



Lewes District Council

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Scrutiny Panel

Minutes of a meeting of the **Scrutiny Panel** held in the **Warren Room, Lewes House, 32 High Street, Lewes** on **Thursday 21 June 2012** at **12.30pm**

Present:

Councillors S J Osborne (Chair), D R Edmunds, P F Gardiner, I A Nicholson and E E J Russell

Officers Attending:

R Allan, Scrutiny and Committee Officer
C Knight, Corporate Head – Legal and Democratic Services
N Popat, Corporate Head – Communities and Enterprise
M Reynard, Head of Legal Services
J Rowlands, Chief Executive

In Attendance:

Councillors R Blackman, J V S Page and R Robertson
Mr D Howson (KEH)

Minutes

1 Election of Chair

Resolved:

- 1.1** That Councillor S J Osborne be elected Chair for the meeting.

2 Exclusion of the Public and Press

Resolved:

- 2.1** That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the Public and Press be excluded from the meeting during the discussion of Minute No 3 entitled "Proposed Sale of Recreation Field and Informal Open Space at Robinson Road, Newhaven", as there is likely to be a disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act.

3 Proposed Sale of Recreation Field and Informal Open Space at Robinson Road, Newhaven

The Chair welcomed the Panel members, officers and others present to the meeting. She explained that this Panel was not there to determine the merits of the proposed sale of the recreation field and informal open space at Robinson Road, Newhaven, but to consider whether the speed of the decision and its classification as urgent by the Leader of the Council had been correct. The Corporate Head – Legal and Democratic Services added that it was also an opportunity to provide comments to the Leader on the public representations received in response to the statutory advertisement of the proposed sale.

The Chief Executive took the Panel through the timeline of the decision taken by the Leader. She explained that there had been an omission in the paperwork provided to the Panel, and that the Director of Planning and Environmental Services should be added to the attendance list of the meeting held on the 11 May 2012. She added that the speed of the decision, as set out in the timeline, had been vital to ensure that an opportunity for economic regeneration in Newhaven was not lost. The Leader of the Council added that he had consulted with other Cabinet members, but that the decision had been taken as a sole decision by the Leader under the Strong Leader Model.

The Chief Executive explained that attempts had been made to contact Newhaven Town Council, but due to the tight deadlines and the Jubilee bank holiday, the Council had been unable to make contact with the Town Council until after the Notice advertising the proposed sale of the recreation field and informal open space at Robinson Road, Newhaven had been placed in the local newspaper. She added that the Council had considered publishing a press release, but that this had not happened due to the commercially sensitive nature of the decision. The Panel noted that Newhaven Town Council had now received a briefing on the project.

Mr Howson (KEH) advised the Panel on why KEH required this decision and security of the land at Robinson Road to be made so urgently. In response to a Councillor's question, the Corporate Head – Legal and Democratic Services took the Panel through the due diligence checks made. She confirmed that the Legal Department was satisfied with the checks provided for the magnitude of the proposed transaction.

The Chair of the Panel expressed concern that the Leader had not consulted other members of the Council at an early stage of this decision. The Leader explained that the project was commercially sensitive and that he was satisfied that the correct level of legal protection had been put in place. He added that previous attempts to consult with all Councillors on other issues had not had a high response rate, but that it would be useful if a protocol for member discussion concerning decisions taken under the Strong Leader Model was established.

The Corporate Head – Legal and Democratic Services took the Panel through the specific terms of the contract.

The Panel asked whether an Equality Impact Assessment had been undertaken and was necessary in regard to the sale of the recreation field and informal open space at Robinson Road, Newhaven. The Chief Executive advised that this had not taken place, and as this was the first key decision that the Council had undertaken under the Strong Leader Model that had been urgent and outside of the call-in procedure and so there had not been a process in place for equalities screening.

In regards to the playground at Robinson Road, Newhaven, Mr Howson agreed that a Statement of Intent would be drawn up to ensure that the Council continued to run and maintain the Recreation Group in Robinson Road for the next four years. The Corporate Head – Legal and Democratic Services made clear that this differed from the arrangement set out in the contract documents.

The Panel assessed the objections that had been received to date in relation to the sale of the land at Robinson Road, Newhaven. Mr Howson advised that a press release would be issued the following week that would address the majority of the objections. The Chair commented that the objections received by members of the public and other statutory bodies were based on limited knowledge of the scheme. The Panel expressed concern that the sale of the land led to the loss of a piece of open space for residents, and that this should be identified as part of any future planning process.

Resolved:

- 3.1** That the Council acted correctly and put the appropriate safeguards in place in regard to the sale of the recreation field and informal open space at Robinson Road, Newhaven;
- 3.2** That the Council followed the correct procedures regarding due diligence in relation to the sale of the recreation field and informal open space at Robinson Road at Robinson Road, Newhaven;
- 3.3** That the Council acted correctly in its assessment that the decision in regard to the sale of recreation field and informal open space at Robinson Road, Newhaven be taken as an urgent decision by the Leader of the Council under the Strong Leader Model;
- 3.4** That Officers of the Council be requested to devise a voluntary protocol for member consultation for similar decisions taken under the Strong Leader Model that fell outside of the call-in procedure;
- 3.5** That the Panel's appreciation to the Leader be noted for asking the Scrutiny Panel to consider the decision taken under the Strong Leader Model in regard to the sale of recreation field and informal

CH - LDS

- open space at Robinson Road, Newhaven;
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| 3.6 | That the Group Leaders be requested to email all Councillors within their Group reminding them of the importance of maintaining confidentiality in regard to decision making; | Group Leaders |
| 3.7 | That the Council acted correctly in regard to the sale of the recreation field and information open space at Robinson Road, Newhaven in terms of confidentiality and speed of the decision; | |
| 3.8 | That the Communications Team be requested to draft a joint press release regarding the sale of the recreation field and informal open space at Robinson Road, Newhaven once the contract was finalised; | HOC |
| 3.9 | That the Corporate Head – Legal and Democratic Services be requested to devise a process for equalities screening for similar instances of decision making under the Strong Leader Model; | CH-LDS |
| 3.10 | That the Council be requested to email Councillor Carla Butler explaining that similar future decisions taken under the Strong Leader Model would be assessed for equalities; | SCO |
| 3.11 | That the Panel noted all the objections received and recognised peoples' concerns regarding loss of open space, and strongly urged that during the planning process, alternative open space be identified; | |
| 3.12 | That the Panel's support was noted for the Constitution Working Group's future work in clarifying the role of the Strong Leader; and | |
| 3.13 | That the appropriate ward Councillor be informed at the earliest possible opportunity when a similar decision is taken under the Strong Leader Model affecting their ward. | |

The meeting ended at 3.00pm

S J Osborne
Chair