

ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 16

Brighton & Hove City Council

Subject: Request for Call-In of the 31 July 2008
Cabinet Decision on a Partial Review of the
South East Plan: Meeting the Accommodation
Needs of Gypsies and Travellers

Date of Meeting: 13 August 2008

Report of: The Director of Strategy and Governance

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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To determine whether to ask the Cabinet to reconsider its decision in relation to the Partial Review of the South East Plan: Meeting the Accommodation Needs of Gypsies and Travellers, which was taken at a Special Meeting of the Cabinet on 31 July 2008.
- 1.2 Appendix 1 of this report contains the Call-In request; Appendix 2, the report from the Director of Environment which was agreed at the 31 July 2008 Cabinet meeting; Appendix 3, the official record of the Cabinet's Decision in relation to this report; Appendix 4, further information on this issue supplied by the Director of Environment.

2. RECOMMENDATIONS:

- 2.1 (a) To note the decision taken by the Cabinet on July 31 2008 in relation to the Partial Review of the South East Plan: Meeting the Accommodation Needs of Gypsies and Travellers;
- (b) To note the subsequent Call-In request;
- (c) To note the additional information supplied by the Director of Environment.
- 2.2 Having regard to the grounds for Call-In, to determine whether to refer the decision back to the Cabinet for reconsideration.

3. BACKGROUND INFORMATION

- 3.1 On July 31 2008, a Special Meeting of the Cabinet agreed a report on a Partial Review of the South East Plan: Meeting the Accommodation Needs of Gypsies and Travellers. (This report is reprinted in Appendix 2).
- 3.2 Further information relating to this matter from the Director of Environment is contained in Appendix 4.
- 3.3 On August 01 2008, Councillor Craig Turton wrote to the Chief Executive, requesting that the Cabinet Decision be called in. (Councillor Turton's Call-In request is reprinted as Appendix 1 to this report.)
- 3.4 The Chief Executive accepted Councillor Turton's Call-In request on 04 August 2008 and asked for a Special Meeting of the Environment and Community Safety Overview & Scrutiny Committee to be called within seven working days.
- 3.4 Call-In is the process by which Overview & Scrutiny Committees can recommend that a decision made (in connection with Executive functions) but not yet implemented be reconsidered by the body which originally took the decision.
- 3.5 Call-In should only be used in exceptional circumstances, for instance where there is evidence that an important decision was not taken in accordance with the Council's constitution.
- 3.6 An Overview & Scrutiny Committee examining a decision which has been Called-In does not have the option of substituting its own decision for that of the original decision. The Overview & Scrutiny Committee

may only determine whether or not to refer the matter back to the original decision making body for reconsideration.

3.7 In determining whether to refer a decision back to its originating body for reconsideration, the Overview & Scrutiny Committee should have regard to the criteria for Scrutiny reviews, as set out in the Council's constitution (Part 6.4.2). In addition, the Committee should take into account:

- Any further information which may have become available since the decision was made
- The implications of any delay; and
- Whether reconsideration is likely to result in a different decision.

3.8 More information about the Call-In process is contained in the Council's constitution (Part 6.16).

4. CONSULTATION

4.1 No formal consultation has been undertaken in regard to this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 In preparation for the submission of the bid BHCC has committed some expenditure in respect of land surveys, topographical surveys and fees. This amounts to approximately £10k so far, and is fully recoverable within the section of Consultants' Fees under the capital grant available from the Government. If the request for grant funding is withdrawn, the £10k will have to be met from existing revenue budgets.

Finance Officer Consulted: Karen Brookshaw; Date: 04.08.08

Legal Implications:

5.2 The constitutional requirements are set out in the body of the report.

Lawyer Consulted: Abraham Ghebre-Ghiorghis; Date: 04.08.08

Equalities Implications:

5.3 There are no direct equalities implications to this report, although the substantive decision on location of a site for Gypsies and Travellers was made after consideration of equalities issues.

Sustainability Implications:

- 5.4 There are no direct sustainability implications to this report, although the substantive decision on location of a site for Gypsies and Travellers was made after consideration of sustainability issues.

Crime & Disorder Implications:

- 5.5 There are no direct crime and disorder implications to this report, although the substantive decision on location of a site for Gypsies and Travellers was made after consideration of crime and disorder issues.

Risk and Opportunity Management Implications:

- 5.6 The Call-In procedure seeks to provide a system via which important decisions can be re-examined in a timely fashion, so as to ensure that the Council is not unnecessarily exposed to risk associated with taking decisions contrary to established procedure, whilst also minimising risk inherent in unduly delaying the decision making process.

Corporate / Citywide Implications:

- 5.7 The decision on where to locate a site for Gypsies and Travellers is an important one for the city.

SUPPORTING DOCUMENTATION

Appendices:

1. Councillor Turton's request for Call-In.
2. The Director of Environment's report on a Partial Review of the South East Plan: Meeting the Accommodation Needs of Gypsies and Travellers (for the 31 July 2008)Special Cabinet Meeting.
3. The official record of the Cabinet decision in relation to this report.
4. Additional information on this matter from the Director of Environment.

Documents in Members' Rooms:

There are none.

Background Documents:

1. The Council's constitution (May 2008).