

<b>DECISION-MAKER:</b>	COUNCIL		
<b>SUBJECT:</b>	OVERVIEW AND SCRUTINY: SUMMARY OF CALL-IN ACTIVITY		
<b>DATE OF DECISION:</b>	18 MAY 2022		
<b>REPORT OF:</b>	EXECUTIVE DIRECTOR - LEGAL AND BUSINESS SERVICES		
<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	<b>Legal and Business Services</b>	
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<b>STATEMENT OF CONFIDENTIALITY</b>			
None			
<b>BRIEF SUMMARY</b>			
This report provides the Council with a summary of the use of the Call-in procedure since the previous update in July 2021.			
<b>RECOMMENDATIONS:</b>			
	(i)	That the report be noted.	
<b>REASONS FOR REPORT RECOMMENDATIONS</b>			
1.	The Council's Constitution requires the use of Call-in to be reported to Council.		
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>			
2.	Not applicable.		
<b>DETAIL (Including consultation carried out)</b>			
3.	Three executive decisions have been called-in since the previous update to Council on 21 July 2021. The details of the Call-ins, and the outcomes resulting from the Call-In meetings, are summarised in this report.		
	<b>Called-in Decision CAB 21/22 32353 – Land at the corner of Lime Street / Evans Street: Proposed disposal of site for school use</b>		
4.	<b>Reasons given for the Call-in:</b> <ul style="list-style-type: none"> <li>• Lack of consultation with key stakeholders</li> <li>• Lack of detail within the decision making report relating to the demand for the proposed two-form entry school and the potential impact of the decision on neighbouring schools.</li> </ul>		
	<b>Recommendations from the Call-in meeting</b>		

5.	<p>The Overview and Scrutiny Management Committee considered the item at a meeting on 22 September 2021. Following the discussion the Committee resolved that Cabinet reconsider the called in decision at the next decision meeting.</p> <p>The following recommendations were made to be addressed by Cabinet:</p> <ul style="list-style-type: none"> <li>(i) That Cabinet postpone the decision on the sale of land to the Secretary of State for Housing, Communities and Local Government whilst it gathers and analyses the data required to evidence the demand for an increase in primary school places in the city.</li> <li>(ii) If analysis identifies that the evidence is not available to support the increase in demand for primary school places in the city, that Cabinet postpone the decision on the sale of land to the Secretary of State for Housing, Communities and Local Government to negotiate an agreement, as a condition of sale, that the school significantly contributes to meeting the Special Educational Needs within the city.</li> </ul> <p>If Cabinet is not minded to postpone the decision:</p> <ul style="list-style-type: none"> <li>(i) Cabinet work to reach a binding agreement between Hope School governors and Southampton City Council that commits the new school to meaningfully contribute to meeting the need for additional SEND provision in the city.</li> <li>(ii) That Cabinet report back to this Committee on the meaningful support which will be provided to mitigate the negative impact the expansion of Hope School to a two form of entry school is forecast to have on the wider primary school community in Southampton.</li> <li>(iii) That Cabinet commits to meaningfully consult and engage with stakeholders when making decisions and that these consultations are reflected in the decision-making reports presented to Cabinet and Council and the pre-decision briefing papers considered by scrutiny committees.</li> </ul>
	<b>Cabinet response</b>
6.	At the 22 September 2021 meeting Cabinet confirmed their decision taken on 13 September 2021 and rejected the recommendations above except for the final two recommendations which were accepted.
	<b>Called-in Decision CAB 21/22 32527– Northern Above Bar Properties</b>
7.	<p><b>Reason given for the Call-in:</b></p> <ul style="list-style-type: none"> <li>• Cabinet have taken a decision without the availability of the information required to make an informed assessment of the options available.</li> </ul>
	<b>Recommendations from the Call-in meeting</b>
8.	At the 9 November 2021 meeting the Overview and Scrutiny Management Committee considered the item. The Committee resolved that Cabinet reconsider the called in decision at the next decision meeting.

	<p>The following recommendations were made to be addressed by Cabinet:</p> <p>(i) That Cabinet do not proceed with the decision agreed at 18 October 2021 meeting and that the future of 176 to 202 Above Bar Street is considered within the wider property portfolio review being undertaken by Eddison's.</p> <p>If Cabinet is not minded to postpone the decision:</p> <p>(i) That Cabinet seeks a full appraisal of the site, 176 to 202 Above Bar Street, to include, in addition to the Section 123 best consideration report, consideration of how the site fits with the economic growth and development ambitions of the city, and that Cabinet use this information to inform their decision.</p> <p>If Cabinet is not minded to authorise a full appraisal of the site:</p> <p>(i) That, on receipt of the Section 123 best consideration report, the Executive return to the Overview and Scrutiny Management Committee to discuss the Administration's intentions with regards to 176-202 Northern Above Bar Properties.</p> <p>(ii) That the Cabinet Member for Finance and Capital Assets provides the Overview and Scrutiny Management Committee with an explanation of the comments he made at the 14 October 2021 meeting of the Committee relating to the marketing of properties on Northern Above Bar (176-202) when subsequent enquiries have revealed that this has not happened.</p>
	<b>Cabinet response</b>
9.	At the 15 November 2021 meeting Cabinet confirmed their decision taken on 18 October 2021 and rejected the recommendations above except for the final recommendation which was accepted.
	<b>Called-in Decision CAB 21/22 33197 – St Mary's Leisure Centre</b>
10.	<p><b>Reasons given for the Call-in:</b></p> <ul style="list-style-type: none"> <li>• Cabinet have not given due consideration to the response to the consultation</li> <li>• Suitable alternatives have not been identified to St Mary's Leisure Centre for the community to utilise</li> <li>• There is a lack of clarity with regards to the future usage of St Mary's Leisure Centre and how any capital receipt would be utilised to benefit the local community.</li> </ul>
	<b>Recommendations from the Call-in meeting</b>
11.	<p>At the 10 March 2022 meeting the Overview and Scrutiny Management Committee resolved that Cabinet reconsider the called in decision at the next decision meeting.</p> <p>The following recommendations were made to be addressed by Cabinet at 14 March 2022 meeting:</p>

	<ul style="list-style-type: none"> <li>• That Cabinet do not proceed with the decision agreed at 21 February 2022 meeting to close St Marys Leisure Centre and that Cabinet seek to find a partner to keep it open for community use.</li> </ul> <p>If the Administration is not minded to accept this recommendation it is recommended that:</p> <p>A. The Administration honours the Leader’s commitment to the community and restricts the sale of the building solely for affordable housing or community use.</p> <p>If the Administration is not minded to accept this recommendation, or is unable to meet this commitment, it is recommended that:</p> <ul style="list-style-type: none"> <li>• The outcome of the Best Value consideration report which determines the viability of restricting disposal of the site for residential use, as outlined in recommendation two of the Cabinet report, is reported back to this Committee at the appropriate time.</li> </ul> <p>B. The Administration honours the Leader’s commitment to the community that all or some of the capital receipt raised is re-invested in the local community, that the community are meaningfully involved in determining how the money is spent, and, that the Administration report back to this Committee at the appropriate time on how this has been achieved. The Committee have expressed support for initiatives that promote the health and wellbeing of the local community.</p> <p>If the Administration is not minded to accept this recommendation it is recommended that:</p> <ul style="list-style-type: none"> <li>• The criteria for determining the level of capital receipt to be re-invested in the local community is provided to the Committee.</li> <li>• The Administration report back to this Committee at an appropriate time outlining how it has utilised the capital receipt to benefit the local community.</li> </ul> <p>C. That a public meeting is held within the community to enable answers to be provided to the questions that still remain unanswered, specifically those relating to how the capital receipt will be spent and how they will be involved in determining the need in the community.</p>
	<b>Cabinet response</b>
12.	Cabinet rejected all of the recommendations from the Overview and Scrutiny Management Committee at their 14 March 2022 meeting.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
13.	None.
<b><u>Property/Other</u></b>	
14.	None.
<b>LEGAL IMPLICATIONS</b>	

<b><u>Statutory power to undertake proposals in the report:</u></b>	
15.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.
<b><u>Other Legal Implications:</u></b>	
16.	None
<b>RISK MANAGEMENT IMPLICATIONS</b>	
17.	None.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
18.	None
<b>KEY DECISION</b>	No
<b>WARDS/COMMUNITIES AFFECTED:</b>	None directly as a result of this report
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	None
<b>Documents In Members' Rooms</b>	
1.	None
<b>Equality Impact Assessment</b>	
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?	No
<b>Data Protection Impact Assessment</b>	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?	No
<b>Other Background Documents</b>	
<b>Equality Impact Assessment and Other Background documents available for inspection at:</b>	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None