

**OVERVIEW AND SCRUTINY COMMITTEE (REGULATORY,
COMPLIANCE AND CORPORATE SERVICES)**



**MEETING HELD AT THE COMMITTEE ROOM, TOWN HALL BOOTLE
ON THURSDAY 22ND OCTOBER, 2015**

PRESENT: Councillor Robinson (in the Chair)
Councillor Byrom (Vice-Chair)
Councillors Cluskey, Dawson, Jamieson,
Daniel Lewis, McKinley, Owens and Weavers

ALSO PRESENT: Councillor Fairclough, Deputy Leader of the Council,
Councillor Lappin, Cabinet Member - Regulatory,
Compliance and Corporate Services, Councillors
Atkinson, Burns, Gatherer, Murphy, O'Brien and
Sayers

20. APOLOGIES FOR ABSENCE

No apologies for absence were received.

21. DECLARATIONS OF INTEREST

No declarations of interest were received.

22. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the Minutes of the meeting held on 8 September 2015 be confirmed as a correct record.

**23. FORMER MAGHULL LIBRARY AND YOUTH CENTRE,
LIVERPOOL ROAD NORTH, MAGHULL**

The Committee considered (a) the report of the Head of Regulation and Compliance, which set out the decision of the Cabinet regarding the acceptance of a tender in relation to the disposal of the former Maghull Library and Youth Centre, Liverpool Road North, Maghull and the reason why the decision was called-in; and (b) the report of the Director of Corporate Support that was considered by Cabinet in relation to this matter.

The decision taken by the Cabinet on 3 September 2015 in relation to this matter was as follows:-

Decision

The Cabinet considered the report of the Head of Corporate Support which provided details of the tenders received as a result of the marketing exercise for the sale of the Council's freehold interest in the former

OVERVIEW AND SCRUTINY COMMITTEE (REGULATORY,
COMPLIANCE AND CORPORATE SERVICES) - THURSDAY 22ND
OCTOBER, 2015

Maghull Library and adjoining Youth Centre, Liverpool Road North,
Maghull.

Decision Made: That:

- (1) subject to the receipt of planning permission, approval be given to disposal of the Council freehold interest in the former Maghull Library and Youth Centre to the highest bidding tenderer detailed in Appendix 1, on the terms set out in the report; and
- (2) the Head of Regulation and Compliance be authorised to prepare the necessary legal documentation on the terms and conditions detailed in the tender documents, by way of a Building Lease followed by Conveyance of the freehold interest, or an appropriate alternative means of Transfer, if required.

Reasons for Decision:

Maghull Library relocated to new premises within the Meadows Leisure Centre in Maghull and the existing property was declared surplus to operational requirements. The adjoining Youth Centre had also been closed and declared surplus to requirements. The premises are included in the Council's Asset Disposal Programme for 2015/16. Disposal would bring the premises into productive use and relieve the Council of an ongoing liability.

Alternative Options Considered and Rejected:

The Council could retain the premises and continue to incur the holding costs.

The Chair of the Committee, Councillor Robinson, reported on the procedure for consideration of the call-in.

The Senior Democratic Services Officer, Mr. Paul Fraser, reported on the validity of the call-in and highlighted that the call in requisition:-

- had been received within the specified call-in period in accordance with Chapter 6, paragraph 37 of the Constitution;
- had been signed by four Members of the Council who were not Members of the Cabinet, in accordance with the provisions of the Overview and Scrutiny Committee Procedure Rules in Chapter 6, Paragraph 38 of the Council's Constitution; and
- referred to a specific decision made by the Cabinet and provided a reason in accordance with Chapter 6, paragraph 40 of the Constitution.

OVERVIEW AND SCRUTINY COMMITTEE (REGULATORY,
COMPLIANCE AND CORPORATE SERVICES) - THURSDAY 22ND
OCTOBER, 2015

Members of the Committee expressed concern that the requisition for call-in did not specify what potentially relevant facts were not taken into account by Cabinet; and that it may be helpful if a review could be undertaken of the reasons for the requisitions for call-in.

Councillor McKinley, on behalf of Councillors Burns, Gatherer and Sayers, outlined and amplified the following reason for the call-in:-

To question the soundness of the decision based on facts taken or not taken into account (the Councils Constitution, Chapter 6, Paragraph 40 (b) of the Overview and Scrutiny Committee Procedure Rules); and that the call-in Members considered that the decision was unsound because not all potentially relevant facts /information were provided to enable the Cabinet to make a balanced decision.

With the permission of the Committee Councillor Sayers as a representative of the public also made representations in support of the call-in.

Councillors McKinley and Sayers requested that the decision should be referred back to Cabinet to enable information to be provided on the following issues:-

1. that the views of local residents were not taken into account
2. the local housing needs were not given adequate consideration particularly bearing in mind the ageing population of Maghull
3. the principle of social value was not taken into account
4. the requirement for a different mix of shopping opportunities on the site
5. the Maghull Neighbourhood Plan was not taken into account
6. the strategic opportunity for the development of the wider site/area, to provide a greater development opportunity, was not considered

Members of the Committee then asked questions of Councillors McKinley and Sayers.

Councillor Fairclough, Deputy Leader of the Council, upon being assured that a report could be produced for the next meeting of the Cabinet, indicated that he was in favour of the decision being referred back to Cabinet.

RESOLVED: That

- (1) the validity of the call-in be agreed;
- (2) the matter be referred back to Cabinet for further consideration to take into account the points referred to by Councillors McKinley and Sayers; and
- (3) the Head of Regulation and Compliance be requested to

OVERVIEW AND SCRUTINY COMMITTEE (REGULATORY,
COMPLIANCE AND CORPORATE SERVICES) - THURSDAY 22ND
OCTOBER, 2015

undertake a review of the reasons for the requisitions for call-in as set out in Chapter 6 of the Overview and Scrutiny Committee Procedure Rules of the Constitution.