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# **BlackpoolCouncil**

19 December 2016

To: Councillors Mrs Callow JP, G Coleman, Galley, Hunter, Matthews, Roberts, Ryan, Singleton and L Williams

The above members are requested to attend the:

# TOURISM, ECONOMY AND RESOURCES SCRUTINY COMMITTEE

Tuesday, 20 December 2016 at 4.00 pm in Committee Room A, Town Hall, Blackpool

# AGENDA

#### 1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

#### 2 CALL IN REQUEST

(Pages 1 - 22)

To consider the Call-in of Executive Decision EX59/ 2016 'Central Business District - Development of a four star hotel and interconnection of Transportation Infrastructure'.

Special Circumstances: The Council's call-in procedure states that requests for call-in should be considered within five working days of having received the request.

#### Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

#### Other information:

For queries regarding this agenda please contact Chris Kelly, Acting Scrutiny Manager, Tel: 01253 477164, e-mail chris.kelly@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at <u>www.blackpool.gov.uk</u>.

Report to:	Tourism, Economy and Resources Scrutiny	
	Committee	
Relevant Officer:	Chris Kelly, Acting Scrutiny Manager	
Date of Meeting	20 December 2016	

## **CALL-IN REQUEST**

#### **1.0** Purpose of the report:

1.1 The Committee to consider the Call-in of Executive Decision EX59/ 2016 'Central Business District - Development of a four star hotel and interconnection of Transportation Infrastructure'.

#### 2.0 Recommendation(s):

2.1 To consider the Call-in request and take action as follows:

a) refer the decision back to the Executive for reconsideration or refer the matter to full Council with, in either case, details of the Committee's concerns; or

b) take no further action on the decision (whereupon the decision will come into force and may be implemented immediately).

#### 3.0 Reasons for recommendation(s):

3.1 To ensure the scrutiny process continues to be fully accountable and an important part of the democratic process.

3.2a	Is the recommendation contrary to a plan or strategy adopted or approved by the Council?	No
3.2b	Is the recommendation in accordance with the Council's approved budget?	Yes

3.3 Other alternative options to be considered:

None.

#### 4.0 Council Priority:

4.1 The relevant Council Priority is: "The Economy: Maximising growth and opportunity across Blackpool"

#### 5.0 Background Information

- 5.1 The decision, attached at Appendix 2(a) (published on 16 December 2016) relates to the proposed development of a site within Central Business District as a four star hotel and the provision of interconnecting Infrastructure between Blackpool North Station, the new Tram Stop, the new Hotel and Banks Street Car Park.
- 5.2 The decision involved the Executive agreeing the following recommendations:
  - 1. To approve the terms of the Supplemental Deed Agreement with Muse for delivery of the hotel development as part of the Talbot Gateway Project (Central Business District).
  - 2. To agree the Forward Funding for the development of the hotel and infrastructure, on the basis of the Hotel earnings covering the Prudential borrowing costs including the acquisition and demolition cost detailed in EX24/2016.
  - 3. To agree to the principle of nominating a Brand to promote a four star hotel with third Party managing the same on behalf of the Council.
  - 4. To delegate authority to the Chief Executive to agree the terms of the supplemental deed.
  - 5. To delegate authority to the Chief Executive to negotiate the terms of the management agreement with a third party operator and to take any further action as he considers necessary to give effect to the above recommendations.
  - 6. To agree that this decision supersedes EX50/2014 and that decision will no longer be implemented.
- 5.3 Councillor Williams has called-in the decision, the reasons for which are outlined in the call-in request document, attached at Appendix 2(b).
- 5.4 The options available to the Committee are outlined at paragraph 2.1. It should be noted that if the matter is referred to Council, then Council will only have the option of:

- a) taking no further action (whereupon the decision will come into force and may be implemented immediately) or;
- b) refer the decision back to the Executive for reconsideration (unless it is proven that the Executive acted contrary to the Budget or Policy Framework).
- 5.5 Particular reference should be made to the extract at Appendix 2(d) of the Scrutiny Protocol relating to 'Call-in'.

#### 6.0 Witnesses/representatives

- 6.1 As requested by the Committee members, the following persons have been invited to attend the meeting to speak on the matter:
  - Councillor T Williams
  - Councillor Blackburn, Leader of the Council

Does the information submitted include any exempt information?

No

#### List of Appendices:

Appendix 2(a) - Executive decision EX59/ 2016. Appendix 2(b) - Request for Call-in of Executive decision EX59/ 2016. Appendix 2(c) - Call-in procedure (as per the Council's Constitution). Appendix 2(d) - Extract from the Protocol on Scrutiny Committee / Cabinet Member / Officer Relations (section relating to Call-in).

#### 7.0 Legal considerations:

- 7.1 None
- 8.0 Human Resources considerations:
- 8.1 None
- 9.0 Equalities considerations:
- 9.1 None
- **10.0** Financial considerations:
- 10.1 None

- **11.0** Risk management considerations:
- 11.1 None
- **12.0** Ethical considerations:
- 12.1 None
- **13.0** Internal/ External Consultation undertaken:
- 13.1 None
- **14.0** Background papers:
- 14.1 None

Notice of:	EXECUTIVE
Decision Number:	EX59/2016
Relevant Officer:	Steve Thompson, Director of Resources
Relevant Cabinet Member	Councillor Simon Blackburn, Leader of the Council
Date of Meeting	15 December 2016

# CENTRAL BUSINESS DISTRICT - DEVELOPMENT OF A FOUR STAR HOTEL AND INTERCONNECTION OF TRANSPORTATION INFRASTRUCTURE

#### **1.0** Purpose of the report:

1.1 The development of a site within Central Business District as a four star hotel and the provision of interconnecting Infrastructure between Blackpool North Station, the new Tram Stop, the new Hotel and Banks Street Car Park. This Item supersedes EX50/2014 (Hotel Development old St Johns Market Site)

#### 2.0 Recommendation(s):

- 2.1 To approve the terms of the Supplemental Deed Agreement with Muse for delivery of the hotel development as part of the Talbot Gateway Project (Central Business District).
- 2.2 To agree the Forward Funding for the development of the hotel and infrastructure, on the basis of the Hotel earnings covering the Prudential borrowing costs including the acquisition and demolition cost detailed in EX24/2016.
- 2.3 To agree to the principle of nominating a Brand to promote a four star hotel with third Party managing the same on behalf of the Council.
- 2.4 To delegate authority to the Chief Executive to agree the terms of the supplemental deed.
- 2.5 To delegate authority to the Chief Executive to negotiate the terms of the management agreement with a third party operator and to take any further action as he considers necessary to give effect to the above recommendations.
- 2.6 To agree that this decision supersedes EX50/2014 and that decision will no longer be implemented.

#### 3.0 Reasons for recommendation(s):

- 3.1 The development appraisals confirm that without additional funding, the development of either a 3-star or 4-star hotel is not viable. As such an investor would expect to pay only a peppercorn rent, with the Council receiving a nil consideration for the land. If the Council were to develop the site, it would utilise Prudential Borrowing to fund the development with the operational profits generated used towards the meeting the costs of the development.
- 3.2a Is the recommendation contrary to a plan or strategy adopted or NO approved by the Council?
- 3.2b Is the recommendation in accordance with the Council's approved YES budget?
- 3.3 Other alternative options to be considered:

The site could be developed as a three star hotel instead of a four star hotel, but this does not meet the objective of raising the standard of accommodation within both the Central Business District and across Blackpool.

In total 45% of the site would be occupied by the proposed hotel and tramway extension, the remainder of the site would be available for the development of future phases.

#### 4.0 Council Priority:

4.1 The relevant Council Priority is: "The Economy: Maximising growth and opportunity across Blackpool"

#### 5.0 Background Information

- 5.1 The Council and Muse Developments Ltd have been working in partnership with the Council to develop the Central Business District since entering into a Development Agreement that was signed on 12 March 2009. The Masterplan contained in the Development Agreement was varied following Executive approval on 18 September 2009.
- 5.2 The Development Agreement has not been varied to reflect the new Masterplan as it was considered that as development progressed supplement deeds would record the variations which were needed at that time. In this respect the First Supplemental Deed was signed on the 23 December 2010 for the delivery of a supermarket, Council office, Banks Street Car Park and refurbished Talbot Multi-Storey Car Park (EX73/2010 refers).

5.3 Now that the initial phase has been completed, Muse is looking at the next phase for development. In this respect, the original Masterplan made provision for three hotels to be developed. Initially Muse proposed the development of a 130 room four star hotel and this was presented to and approved by the Council in October 2014(EX50/2014 refers). Shortly after the approval of this item the Council became aware that the Wilkinson's Building on Talbot Road was for sale and the Council purchased this site in April 2016 (EX24/2016 refers). The purpose of this acquisition was to secure the site for future redevelopment and incorporate a tramway terminus adjacent to Blackpool North Train Station. Muse is now looking to develop the eastern side of this area as a four star 140-room hotel with retail units on the ground floor and the provision of a wide interconnecting underpass between the Hotel, the new tramway terminus and Blackpool North Station. To enable this there is a need to enter into another (Second) Supplemental Deed to allow this development to proceed.

The completion of phase 1 of the development led to the crystallisation of the Development Trust Account (DTA). The Development Trust Account is jointly operated by Muse and Blackpool Council and can be utilised for the development of schemes within the Talbot Gateway (Central Business District) red line.

#### 5.4 Site Appraisal

Muse has commissioned ES Group (now Lambert Smith Hampton) to carry out a market appraisal for the viability of a four star hotel within the Talbot Gateway area. The appraisal confirms that four star "Branded" hotels rarely own hotels outright, preferring instead to lend their name and reputation to approved hotel operators. The view, therefore, is that in marketing a four star hotel it should be on the basis of finding an approved operator to provide a "fully serviced" hotel under a recognised brand.

- 5.5 Market testing by ES Group has involved Hilton Worldwide, Accor Group and Intercontinental Hotels Group, all three of which would support their Brand being represented in Blackpool by a third party manager. The recommendation from the ES Group market appraisal is for the selection of Intercontinental Hotels Group.
- 5.6 Intercontinental Hotels Group has 4,602 hotels in the group. They own outright 10 hotels, directly manage another 658 where they have a lease and have granted 3,934 agreements for third party operators to use their brand.
- 5.7 It is considered that using Intercontinental Hotels Group as the Brand would have added benefits such as:
  - being part of an international brand with established global sales
  - being part of the 'Priority Club' guest reward programme with 71million members worldwide
  - connection to the Intercontinental Hotels Group reservation system offering 24/7

booking solution which handles approximately 70% of room revenue throughout the 4,500 Intercontinental Hotels Group family

• having UK headquarter support in specialist overhead departments such as financial control and personnel.

#### 5.8 Marketing

ES Group, on behalf of Muse and the Council, has also carried out a soft marketing exercise with hotel operating companies to seek their views on managing a serviced hotel, and following on from the initial feedback they were asked to submit an original proposal.

#### 5.9 Options

1. Muse could seek a third party investor for the hotel development who would still need to appoint a management company as above. An appraisal has been carried out on this basis and, for an investor; this scheme would not be viable without additional funding in the order of £5.5m (minimum) from the Development Trust Account. Since the scheme could only proceed with additional funding, it would be expected that the Council would include the land in the transaction for a nil consideration. In this respect Secretary of State consent was obtained in February 2012 to disposal at less than best value.

2. Aspirations could be reduced from offering a four star brand to a three star brand. For comparison purposes the same appraisal has been carried out on the basis of a 120 bed three star brand. The building cost, turnover and profits are all reduced, but for an investor, additional funding would still be required and therefore it would still be expected that the land would be transferred at nil consideration.

3. The Council could fund the development and retain full ownership of the property and appoint an operating company to manage the hotel on its behalf. The construction would be financed through Prudential borrowing and repaid out of the earnings before interest, tax and depreciation and amortisation over the life of the Project.

#### 5.10 Proposal

Subject to final appraisal, it is proposed that the Council forward fund the construction of a 140-room four star hotel to Brand standards, with Muse Development procuring the same as part of the services provided under the terms of the Development Agreement.

Under the Disposal and Letting Strategy within the Development Agreement, Muse are not obliged to seek Council approval in obtaining a hotel operator who is either "Branded" or at least three star standard, however, as the proposal is now for the Council to retain ownership, the Council will be involved in the final selection of the hotel operator.

- 5.11 It is proposed that the arrangement with the "brand" is kept separate from the operator. This provides the opportunity to retain the brand whilst changing the operator if circumstances require this action in the future.
- 5.12 The interconnecting infrastructure will provide an improved, wider underpass under High Street between the new Tram Stop and the Train Station ensuring that people arriving at Blackpool North Station have direct access to the tramway link and other modes of public transport.
- 5.13 Does the information submitted include any exempt information?

No

#### 5.14 List of Appendices:

Appendix 9a - Talbot Gateway Masterplan Appendix 9b - Phase 2 Site Masterplan Appendix 9c - Phase 2 : Hotel and Temporary Surface Parking Appendix 9d - Typical Bedroom Level Appendix 9e - Lower Ground Floor with 8m Wide Underpass Appendix 9f - Section 8m Wide Underpass Appendix 9g - Bickerstaffe Square computer generated imagery Appendix 9h- Computer generated imagery From Blackpool North Station Appendix 9i - Computer generated imagery From New Tram Terminus

#### 6.0 Legal considerations:

- 6.1 The Development Agreement has not been varied to reflect the approved changes to the Masterplan and Supplemental Deeds are required when dealing with development parcels which are at variance to the Development Agreement.
- 6.2 Before entering any agreement it is necessary to ensure the selection processes are legally compliant.

#### 7.0 Human Resources considerations:

- 7.1 None
- 8.0 Equalities considerations:
- 8.1 None

#### 9.0 Financial considerations:

- 9.1 The cost of the proposed work is estimated at £23m and it is intended that the Council's contribution of £17.5m and shall be financed by prudential borrowing with the remaining £5.5m being funded from the Development Trust Account. Key Assumptions:-
  - Earnings before interest, tax and depreciation and amortisation increase from year 1 to year 4 in equal annual increments and is then stable
  - A sinking fund is established in order to meet the cost of the refurbishment and replenishment of fixtures, furniture and equipment.
  - In accordance with EX24/2016 it is recognised that any future development on the Wilkinson's site is able to meet the prudential borrowing of 7.8m for the acquisition and site clearance.
  - The total cost of phase 2 including the Wilkinson's acquisition and site clearance is £30.8m (£7.8m + £17.5m + £5.5m).

#### 10.0 Risk management considerations:

- 10.1 The Hotel appraisals undertaken assume 60% occupancy in the first year rising to 72% in the third year. During this time, when the Prudential Borrowing costs are at the highest, the projected return may not be sufficient to meet the full cost.
- 10.2 Should the anticipated income fail to meet the required levels any shortfall will be met from the wider investment portfolio
- 10.3 A number of other hotels may also enter the market. This may lead to reduced occupancy or suppress the market in terms of room rates due to supply exceeding demand

#### **11.0** Ethical considerations:

- 11.1 None
- **12.0** Internal/ External Consultation undertaken:
- 12.1 Market appraisal carried out by ES Group

#### **13.0** Background papers:

13.1 EX23/2008 re Development Agreement
EX44/2009 re Variation to Masterplan
EX73/2010 re First Supplemental Deed
EX50/2014 re Central Business District – Four Star Hotel Development

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EX24/2016 re Acquisition of Wilkinson's Building, Talbot Road

14.0	Key decision information:	
14.1	Is this a key decision?	YES
14.2	If so, Forward Plan reference number:	32/2016
14.3	If a key decision, is the decision required in less than five days?	N/A
14.4	If <b>yes</b> , please describe the reason for urgency:	
15.0	Call-in information:	
15.1	Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process?	NO
15.2	If <b>yes</b> , please give reason:	

#### TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0	Scrutiny Committee Chairman (where appropriate):					
	Date informed:	7 December 2016	Date approved:	N/A		

- **17.0** Declarations of interest (if applicable):
- 17.1 None

#### **18.0** Executive decision:

- 18.1 The Executive agreed the recommendations as outlined above namely:
  - 1. To approve the terms of the Supplemental Deed Agreement with Muse for delivery of the hotel development as part of the Talbot Gateway Project (Central Business District).
  - 2. To agree the Forward Funding for the development of the hotel and infrastructure, on the basis of the Hotel earnings covering the Prudential borrowing costs including the acquisition and demolition cost detailed in

EX24/2016.

- 3. To agree to the principle of nominating a Brand to promote a four star hotel with third Party managing the same on behalf of the Council.
- 4. To delegate authority to the Chief Executive to agree the terms of the supplemental deed.
- 5. To delegate authority to the Chief Executive to negotiate the terms of the management agreement with a third party operator and to take any further action as he considers necessary to give effect to the above recommendations.
- 6. To agree that this decision supersedes EX50/2014 and that decision will no longer be implemented.

#### 18.2 Date of Decision:

15 December 2016

#### 19.0 Reason(s) for decision:

The development appraisals confirm that without additional funding, the development of either a 3-star or 4-star hotel is not viable. As such an investor would expect to pay only a peppercorn rent, with the Council receiving a nil consideration for the land. If the Council were to develop the site, it would utilise Prudential Borrowing to fund the development with the operational profits generated used towards the meeting the costs of the development.

#### 19.1 **Date Decision published:**

16 December 2016

#### 20.0 Executive Members in attendance:

20.1 Councillor Blackburn, in the Chair

Councillors Benson, Cross, Jackson, Kirkland, Smith and Mrs Wright

21.0 Call-in:

21.1

### 22.0 Notes:

22.1 The following non-Executive member was in attendance: Councillor Singleton.

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# REQUEST FOR CALL-IN OF EXECUTIVE OR CABINET MEMBER DECISION, OR OFFICER KEY DECISION

#### WHAT TO CONSIDER BEFORE CALLING-IN A DECISION

An Executive Decision, a Cabinet Member Decision, or an Officer Key Decision, may only be called-in within three working days of the publication of that decision.

Members are advised to contact Mark Towers in Democratic Services (Tel: 477127) to discuss the timing of submission of any call-in request. This will enable officers to ensure the efficient administration of called-in decisions. Democratic Services Officers will also be able to advise about the wording of the call-in request.

NOTE: If the original decision has been marked as urgent, it is essential that the call-in request is submitted as quickly as possible, otherwise the decision may be implemented without further restriction. A decision cannot be called-in after it has been implemented. Where a decision has not yet been implemented, the approval of the Chairman of the relevant Scrutiny Committee will normally be required determine whether the matter is in fact urgent.

CALL-IN REQUEST			
I ((Insert Name)	Cllr. Tony Williams		
In accordance with Paragraph 15 (c) of the Overview and Scrutiny Procedure Rules at Part 4 of the Council's Constitution, give notice of a request to call-in the following decision:			
Decision Name:	Development of a four star hotel and interconnection of transport infra structure.		
Decision No.	EX59/2016	Decision Maker:	Cllr. Simon Blackburn

#### **GUIDANCE ON REASONS FOR CALL-IN**

Members must provide (overleaf) a summary of their reasons for the call-in request. The reasons given should be clear and concise and, in so far as it is possible, include enough information to enable the relevant Scrutiny Committee to understand fully the grounds for the call-in and to be made aware of any relevant facts, prior to the meeting.

Reasons for calling in a decision may include the following:

- A fundamental disagreement with the initial decision taken
- A disagreement about one or more elements of the decision taken
- Concern about the timing, extent or implications of the decision taken
- Concern about the way in which the decision has been taken

- Concern about the levels of consultation prior to taking the decision
- Concern that the full facts were not taken into account when making the decision
- Concern that the decision is insufficiently clear
- Concern that the decision is outside policy or not within the budget

The above list is not exhaustive.

#### **REASONS FOR CALL-IN**

My reasons for requesting the call-in of the above decision are as follows:

Financially unsafe: Not supported by Blackpool residents : Alternative Opportunities: Competition: Longevity: National Living Wage: Staff Costs: Incoming Vehicle Access: Accommodation Industry Trend Forecasts: Consumer Trend Research:

#### MEMBER RECOMMENDATION TO THE RELEVANT SCRUTINY COMMITTEE

Members are asked to recommend a particular course of action for the relevant Scrutiny Committee to consider when deciding its response to the call-in, which may be either:

- To refer the matter to the original decision maker, or
- To refer the matter to Council

In either case, Members may also recommend a form of words for the Committee to consider including with any referral.

NOTE: The relevant Scrutiny Committee may decide to take no further action in respect of the called-in decision.

I wish to recommend that the relevant Scrutiny Committee undertake the following action in respect of the call-in:-

To refer the matter to full council.

ATTENDANCE AT THE RELEVANT SCRUTINY COMMITTEE			
I intend to be present at the relevant Scrutiny Committee meeting	Yes		
I wish for the following person to speak at the relevant Scrutiny Committee meeting on my behalf:			

MEMBER AUTHORISATION			
Signed:	Emplitians	Date:	16/12/2016

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#### 15. Call-in

- 15.1 When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within three working days of being made. Copies of each such decision statement will be made available to all members of the Council within the same timescale by the person responsible for publishing the statement.
- 15.2 The decision statement will bear the date on which it is published and will come into force, and may then be implemented, on the expiry of three working days after publication of the statement unless objection is made to it and it is called-in within that period.
- 15.3 The Director of Governance and Partnerships shall call-in a paragraph 16(a) Executive Decision for scrutiny by the relevant scrutiny committee if so requested within the call-in period by any member of the Council.
- 15.4 The Director of Governance and Partnerships shall call a meeting of the relevant scrutiny committee to be held on such date as he/she may determine, where possible after consultation with the Chairman of that committee, and in any case within five working days of having received the call-in request. If the Committee does not meet within that period, the decision shall take effect on the expiry of that period.
- 15.5 Having considered the decision called-in, the scrutiny committee may
  - (i) refer the decision back to the decision maker for reconsideration or refer the matter to full Council with, in either case, details of the committee's concerns or
  - (ii) take no further action on the decision (whereupon the decision will come into force and may be implemented immediately).
- 15.6 A decision referred back will be reconsidered by the decision maker within 15 working days of the referral and may be affirmed, amended or revoked as the decision maker thinks fit.
- 15.7 A decision referred to the full Council will be considered by the Council not later than at its next ordinary meeting. If the Council fails to consider the decision or, having considered it, decides to take no further action in respect of it, the decision will come into force and may be implemented with effect from the date of the Council meeting. If the Council does object to the decision and, it is one which is contrary to the policy framework or contrary to or not wholly consistent with the approved budget, the Council may affirm, amend or revoke the decision as it thinks fit. If the decision is not contrary to the policy framework or budget, the Council will refer the decision to the decision maker together with its views on the decision. The decision maker will reconsider the decision.
- 15.8 A decision may not be the subject of more than one request for call-in.

#### 16. Call-in and urgency

16.1 The call-in procedure set out above shall not apply where the decision taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would be prejudicial. If it is thought by the decision maker to be urgent, the relevant decision statement will indicate that fact and will record the reasons for urgency. In those circumstances, the decision will not be subject to call-in unless, on the application of the Member(s) requesting call-in, the Chairman of the relevant scrutiny committee or, if he/she is absent or otherwise unable to act, the Vice-

Chairman of the committee, expresses in writing the opinion that the decision is not urgent. This must be before the decision is implemented and within three working days of the decision statement having been published. In the event of that happening, the decision will be deemed to be called-in and will be dealt with accordingly.

# 6. Attendance by Executive Members at scrutiny committee meetings (including 'Call-In' meetings)

- 6.1 Cabinet Members will normally be expected to attend meetings of scrutiny committees, for the purposes of being held to account in relation to decisions taken and to answer questions in relation to proposed decisions that have been included within the Forward Plan.
- 6.2 Cabinet Members are encouraged to avail themselves of every opportunity to gauge the views of non-Executive members on any issues falling within their remit. A close working relationship and an open exchange of views will be of particular importance to the Cabinet Member and scrutiny members, where consideration is being given to the development of the Council's budget or policy framework.
- 6.3 Cabinet Members will normally be expected to attend any meetings of scrutiny committees at which it is intended to consider a Call-In request in relation to his/her area of responsibility.
- 6.4 At meetings where call-ins are being considered, the purpose of the Cabinet Member's attendance is to answer questions of fact and not to present the item. Cabinet Members need to be careful not to be drawn into the debate, so as to avoid any possible allegations of becoming involved in the scrutiny of their own decisions which may bring them into conflict with the Code of Conduct. It is therefore important to draw the distinction between answering questions of fact and becoming involved in the issue in question.
- 6.5 Unless there are extenuating circumstances, the decision maker (or the relevant Cabinet Member if the decision maker is the Executive) should always attend a Call-In meeting. It is accepted however that officers are often better placed to present greater detailed information that led up to the decision and this is deemed to be acceptable although it should always be the decision maker that is held to account.
- 6.6 The following procedure should take place where call-ins are being considered:
  - (i) The Member who called in the decision should speak first.
  - (ii) The Chairman would then invite the Cabinet Member (decision maker) to respond.
  - (iii) The Committee can then ask questions of the decision maker who may ask a relevant officer to supply further information if necessary.
  - (iv) The Committee debates the issue and votes on the outcome.
- 6.7 In the event of a situation where the decision maker cannot attend a Call-In meeting, the Leader of the Council or Deputy Leader should attend in their absence. In the event of both the Leader and Deputy Leader being unavailable, they should nominate another Cabinet Member to attend and be accountable for the decision.

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