

SCRUTINY COMMITTEE

Minutes of the meeting held on 27 September 2023 commencing at 7.00 pm

Present: Cllr. Penny Cole (Vice Chairman in the Chair)

Cllrs. Baker, Ball, Penny Cole, Haslam, Horwood, Leaman, Manston, Robinson, Skinner and Williamson

An apology for absence was received from Cllr. Esler

Cllrs. Barnett, Edwards-Winsor, Grint, Hogarth, Maskell, McArthur, James Morgan, Reay, Silander, Thornton, White and Williams were also present.

Cllr. Malone was also present via a virtual media platform which does not constitute attendance as recognised by the Local Government Act 1972.

10. Declarations of Interest

Councillor Horwood declared for reasons of transparency that he worked for UK Network Power which had access rights over one of the parcels of land.

11. Call-in of Executive Decision from the meeting of Cabinet on 19 September 2023

The Chairman welcomed everyone to the meeting explaining that the decisions taken by Cabinet on 19 September 2023, relating to the disposals of land tranche 2 had been called in by five cross party Members. Members were reminded that the purpose of the meeting was not to re-debate the item but to address matters relating to the decision that had not already been covered elsewhere, the rationale for the decision and whether it took into account all relevant information available at the time.

The Chairman invited one of the signatories to address the Committee. In addressing the Committee, Members were advised that the decision was called-in to look at the process, consultation, discretion and priorities of the Council. As well as to consider whether the process undertaken was transparent in consultation, had considered all the options available to Cabinet in regards to disposing of the land, and the policies of the Council. The Chairman allowed for further Members of the signatories and Scrutiny Committee to raise questions for the Leader and Portfolio Holder for Finance & Investment to respond to.

In response to questions regarding emails, the Leader advised that she was unable to comment on emails three and four contained within the supplementary agenda as they were not emails that were sent to officers and the top and tail information was

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missing. She was however, aware that emails had been sent to local Members and the parish clerks on 3rd and 4th August 2023, and the Officer had concluded the email with “if you have any queries please do not hesitate to contact me.” This opened the dialogue for any conversation to take place. In regards to emails one and two as provided in the supplementary agenda, it stated that “in principle, Leigh Parish Council has no objection.”

She further responded to the questions by advising that concerns had been well debated at Finance & Investment Advisory Committee (FIAC) and at Cabinet. At the Cabinet meeting she had allowed for extensive questioning from Members not on the Committee in order to allow for full understanding of concerns. It was debated at the time and she as Chair was satisfied that all concerns and correspondence had been addressed, and so moved the recommendation as set out within the Cabinet papers. The Leader further informed the Committee that the Council was not obliged to seek views on the disposal of this land, but at other times it was essential this was carried out. She was satisfied that it was well debated, and it was a financial decision based on good practice and the Council’s legal duty, as well as following the council’s own process. Officers had considered all the options before putting it forward as the best option to dispose of. The land at Fostall, Leigh was not recognised Green Space nor Green Belt land.

The Portfolio Holder for Finance & Investment further confirmed that they were aware of the concerns following FIAC and had challenged officers with regards to the email trails, amenity land and the local people, but it was duly noted that the land was not designated as open space and the land had previously been built on and could be redeveloped in the future as noted by Leigh Parish Council in their email.

The Strategic Head of Commercial and Property advised that following the debate at FIAC, records and email exchanges were re-checked for clarity. As a result of these checks, Cabinet were updated with the information at the meeting. He confirmed that the Clerk had responded to the email on 9 August 2023.

In response to further points and questions raised regarding net zero and council policies regarding wellbeing, the Leader advised that there were policies in place which considered net zero and by disposing of Capital assets the proceeds would fund Council approved capital projects. All of the options available were considered and there were occasions where finances would be considered against wellbeing. The Portfolio Holder for Finance & Investment further advised reinvestment could be used on projects that would benefit the district wide community rather than just smaller parishes.

Members of the signatories to the call-in raised additional discussion points, which expressed some of their concern regarding consideration given to best consideration versus general disposal consent. Further discussion centred on transparent engagement with residents, Parish Councils and Advisory Committees. Thoughts were also given to whether sufficient consultation had taken place and if enough consideration had been given to economic and environmental factors and if further

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emphasis should have been given to these factors in more detail in the papers and debate.

The Leader, through the Chairman suggested that the Strategic Head of Commercial and Property may be able to comment further. In response to this, he advised that deliberations had considered general disposal consent, with both FIAC and Cabinet being advised of the options available. The Leader continued to respond to comments, that the email seen provided clear dates with correspondence with the Parish Council. It was unfortunate that the land could not be gifted, but financial considerations had to be given and it would be down to those who purchase the land to consider affordable housing. She also noted that stakeholders would be advised when the land was being disposed of. The decision to dispose of the land had been based on facts provided, and well debated with wider Member participation for full discussion. The process for disposal of land was a long thorough process and was thoroughly considered before being brought to Members for their considerations.

In response to a point raised, the Chairman advised that as stated in the papers, the email stated that in principle, there was no objection. Some suggestions had also been put forward for the land and it was the decision of Cabinet following the information provided. In summing up the Chairman advised that given the debate, she felt the Council had conclusively consulted, and had a reply back from the parishes. She therefore moved that the Scrutiny Committee decides not to take any further action. The motion was put to the vote and it was

Resolved: That no further action be taken, and the decision be implemented.

THE MEETING WAS CONCLUDED AT 8.12 PM

CHAIRMAN