

---

**Report to:** Overview and Scrutiny Committee    **Date of Meeting:** 22 October 2015  
(Regulatory, Compliance and Corporate Services)

**Subject:**        Item Called-In - Former Maghull Library and Youth Centre,  
Liverpool Road North, Maghull

**Relevant Cabinet Member:** Councillor Paulette Lappin - Regulatory,  
Compliance and Corporate Services

**Report of:** Director of Corporate Support        **Ward Affected:**     Park

**Is this a Key Decision?**    No        **Is it included in the Forward Plan?**    Yes

**Exempt/Confidential**        No but Appendix 1 of the report is NOT FOR  
PUBLICATION by virtue of Paragraph 3 of Part 1  
of Schedule 12A of the Local Government Act  
1972. The Public Interest Test has been applied  
and favours the information being treated as  
exempt

---

### **Purpose/Summary**

- (1) To advise the Overview and Scrutiny Committee of the relevant aspects of the Constitution and the reasons for the call-in of the decision of the Cabinet on the above item as set out in paragraph 2.3 to this report.
- (2) To seek the views of the Overview and Scrutiny Committee.
- (3) In the event of the Committee being concerned about the decision, the Overview and Scrutiny Committee must decide which of the following courses of action is to be taken in relation to this matter:
  - a) referral of the matter to the Cabinet for re-consideration, setting out the nature of the Overview and Scrutiny Committee's concerns; or
  - b) referral of the matter to Council for the Council to decide whether it wishes to object to the decision (subject to the guidance set out in paragraph 2.5).
- (4) In the event of the Committee being satisfied with the decision, the decision can proceed for implementation immediately following the meeting.

## Recommendations:

- (1) That the Committee considers the reasons set out in the extract of the Constitution (see paragraph 2.3) and the requisition for call-in (see paragraph 2.2) and determines its jurisdiction accordingly.
- (2) That the Committee determines whether it is concerned about the Cabinet decision.
- (3) If the Committee is concerned about the decision, that the Committee indicates which of the two options set out in paragraph (3) of the summary set out above, it wishes to pursue.

## How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity	√		
3	Environmental Sustainability	√		
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

## Reasons for the Recommendations:

The decision of the Cabinet has been called in. The Overview and Scrutiny Committee is required to consider the concerns raised by Councillors.

## What will it cost and how will it be financed?

### (A) Revenue Costs

These were referred to in the original Cabinet report as follows:

The Council will be reimbursed in full professional fees incurred

### (B) Capital Costs

These were referred to in the original Cabinet report as follows:

The Council will benefit from a capital receipt upon sale of the surplus property

## Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal:</b> The Head of Regulation and Compliance will complete the necessary documentation for the disposal by way of a Building Lease followed by Conveyance of the freehold interest or an equivalent means of Transfer
<b>Human Resources</b> Not applicable
<b>Equality</b> 1. No Equality Implication <input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated <input type="checkbox"/>
3. Equality Implication identified and risk remains <input type="checkbox"/>

**Impact on Service Delivery:** N/A

### What consultations have taken place on the proposals and when?

In respect of the Chief Finance Officer (FD3809/15) these were referred to in the original Cabinet report as follows:-

The Chief Finance Officer (FD 3702/15) has been consulted and notes the Council will benefit from a capital receipt upon sale of the surplus property. Professional fees will also be reimbursed in full

The Head of Regulation and Compliance has been consulted and has no comments on the report (LD 3809/15)

### Are there any other options available for consideration?

No – the Overview and Scrutiny Committee must consider the Call-In.

### Implementation Date for the Decision

To be determined by the decision of the Overview and Scrutiny Committee.

**Contact Officer:** Paul Fraser

**Tel:** 0151 934 2068

**Email:** [paul.fraser@sefton.gov.uk](mailto:paul.fraser@sefton.gov.uk)

### Background Papers:

None.

#### 1. Cabinet Member Decision

1.1 The report attached as **Appendix 1** to this report was considered by the Cabinet on 3 September 2015.

1.2 The decision of the Cabinet is set out below:

**Decision - Former Maghull Library and Youth Centre Liverpool Road North Maghull**

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 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.

**2. Details of the Call-In of the Cabinet Decision**

2.1 The following Members of the Council (who are not Members of the Cabinet) signed the requisition for the **call-in**, in accordance with the provisions of the Overview and Scrutiny Committee Procedure Rules in Part 4 of the Council's Constitution.

Councillor McKinley  
Councillor Burns  
Councillor Gatherer  
Councillor Sayers

2.2 In the requisition for the call-in, the following reason was given:-

“The decision is unsound because not all potentially relevant facts /information were provided to enable the Cabinet to make a balanced decision”.

2.3 The Constitution sets out the following requirements with respect to call-in:

“All requisitions for call-in shall refer to a specific decision and provide a reason. A decision may only be the subject of one call-in. A decision may only be called-in for the following purposes:

- a) to seek more understanding of the decision and its implications;
- b) to question the soundness of the decision based on facts taken or not taken into account;
- c) to identify the need for Council policies to guide decisions;
- d) to make recommendations to the Cabinet and/or Council;
- e) to question whether the decision conforms with agreed policies.”

2.4 Members are asked to consider the requisition cited above (paragraph 2.2) and determine which ground or grounds apply to the requisitions, if any. If the Committee determines that the requisitions fall within one of the grounds, then it can proceed to consider whether it is concerned with the decision.

2.5 The Secretary of State in his guidance recommends that the Overview and Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary or not wholly in accordance with the budget.

### 3.0 **Procedure to be Adopted at the Meeting**

3.1 A copy of the procedure to be adopted at the meeting, as approved by the Overview and Scrutiny Management Board, is attached as **Appendix 2**.