



**Committee:** OVERVIEW AND SCRUTINY COMMITTEE

**Date:** THURSDAY, 14 APRIL 2016

**Venue:** LANCASTER TOWN HALL – PLEASE NOTE CHANGE IN VENUE

**Time:** 6.10 P.M.

Councillors are reminded that as Members of overview and scrutiny they may not be subjected to the Party Whip, which is prohibited under the Lancaster City Council Constitution.

## A G E N D A

1. **Apologies for Absence**
2. **Items of Urgent Business authorised by the Chairman**
3. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

4. **Exclusion of the Press and Public**

The Overview and Scrutiny Committee is recommended to consider passing the following recommendation in relation to the following item :-

“That, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item(s) of business, on the grounds that they could involve the possible disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.”

Members are reminded that the Cabinet report in respect of the decision to which this Call-in relates contained exempt information under paragraph 3 of Schedule 12A to the

Local Government Act 1972, and Cabinet excluded the public from the meeting during consideration thereof. The Cabinet report therefore remains exempt unless and until Cabinet decides otherwise.

However, it is for the Overview and Scrutiny Committee to decide whether or not to consider the Call-in item in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, whether the call-in item can be discussed without reference to the exempt information contained in the Cabinet report, and whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

## **5. Request to Call-in Cabinet Decision - St Leonard's House - Lancaster - Cabinet Minute 90 (Pages 1 - 41)**

The Cabinet decision on St Leonard's House - Lancaster – (Minute 90) taken by Cabinet on 29th March 2016 has been requested to be called in by Councillors Caroline Jackson and Phillippa Williamson (Overview and Scrutiny Members) and by Councillors Roger Mace, Tim Hamilton-Cox and Joan Jackson.

This request was subsequently agreed by the Chief Executive. The decision has been called-in in accordance with Part 4 Section 5, Paragraph 16 of the Council's Constitution.

Councillor Eileen Blamire (Leader of the Council) and Councillor Abbott Bryning (Cabinet Member with responsibility for Property) have been invited to attend to outline the basis on which the decision was made.

Included in the agenda:

- Call-in Procedure
- Cabinet minute extract
- Call-in Notice
- Report to Cabinet and Appendix

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

Councillors Nigel Goodrich (Chairman), June Ashworth (Vice-Chairman), Lucy Atkinson, Alan Biddulph, Brett Cooper, Rob Devey, Caroline Jackson, David Whitaker and Phillippa Williamson

### **(ii) Substitute Membership**

Councillors Tracy Brown, Andrew Gardiner, Geoff Knight, Roger Mace, Terrie Metcalfe, Abi Mills and Nicholas Wilkinson

**(iii) Queries regarding this Agenda**

Please contact Jenny Kay, Democratic Services - telephone (01524) 582065 or email [jkay@lancaster.gov.uk](mailto:jkay@lancaster.gov.uk).

**(iv) Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone 582170, or alternatively email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

MARK CULLINAN,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on 6<sup>th</sup> April, 2016.

**EXTRACT FROM THE CONSTITUTION****Part 4 – Rules of Procedure,  
Section 5 – Overview and Scrutiny Procedure rules,  
Sub-section 16 – Call-in Procedure.****Call-in Procedure**

In considering a Call-in decision the following procedure will be followed:

- The Councillors who have made the Call-in request (who shall be seated together) will outline the reasons for the Call-in;
- The relevant decision-maker(s), with support from the appropriate officer(s) (who shall be seated together), will outline the reasons for their decision and the issues that they took into account;
- Councillors who are signatories to the Call-in request will have the opportunity to question the decision-maker;
- Other Members of the Overview and Scrutiny Committee will have the opportunity to question the decision-maker;
- At the discretion of the Chairman, other Members present may have the opportunity to question the decision-maker;
- Before forming a decision, the Chairman may decide to adjourn the meeting in order to allow the Call-in signatories to reflect on the evidence received and to consider any recommendations they wish the Committee to consider.
- The meeting then moves to forming a decision in accordance with the Council Procedure Rules.

CABINET 29TH MARCH 2016

90 ST. LEONARD'S HOUSE – LANCASTER

(Cabinet Member with Special Responsibility Councillor Bryning)

***Councillor Hamilton-Cox addressed Cabinet on this issue, having registered to speak as Ward Councillor on this item in accordance with Part 4, Section 4, (2.6) of Cabinet Procedure Rules.***

Cabinet received a report from the Chief Officer (Resources) which provided an update on progress since approval of the Stage 2 report for the redevelopment of St Leonard's House in February 2015. The report presented available options for moving forward and sought Cabinet's decision on how to proceed. Cabinet gave full consideration to the options which were detailed in the report which was exempt from publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972.

The options, options analysis, including risk assessment and officer preferred option, were set out in the exempt report.

Councillor Bryning proposed, seconded by Councillor Smith:-

"That the recommendation, as set out in the exempt report, be approved."

Councillors then voted:-

***Resolved unanimously:***

- (1) That Cabinet notes the progress made following the financial commitment made to progress the 'Stage 2' report for the redevelopment of St. Leonard's House as student accommodation.
- (2) That Cabinet approves Option 1 as set out in the exempt report, this being the disposal of St. Leonard's House to Robertson Property Limited in line with the exclusivity agreement and other heads of terms developed through the Lancashire Regeneration Property Partnership (LRPP) as set out at Appendix A to the exempt report, in support of the economic well-being of the area.
- (3) That progress on this matter be covered in the normal quarterly reporting arrangements.

**Officer responsible for effecting the decision:**

Chief Officer (Resources)

**Reasons for making the decision:**

The proposal aims to help achieve the targets within the Council's Medium Term Financial Strategy, whilst also supporting current corporate priorities in connection with Economic Growth and Health and Wellbeing (housing). The development proposal could bring wider benefits including acting as a potential catalyst for regeneration and freeing up student homes to the domestic housing supply chain.

**REQUEST FOR CALL-IN**

This form is to be used when calling in a decision taken by the Cabinet, an Individual Member of the Cabinet or a committee of the Cabinet, or a key decision made by an officer with delegated authority from the Cabinet, or under joint arrangements. The full procedure is set out in paragraph 16, Part 4, Section 5 of the Constitution and page 7 of the Handbook.

**ITEM TO BE CALLED IN:** ST. LEONARD'S HOUSE, LANCASTER Minute 90 of the 29 March 2016 Cabinet Meeting

Resolved unanimously:

(1) That Cabinet notes the progress made following the financial commitment made to progress the 'Stage 2' report for the redevelopment of St. Leonard's House as student accommodation.

(2) That Cabinet approves Option 1 as set out in the exempt report, this being the disposal of St. Leonard's House to Robertson Property Limited in line with the exclusivity agreement and other heads of terms developed through the Lancashire Regeneration Property Partnership (LRPP) as set out at Appendix A to the exempt report, in support of the economic wellbeing of the area.

(3) That progress on this matter be covered in the normal quarterly reporting arrangements.

**DATE DECISION TAKEN:** 29 March 2016

**DECISION TAKEN BY:**

**Tick**

Cabinet

X

Individual Member of Cabinet (please state)

Councillor

Committee of Cabinet (please state)

Key Decision by Officer with delegated authority (please state)

Joint Arrangements (please state)

**REASONS FOR CALL-IN:**

**(please indicate your reasons below)**

**Tick**

(a) Proportionality (i.e. the decision is not proportionate to the desired outcome).

(b) Lack of, or insufficient consultation and the taking of professional advice from Officers.

X

(c) Lack of, or insufficient respect for human rights.

(d) Lack of openness.

X

(e) The aims and desired outcomes of the decision are not clearly expressed.

(f) Insufficient information about the options that were considered or the reasons for arriving at the decision.

X

(g) Other (please give your reason(s) in full below).

X

The signatories to the call in are concerned that the decision to dispose of St. Leonard's House to Robertson Property Limited as set out in paragraph (2) of the minute does not represent the best outcome in support of the economic wellbeing of the area - and will ask questions accordingly at the call in.

We are also concerned that the Cabinet's decision making process surrounding this sale has involved insufficient consultation with members of Overview and Scrutiny. We will ask questions on pre-scrutiny procedure with a view to making recommendations that may improve assurance and decision making processes and reduce the need for calling in future Cabinet decisions.

<b>SIGNED:</b>	Members of Overview & Scrutiny Committee	
	Cllr Caroline Jackson	Cllr Phillippa Williamson
	Three Further Councillors	
	Cllr Mace	Cllr Hamilton Cox      Cllr Joan Jackson

*(Note: A valid request for call in must be signed by a total of 5 Members of the Council, including 2 or more Members of the Overview & Scrutiny Committee, and all 5 Councillors must not be from the same political group.)*

**DATE: 5 April 2016**

This request for call in must be submitted to the Chief Executive (by post, fax or e-mail) within 5 working days of the date of publication of the decision.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
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