

**MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE
HELD ON MONDAY, 7 OCTOBER 2024**

COUNCILLORS

PRESENT (Chair) Nicki Adeleke, Maria Alexandrou, Kate Anolue, Hivran Dalkaya, James Hockney, Michael Rye OBE, Eylem Yuruk, Mustafa Cetinkaya and Tom O'Halloran

ABSENT Mahmut Aksanoglu and Lee Chamberlain

STATUTORY CO-OPTES: *1 vacancy (Church of England diocese representative), vacancy (other faiths/denominations representative), vacancy (Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor representative) - Italics Denotes absence*

OFFICERS: Ian Davis (Chief Executive's Department) and Terry Osborne (Chief Executive's Department) Joanne Drew (Strategic Director, Housing and Regeneration), Andrew Cotton (Interim Investment and Resident Safety Programme Director), Ayfer Chol (Head of M&E Compliance), Kerrie Mitchell (Commercial and Procurement Manager), Simon Pollock (Interim Executive Director, Environment and Communities, Cheryl Headon (Interim Director, Parks, Leisure and Culture), Matthew Watts (Interim Head of Sports and Leisure), Claire Johnson (Head of Governance, Scrutiny and Registration Services), Stacey Gilmour (Secretary)

Also Attending: Cllr Lee Chamberlain (Call-In Lead Member)

1

WELCOME & APOLOGIES

The Chair welcomed everyone to the meeting and introductions were made.

Apologies for absence were received from Cllr Mahmut Aksanoglu who was substituted by Cllr Mustafa Cetinkaya, and Cllr Tom O'Halloran was substituting for Cllr Lee Chamberlain as he was leading on the Call-In.

The Chair detailed the procedure of the meeting and outlined how the Overview & Scrutiny Committee would consider the reasons for call in.

The Committee noted that Councillor Lee Chamberlain would present the reasons for the call-in as the Lead Call-in Member.

2

DECLARATIONS OF INTEREST

There were no declarations of interest registered in respect of any items on the agenda.

3

DECISION CALLED-IN - KD5741 - DISPOSAL OF SURPLUS COUNCIL PROPERTY ASSETS & LAND

The Overview & Scrutiny Committee were to consider and review KD5741 – Disposal of Surplus Council Property Assets and Land - taken on 11 September 2024 and included on the Publication of Decision List No. 20/24-25.

The decision had been called in for review by 10 members of the Council, namely Councillors: Lee Chamberlain (Lead), Peter Fallart, Julian Sampson, Andrew Thorp, Edward Smith, Andy Milne, Chris Dey, Stephanos Ioannou, Emma Supple and Adrian Grumi.

The report sets out the Officer response to the reasons for call-in.

Reasons for the Call-In were presented by Councillor Lee Chamberlain, Lead Call-in Member for the decision.

Councillor Chamberlain summarised the reasons for the Call-In of the decision.

Councillor Chamberlain asked that Members refer the decision back to the decision taker for reconsideration.

Councillor Leaver and Officers spoke in response to the reasons for Call-In, and questions posed by Members of the Committee stating that; the Cabinet report clearly sets out in section 1 that the list of assets identified in the appendix are a draft list of “candidates” for sale at this stage and have either been declared surplus to operational requirements by former occupying service departments, are otherwise not considered “fit for purpose” by other service departments, requiring accommodation, underperforming when judged against the principals set out in the core principles of the Council’s Strategic Asset Management Plan (SAMP 2019-2024) s.1.3 or exceptional circumstances exist. Further due diligence if formal approval in principle for sale is granted will be undertaken on each asset.

Furthermore, Recommendation 1 is clear that the Council will only proceed with a disposal subject to appropriate due diligence investigations and Recommendation 2 states that the Cabinet Member for Finance and Procurement will only be called upon to authorise the sale if full due diligence and stakeholder engagement has taken place.

In response to Members’ concerns regarding the rationale behind the approach to identify “candidates” of land and property assets for sale which are potentially underperforming with limited initial due diligence (as opposed to full due diligence from the outset), Officers explained that this is based on

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the need to make efficient use of scarce staff resources. Expending considerable sums of money and staff time on full due diligence prior to provisional Member approval runs the risk that significant and costly abortive work takes place on those “candidates for sale” which fail to obtain provisional approval.

In response to Member’s questions regarding the process should there be any confirmed sales, Officers advised that Recommendation 2 also makes it clear that whilst authority is delegated to the Cabinet Member for Finance and Procurement, as Portfolio holder, any decision to sell, following further due diligence and stakeholder engagement is also subject to Call-In by the Overview and Scrutiny Committee who will have the opportunity to review any given sale on a case by case basis provided that the consideration exceeds the key decision threshold of £500,000 which applies to the full list of “candidates” under review in the report

Officers further advised that the process outlined above applies to every asset listed in the Cabinet report and the remainder of Officer responses therefore addressed the specific areas of further diligence investigations raised by the Call-In Lead, the results of which will be included in the subsequent Portfolio report.

In response to the Reasons for Call-In regarding the various car park sites listed as potential “candidates” in the report, Officers assured Members that further consultation will be undertaken for all sites with the Council’s in-house parking team for on and off-street parking capacity and, subject to the outcome, an economic impact assessment could be considered.

In response to the Reasons for Call-In and Members’ further comments regarding The Parker Centre, Officers advised that this will be fully explained in the subsequent Portfolio report, if promoted for sale, following satisfactory further due diligence. In addition, a separate report on relocating the service is being presented to the Portfolio holder at the earliest opportunity. An equality impact assessment will not be necessary given that the service is a relocation and is not a service cut. Age UK have been consulted on the relocation plan and are fully supportive. It is anticipated that this will lead to service improvements.

Following further discussions regarding the remaining assets listed in the report, Officers assured Members that each asset will be the subject of further due diligence prior to any final decision to sell, including (but not limited to) cost/benefit analysis, consideration of alternative uses and the case for retention either for in-house use or potential for generating revenue (rather than a capital receipt).

4 ORIGINAL DECISION OF CALL-IN - KD5741

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Cllr Chamberlain summarised the points made during the discussion and reiterated his view that Members should refer the decision back to the decision taker.

The Chair summarised the key points made throughout the discussion and took Members of the committee through the options available to them, namely: refer the decision back to the decision-making person/body for reconsideration; refer the matter to full Council; or confirm the original decision.

The Overview and Scrutiny Committee considered the reasons provided for the Call-In and responses set out in the Officer's report. Having considered the verbal responses and the information presented by the Deputy Leader, Cllr Tim Leaver (Portfolio Holder for Resources and Procurement) and relevant Officers; the Committee **AGREED** to confirm the original decision made by the Cabinet Member.

Councillors Adeleke, Anolue, Cetinkaya, Dalkaya and Yuruk all voted in favour of the decision. Councillors Alexandrou, Hockney, O'Halloran and Rye voted to refer the decision back to the decision maker.

5 DATES OF FUTURE MEETINGS

Members **NOTED** the date of the next meeting of the Overview & Scrutiny Committee as Wednesday 20 November 2024.

The Chair thanked everyone for their time and contributions and the meeting ended at 8:30pm.

6 EXCLUSION OF PRESS AND PUBLIC

RESOLVED in accordance with the principles of Section 100A (4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 7 of the Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

7 ORIGINAL DECISION OF CALL-IN - KD5741

A question was raised in relation to information included in the Part Two confidential report and the response from Officers was **NOTED**

The meeting moved into the public part of the meeting to hear the summary of debate and the vote.

