

Report to:	COUNCIL
Relevant Officer:	Mark Towers, Director of Governance and Partnerships
Date of Meeting:	30 September 2020

CALL IN – REFERRAL TO FULL COUNCIL

1.0 Purpose of the report:

- 1.1 To consider the referral to Council by the Tourism, Economy and Communities Scrutiny Committee of the Executive Decision EX29/2020 ‘Proposed appropriation and disposal of open space land at Stanley Park Golf Course, Blackpool’.

2.0 Recommendation(s):

- 2.1 Council is asked to consider the referral and determine the course of action to take, either
- To take no further action; or
 - Refer the matter back to the Executive with Council's views on the decision upon which the decision maker will reconsider the decision within 15 working days of the Council meeting and may then affirm, amend or revoke the decision.

3.0 Reasons for recommendation(s):

- 3.1 The Constitution states that any 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.
- 3.2 It also states that if the decision is not contrary to the policy framework or budget, but the Council disagrees with the decision of the Executive, the Council can refer the decision to the decision maker together with its views on the decision. The decision maker (i.e. the Executive) will reconsider the decision within 15 working days of the Council meeting and may then affirm, amend or revoke the decision. Council is informed that the Executive decision under review is not contrary to the policy framework or budget.

The options open to the Council are therefore set out in 2.1 above.

- 3.3a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3b Is the recommendation in accordance with the Council's approved budget? Yes

3.4 Other alternative options to be considered:

None. The two options available are set out in 2.1 above.

4.0 Council Priority:

4.1 The relevant Council priorities are "The economy: Maximising growth and opportunity across Blackpool" and "Communities: Creating stronger communities and increasing resilience".

5.0 Background Information

5.1 On 13 July 2020 the Council's Executive met to consider proposed appropriation and disposal of open space land at Stanley Park Golf Course, Blackpool with the benefit of a report prepared by the Council's Director of Communications and Regeneration. The Executive report recommended that the Executive should proceed with the intended disposals and appropriations at Stanley Park Golf Course. The decision notice from that meeting is attached at Appendix 5(a).

The Executive resolved as follows:

1. To note the objections received in respect of the intention to dispose of the open space land at Stanley Park Golf Course, Blackpool, coloured red on the plan attached at Appendix 2a, to the Executive report, ('Site A') but having considered the objections along with the information contained in this report agree that no changes to the proposal should be made.
2. To authorise the disposal of Site A by way of leasehold disposal arrangements for the initial operation of the whole of Site A as golf course facility followed by the operation of a golf course facility on that part of Site A which is shown coloured green on the plan attached at Appendix 2a, to the Executive report ('Site C').
3. To delegate authority to the Director of Communications and Regeneration to undertake the disposal process in respect of Site A, agree the timing of the implementation and all matters related to the disposal, deal with all matters arising from the decision and to complete the disposal process.
4. To note the objections received in respect of the intention to appropriate the open space land at Stanley Park Golf Course, Blackpool, shown coloured blue on the plan attached at Appendix 2a, to the Executive report, ('Site B') from

open space purposes for planning purposes but having considered the objections along with the information contained in this report agree that no changes to the proposal should be made.

5. To agree in principle that Site B, which is held by the Council for the purpose of open space/recreation is no longer required to be held for those purposes and should be appropriated for planning purposes with a view to its subsequent future development.
6. To authorise the appropriation of Site B from open space/recreation purposes for planning purposes.
7. To delegate authority to the Director of Communications and Regeneration to undertake the appropriation processes in respect of Site B, to agree the timing of the implementation and all matters relating to the appropriation, to deal with all matters arising from the decision and complete the appropriation process
8. To note the objections received in respect of the intention to dispose of the open space land at Stanley Park Golf Course, Blackpool, shown coloured blue on the plan attached at Appendix 2a, to the Executive report, ('Site B') but having considered the objections along with the information contained in this report agree that no changes to the proposal should be made.
9. To authorise the disposal of Site B by way of long term leasehold disposals for use for the proposed development of Site B.
10. To delegate authority to the Director of Communications and Regeneration to undertake the disposal process in respect of Site B, agree the timing of the implementation and all matters related to the disposal, deal with all matters arising from the decision and to complete the disposal process.
11. To authorise the Head of Legal Services to enter into such documentation as may be necessary to give effect to the disposal of Site A and the appropriation and disposal of Site B.

The Executive's decision was then subject to a call-in request on 16th July 2020 by Councillor T. Williams. In accordance with the Council's constitution, the call-in request was considered by the Tourism, Economy and Communities Scrutiny Committee on 23rd July 2020. The minutes of the Scrutiny Committee are attached at Appendix 5(b).

Following consideration of the Call in, the Committee agreed, with a vote of five in favour and four against, to refer the decision to Full Council for further consideration

with the following comments:

- To allow alternative options for the use of the land to be debated by all Members;
- To ensure that Blackpool's community receives best value from the usage of the land; and
- The Committee did not believe that the Executive had considered all the relevant factors in making its decision.

5.2 Members are referred to Appendix 5(a) to consider the information taken into account by the Executive when making its decision.

5.3 Following the call-in of the decision of the Executive to the Scrutiny Committee and its referral to full Council, further consideration has been given to the reasons for referral.

In considering the issues of alternative options for the use of the land and best value from the usage of the land, Members are referred to the open procurement exercise undertaken to seek proposals for the future of the site, as detailed in Appendix 5(a).

Further consideration has been given to matters raised by consultees and the possible dis-benefits of the proposed development and the concern of the Scrutiny Committee that the Executive did not consider all relevant factors.

Members must consider fully all concerns raised by all consultees appended in full to the Executive report (and replicated again for Members' consideration in the decision notice in Appendix 5(a) and apportion the requisite weight to those factors that Members are able to, at the current time, prior to any planning application being submitted and detail being available in the public domain.

Members should take the same approach to any dis-benefits of the proposed scheme addressed by consultees in objection.

Where the Executive report indicated that certain factors were 'not relevant' to Member's consideration, limited weight should be attributed to those factors in reaching a decision for the reasons set out above.

Greater weight will be attributed to those issues raised by consultees as part of any planning process, when a specific planning application is submitted and considered by the Council in its capacity as local planning authority.

It was, and continues to be important that no future planning application is pre-determined prior to its submission.

- 5.4 Normal rules of debate will apply, in accordance with Procedural Standing Order 14 (e.g. mover of a motion has five minutes, other speakers three minutes, members only speak once, any mover of motion has the right of reply etc.). When a member is wishing to move a motion then they should indicate to the Mayor so they can have up to the five minute allocation. Once a motion has been moved and seconded then no other motion can be considered until that one is disposed of.
- 5.5 As there may be an associated planning application at some point in the future, it is advisable for all members of the Planning Committee to declare a prejudicial interest in this item and leave the meeting whilst the matter is debated and voted upon, for predetermination reasons.
- 5.6 As the subject matter of this decision was previously a decision taken by Executive Members., Executive Members are reminded that, despite their previous support for the proposals, to retain an open mind and be prepared to change their views.
- 5.7 A decision may not be the subject of more than one request for call-in.

Does the information submitted include any exempt information? No

6.0 List of Appendices:

- 6.1 Appendix 5(a): Executive Decision EX29/2020
Appendix 5(b): Minutes of the Tourism, Economy and Communities Scrutiny Committee meeting from 23 July 2020.

7.0 Legal considerations:

- 7.1 The Executive decision is referred to Council under the Council's Call In procedure set out in the Overview and Procedure Rules in the Council's Constitution. Procedural advice to members is set out in the body of the report.

8.0 Human Resources considerations:

- 8.1 None

9.0 Equalities considerations:

- 9.1 None

10.0 Financial considerations:

- 10.1 None by way of this report.

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.