

<b>Subject:</b>	<b>Request for Call-in of the 12 February 2009 Cabinet Decision on the Disposal of the Ice Rink, Queen Square</b>		
<b>Date of Meeting:</b>	<b>03 March 2009</b>		
<b>Report of:</b>	<b>The Director of Strategy and Governance</b>		
<b>Contact Officer:</b>	Name: Tom Hook	Tel: 29-1110	
	E-mail: Tom.hook@brighton-hove.gov.uk		
<b>Wards Affected:</b>	<b>St Peters &amp; North Laine</b>		

### 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 disposal of the Ice Rink, Queen Square, which was taken at the 12 February 2009 Cabinet meeting.
- 1.2 The following information is contained in the appendices to this report:
  - (a) **Appendix 1** to the report contains the Call-In request;
  - (b) **Appendix 2** to the report contains an extract from the draft minutes from the Cabinet meeting of 12 Feb 2009;
  - (b) **Appendix 3** to the report contains the official record of the Cabinet's decision on this matter;
  - (c) **Appendix 4** to the report contains the report from the Director of Finance and Resources which was agreed at the 12 February 2009 Cabinet meeting (including a map of the site appended to the original report);
  - (d) **Appendix 5** to the report contains confidential material presented to the 12 February Cabinet meeting;
  - (e) **Appendix 6** to the report contains further information on this issue supplied by the Director of Finance and Resources.

## **2. RECOMMENDATIONS:**

- 2.1 (a) To note the decision taken by the Cabinet on February 12 2009 in relation to the disposal of the Ice Rink, Queen Square;
  - (b) To note the subsequent Call-In request;
  - (c) To note the additional information supplied by the Director of Finance and Resources.
- 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 February 12 2009, the Cabinet agreed a report on plans for the disposal of the former Ice Rink, Queen Square. (This report is reprinted in **Appendix 4** and confidential elements of the report in **Appendix 5**. An extract from the draft minutes is printed as **Appendix 2** to this report, and the official record of the Cabinet's decision is printed as **Appendix 3**).
- 3.2 Further information relating to this matter has been provided by the Director of Finance and Resources (this is contained in **Appendix 6** to this report).
- 3.3 On February 17 2009, Councillors Pete West, Amy Kennedy, Ian Davey, Georgia Wrighton, Jason Kitcat, Keith Taylor, Sven Rufus, Bill Randall, Rachel Fryer, Vicky Wakefield-Jarrett, Paul Steedman and Ben Duncan wrote to the Chief Executive, requesting that the Cabinet Decision be called in. (The Call-In request is reprinted as **Appendix 1** to this report.)
- 3.4 The Chief Executive accepted the Call-In request on 20 February 2009 and asked for a Special Meeting of the Overview & Scrutiny Commission to be called within seven working days.
- 3.5 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.

- 3.6 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.
- 3.7 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.
- 3.8 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.
- 3.9 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 TBC

##### Legal Implications:

- 5.2 TBC

##### Equalities Implications:

- 5.3 There are no direct equalities implications to this report, although the 12 February 2009 Cabinet decision was made with regard to the equalities implications contained within the original report of the Director of Finance and Resources (see **appendix 4**).

Sustainability Implications:

- 5.4 There are no direct sustainability implications to this report, although the 12 February 2009 Cabinet decision was made with regard to the sustainability implications contained within the original report of the Director of Finance and Resources (see **appendix 4**).

Crime & Disorder Implications:

- 5.5 There are no direct crime & disorder implications to this report, although the 12 February 2009 Cabinet decision was made with regard to the crime & disorder implications contained within the original report of the Director of Finance and Resources (see **appendix 4**).

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 how to dispose of the Ice Rink is a significant one as the appropriate disposal/development of this important city centre site could serve to boost the city's economy.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. The request for Call-In;
2. An extract from the draft minutes of the 12 February 2009 Cabinet meeting;
3. The official record of the Cabinet decision in relation to this report;
4. The Director of Finance and Resources report (to the 12 February 2009 cabinet meeting): Ice Rink, Queen Square - Update on Disposal;
5. Confidential information relating to the Ice Rink, Queen Square - Update on Disposal report;
6. Additional information on this matter from the Director of Finance and Resources, with Annexes.

**Documents in Members' Rooms:**

There are none.

**Background Documents:**

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

