

Overview and Scrutiny Management Board

Wednesday 22 December 2010

PRESENT:

Councillor James, in the Chair.

Councillor Ball, Vice-Chair.

Councillors Browne, Evans (substitute for Councillor Stevens) McDonald, Nicholson, Ricketts, Thompson and Wildy.

Apologies for absence: Councillor Stevens and Mr. D. Fletcher (Co-opted Representative).

Also in attendance: Councillors Nelder, Williams and Mrs. Watkins, Ian Gillhespy, Senior Surveyor, Gareth Simmons, Programme Director for Learning Environments, Jo Hall, Giles Perritt, Lead Officer, and Katey Johns, Democratic Support Officer.

The meeting started at 1.10 pm and finished at 2.55 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

70. DECLARATIONS OF INTEREST

The following declaration of interest was made in accordance with the Code of Conduct –

Name	Minute No. and Subject	Reason	Interest
Councillor Wildy	72 – Transfer of Freehold for Nomony Children's Centre	Director of an organisation which may be bidding for the children's centre contracts	Personal

71. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

72. CALL-IN : TRANSFER OF FREEHOLD FOR NOMONY CHILDREN'S CENTRE

The Overview and Scrutiny Management Board considered the call-in of the Cabinet Member decision. Members heard –

- (a) from Councillors Nelder and Williams, having called the decision in with Councillor Wheeler, on the grounds that –

- the decision-maker had neglected to consult with people who should have been consulted, namely ward councillors, the East End Partnership and the east end community
- the decision maker had failed to take in alternative courses of action, e.g. the transfer of this asset to the East End Partnership or other community organisation who would be able to retain control of the freehold for the local community and who would be able to grant a lease to the successful tender bidder

(b) from Councillor Mrs. Watkins, Cabinet Member for Children and Young People, who responded that –

- under the Childcare Act 2006, there was no requirement on local authorities to consult on acquisitions or freehold transfers
- it had been her understanding that ward councillors, particularly Councillor Mrs. Aspinall (current Lord Mayor), had been aware of the situation and apologised if this had not been the case
- the alternative to transfer the asset to the East End Partnership or other community organisation remained an option for the Council under the Localities Bill, once a suitable and sustainable proposal had been received

It could not be established during the debate whether or not ward councillors had been consulted. However, Members of the Board were of the opinion that consultation with ward councillors on such matters should take place as a matter of common courtesy, irrespective of whether it was a statutory responsibility or not.

Agreed that -

- (1) the decision be referred back to the Cabinet Member for reconsideration;

Recommended that –

- (2) during consultation with ward members, consideration also be given to ways of disposing this asset to the community.

(Councillor Wildy declared a personal interest in respect of the above item).

73. **EXEMPT BUSINESS**

There were no items of exempt business.