

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 Governance (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	Cllr. Tony Williams
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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:	PROPOSED APPROPRIATION AND DISPOSAL OF OPEN SPACE LAND AT STANLEY PARK GOLF COURSE, BLACKPOOL		
Decision No.	EX29/2020	Decision Maker:	Executive

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:

The failure to consult adequately and in particular, the absence of even a basic explanation of why the Council considered that the statutory criteria were met, consultees did not have sufficient information to provide a meaningful response.

The associated report dismisses the majority of objections as irrelevant, saying that they will only be material, if at all, at the planning stage. However, as the report points out, one of the things the Council needs to decide now is whether the disposal is necessary for purposes connected with the “proper planning of the area”.

Therefore, the fact that something will be relevant to a planning application does not mean it cannot be relevant now.

In fact, I would expect there to be significant overlap in terms of the considerations relevant to both decisions.

For example, whether there is a need for the proposed development or whether this is the place for it seem to be clearly relevant to whether what is proposed is necessary for the “proper planning of the area” as well as any planning application.

Is the development consistent to the council’s open space strategies etc.

The report effectively appears to advise the Council to decide that the land is not required for its current purposes and is required for development which is necessary for the proper planning of the area without regard to considerations which are directly relevant to them.

The report simply says there are no equalities issues. However, this is most certainly not self-evident.

The loss of the open space has at least the potential to prejudicially affect particular groups with protected characteristics (e.g. the elderly, children and those with disabilities, maybe even particular racial/ethnic groups). If so, then in principle there may be grounds to argue that the Council has failed to discharge the PSED in s149 Equality Act 2010 which requires due regard to be paid to various matters including the need to:

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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:-

I respectfully ask the Committee to refer the decision to full council.

ATTENDANCE AT THE RELEVANT SCRUTINY COMMITTEE

I intend to be present at the relevant Scrutiny Committee meeting	Yes
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I wish for the following person to speak at the relevant Scrutiny Committee meeting on my behalf:	
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MEMBER AUTHORISATION

Signed:		Date:	16 July 2020
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