

The circumstances in which an Executive decision can be called-in for reconsideration and details of how it will be dealt with are set out in paragraphs 14.1 to 14.5 of the Overview of Scrutiny Procedure Rules in Part 4.05 of the Council's Constitution. This note explains, step-by-step, how the call-in will be considered by the Overview and Scrutiny Committee.

1. The Chairman of the Committee will welcome those present.
2. The Chairman will ask a representative of the four Councillors who have requested the call-in and the relevant Executive Member to take their places at the table.

(Note: Prior to the meeting the Democratic Services Team will have contacted the four Councillors who have called-in the decision to ask them to nominate a spokesperson (referred to below as "the Spokesperson") to represent them at the meeting and will also have invited the responsible Portfolio Holder, to attend (or if for any reason, he/she is unable to attend will have asked the Leader to attend or to nominate another Cabinet Member to attend.)

3. The Chairman will ask if everyone has a copy of the agenda for the meeting, including the reasons given for calling-in the decision and a copy of this Guidance Note.
4. The Chairman will ask for any apologies for absence.
5. The Chairman will ask if there are declarations of interest.

At this stage the Portfolio Holder present should to declare a non-pecuniary interest because he or she will have been involved in making the decision that is the subject of the call-in, and if the committee decides to support the call-in, will need to reconsider that decision.

Any member of the committee who has signed the call-in request should also declare a non-pecuniary interest. However, following the implementation (on 15 January 2012) of Section 25 of the Localism Act 2011, they will be able to speak and vote at the meeting on the basis that they have not predetermined the issue, but have supported the call-in request to enable further consideration of the matter, in accordance with the Council's procedures.

6. The Chairman will ask a member of the Democratic Services Team or the Legal Services Team, if present, to explain the procedures to be followed at the meeting, as set out in the note.

7. The Chairman will ask the Spokesperson for the supporters of the call-in ('the Spokesperson'), to explain the reasons for the call-in and, if appropriate, the alternative action which they propose should be taken.
8. The Chairman will ask if the Cabinet Member wishes to seek clarification of any of the issues raised by the Spokesperson.
9. The Chairman will invite Members of the Committee to ask questions to the Spokesperson.
10. The Chairman will ask the Cabinet Member to explain the reasons for the decision made by him/her as Portfolio Holder or collectively by the Cabinet. He/she may do so alone or with the appropriate officer.
11. The Chairman will ask the Spokesperson, if he/she wishes to ask questions of the Cabinet Member and/or the Corporate Director/Head of Service.
12. The Chairman will invite Members of the Committee to ask questions of the Cabinet Member and/or the Corporate Director/ Head of Service.
13. The Chairman will invite the Cabinet Member to sum-up his/her position.
14. The Chairman will invite the Spokesperson to sum up.
15. The Chairman will ask the Spokesperson, if not a member of the Committee, to leave the table and sit at the back of the room. It would also be good practice for the Cabinet member to leave the room at this point.
16. The Chairman will invite any final contributions from Members of the Committee before deciding how to proceed.
17. The Chairman will invite the Committee to consider what they have heard and to decide how to proceed. He/she will remind Members of the Committee that they can make one of the following decisions, (as set out in Paragraphs 14.4 and 14.5 of the Overview and Scrutiny Procedures Rules in Part 4.05 of the Council's Constitution):
 - (1) to refer the decision back to the Portfolio Holder or the Cabinet for reconsideration, setting out the nature of the Committee's concerns*
 - (2) to raise no concerns about the decision made by the Portfolio Holder or the Cabinet.

* Note: The limited circumstances in which an executive decision can be referred to the Full Council are set out in the Budget and Policy Framework Procedure Rules in Part 4.03 of the Constitution. The Chief Financial Officer or the Chief Executive will advise the Committee if they consider that such procedures apply to the current call-in.

18. The Chairman will ask the Democratic Services or legal representative to explain what will happen as a result of the Committee's decision, ie. one of the following:
- (i) if the call-in has been upheld and the decision is referred back to the decision making person or body, the Portfolio Holder or the Cabinet has to decide within 5 working days from the date of this meeting of the Committee, either to amend the original decision or not, before adopting a final decision;
 - (ii) if the call-in has been rejected and the Committee has decided not to refer it back to the decision making person or body, the original decision will take effect from the date of this meeting of the Committee;
 - (iii) If, following advice from the Chief Financial Officer or the Chief Executive the Committee has decided to refer the decision to the Council, on the basis that its recommendation or the original decision, if implemented, would involve a change to the Council's budget or policy framework, that a special meeting of the Council will be convened.
19. The Chairman will close the meeting (if it has been called specifically to consider the call-in) or continue with the next business on the agenda (if it is an ordinary meeting).

The Cabinet Member will be informed by an officer from Democratic Services of the decision made by the Committee, as soon as possible.

pp/jan/09/rs1/6
updated xxxxxxxx

NOT FOR PUBLICATION



Portfolio Holder Report

The Portfolio Holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of Publication
Michael Ryan Corporate Director of People and Places	Cllr Alan Vincent, Resources Portfolio Holder and Deputy Leader	18 June 2015

Disposal of Cleveleys Community Centre and Church

Exempt item

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

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arm/ph/re/cr/0006amcf1