



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2019/20

SPECIAL OVERVIEW & SCRUTINY COMMITTEE

9:30AM - 12th AUGUST 2020

CALL IN OF KEY OFFICER DELEGATED DECISION: SALE OF PART OF THE FORMER LADY WINDSOR COLLIERY SITE, YNYSYBWL

REPORT OF THE SERVICE DIRECTOR OF DEMOCRATIC SERVICES & COMMUNICATION

1. MEMBERS WILL FIND ENCLOSED:

Appendix A – Report to accompany Key Officer Delegated Decision of the Director of Corporate Estates – titled ‘Sale of the former lady Windsor Colliery Site, Ynysybwl’.

Appendix B - Copy of the Key Officer Delegated Decision

Appendix C –Extract of the Council’s Overview and Scrutiny Procedure Rules re: Call-in

2. RECOMMENDATIONS:

- 2.1 To note the procedure for the conduct of the meeting as set out in paragraph 4.1 below; and
- 2.2 To determine whether or not to refer the matter back to the decision maker, namely the Director of Corporate Estates for reconsideration.

3. BACKGROUND

- 3.1 On the 30th July 2020, a report to accompany the Key Officer Delegated Decision was provided in respect of the decision to sell the Freehold interest in land at the **Former Lady Windsor Colliery Site, Ynysybwl CF37 3LL** to

facilitate the redevelopment of part of the site for residential purposes. **A copy of the report, which has been redacted (to remove exempt information from paragraphs 2.1 and 8.1 respectively) is attached at Appendix A.**

- 3.2 The decision in respect of the above was published on the 30th July 2020. (Copy of the decision is attached at Appendix B.)
- 3.3 Rule 17 of the Overview and Scrutiny Procedure Rules dealing with call-in is attached as Appendix C of this report.
- 3.4 The call-in form was received on the 4th August 2020, which complied with the relevant criteria. (A copy of the prescribed call in form is attached as Appendix D)
- 3.5 The reasons for the call-in which were considered valid by the Proper Officer are presented for the Committees consideration below.

4. PROCEDURE

- 4.1 Each case for Call-in must be considered on its merits and the procedure for the conduct of the meeting will be in accordance with the Overview and Scrutiny Procedure Rule 17.1B, as shown below:-

17.1 Procedure at call-in meetings held under Rule 17.1

1. Declarations of interest (including whipping declarations);
2. Welcome by Chair outlining reason for the call-in meeting as per detailed below:-

Call –in matters raised for consideration by the committee supported by the Proper Officer :

- *Consultation with the local community and council representatives appears to have ceased in 2017 and other than the ref. 4.13 to the councils Corporate Estates department instigating activity to find a buyer/developer the has only been sporadic and disjointed approach by RCTCBC to this site as referred to in points 4.7 to 4.13 in the report”*
- *The decision appears to be led by a desire to accommodate a developer for a partial sale rather than taking a more beneficial holistic plan for the whole of the site which could lead to the southern plateau being either left or incorporated into a second scheme of house building rather than a development that encompasses a facility that could benefit the whole of RCTCBC area and indeed Wales as a whole with an eye on leisure and tourist activities similar to the Zip Wire proposal being progressed in the Cynon Valley”.*

- *Considering the recent High Court review should there have been more not a lack of consultation with Pontypridd Town and Ynysybwl Community Councils”*

- In 4.2 of the report reference is made to primary schools but there is no reference to equity of access to Welsh medium education and no reference to equity of access. Has this been considered as part of the proposal and the Council’s plans for providing services for new residents?”

When considering these elements, there will be a requirement for the Committee to approach these matters with some caution, given they may potentially cross over with possible planning considerations as part of any planning process. It should also be noted that a statutory-pre-application consultation process would need to take place before the matter is considered by the Planning and Development Committee and that the site falls within settlement limits in the Council’s Local Development Plan.

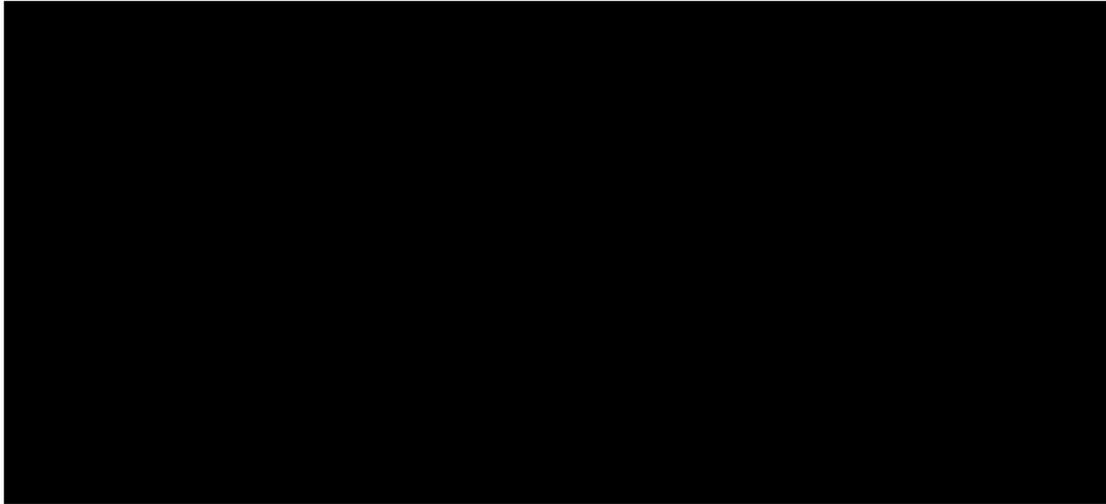
3. Chair to invite the three Members, namely County Borough Councillors:

***M. Powell, M. Fidler Jones and H. Fychan**, who have signed the call-in form to present their submissions to the Overview and Scrutiny Committee as to why they consider the relevant decision should be referred back to the decision maker for reconsideration, having regard to the accepted valid reasons set out in the ‘notice of call-in form.*

4. *Chair to invite relevant Director(s) to respond.*
5. *Chair to give any Cabinet Member(s) present the opportunity to address the Committee.*
6. *Chair to invite any other Members of the Committee to speak (and with the Chair’s permission any non-Committee Members present, who are eligible to attend, and wish to speak).*
7. *If necessary, the Chair to invite any relevant Director/Cabinet Member present to respond to a Member’s question.*
8. *Chair to invite one of the three signatories to the call-in to make a final address to the Committee membership.*
9. *Chair to put the matter to the vote.*
10. *Legal Officer present to summarise the effect of the Committee’s decision in accordance with Overview and Scrutiny Procedure Rules 17.1(e) and 17.1(f)*

- 4.2 If the proposal to refer the matter back for reconsideration is passed then the matter will be referred back to the decision maker, namely the Director of Corporate Estates: If the proposal is lost then the decision will take effect from the conclusion of this meeting.

- 4.3 The relevant Cabinet portfolio holder(s) will be invited to the meeting to answer any questions Members of the Committee may have with regards to the subject matter of the Call In.



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

JULY 2020

**SALE OF PART OF THE FORMER LADY WINDSOR COLLIERY SITE,
YNYSYBWL**

**REPORT TO ACCOMPANY KEY OFFICER DELEGATED DECISION
RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**Authors: David J Powell – Director of Corporate Estates,
Hilary S Reid – Head of Operational Property**

1. PURPOSE OF THE REPORT

- 1.1 To sell the Freehold interest in land at the **Former Lady Windsor Colliery Site, Ynysybwl** CF37 3LL to facilitate the redevelopment of part of the site for residential purposes.

2. RECOMMENDATIONS

It is recommended to:

- 2.1 Sell the Freehold interest in land located at the Northern section of the Former Lady Windsor Colliery Site to Persimmon Homes Ltd [REDACTED]
- 2.2 Note that the proceeds of the sale will be repaid to Welsh Ministers as Land Reclamation Clawback.

3. REASONS FOR RECOMMENDATIONS

- 3.1 There has been limited private sector residential development in upper valleys locations by National House Builders for a considerable period of time. The development of 108 houses, including affordable housing, will provide significant economic and social benefits to the area delivering considerable capital investment and the creation of direct and indirect full time jobs and modern housing where typical, older, terraced housing predominate
- 3.2 Given the location of the land within the village of Ynysybwl, the development of part of the Former Lady Windsor Colliery site will have significant beneficial effects over a wider area.
- 3.3 The land has been earmarked for development for alternative uses for a considerable period of time. A masterplan, which had been prepared in 2004 in conjunction with the Welsh Development Agency, did not proceed due to lack of demand from developers. A new marketing exercise undertaken in 2019 identified the proposed developer for the land as the company were prepared to consider upper valleys development land, as a result of the lack of similar development opportunities elsewhere.
- 3.4 This approach directly supports the Council's 2020-2024 Corporate Plan – Making a Difference where there is a commitment to **delivering major regeneration and transportation schemes, maximising the impact of the new South Wales Metro, to create better places to live and work whilst protecting and enhancing the County Borough. This includes supporting housing developers to bring forward major housing developments on former brownfield sites.**
- 3.5 In addition there is a stated requirement **to increase the number of quality homes available and affordable to provide greater housing choice for residents.**
- 3.6 The development of part of the Former Lady Windsor Colliery will fully meet these approved aspirations.

4. BACKGROUND

- 4.1 Ynysybwl is a village situated in an upper valleys location having a population of approximately 4,700, located approx. 4 miles north of Pontypridd and 15 miles north of Cardiff. Ynysybwl is a former mining village characterised by rows of linear, older, terraced housing, typical of former valleys mining

communities, built at the turn of the 19th and 20th Centuries. There has been limited new housebuilding in the immediate or surrounding area.

- 4.2 Ynysybwl is considered to be a village in the Councils Northern Settlement Hierarchy within the LDP, providing fast and easy access to Pontypridd and via the A470 to Cardiff in the south. The town has a Doctor's Surgery, Primary School and local shops along Roberts Street.
- 4.3 The land, whilst situated within the settlement limits as defined in the LDP is not allocated for any specific end use. The land is located opposite the commercial centre of the village in an elevated position, adjacent to a steep hillside, surrounded by established, mature trees, providing a rural outlook with natural screening. The land is accessed via a shared access road from the B4273 on the western boundary
- 4.4 The Former Lady Windsor Colliery, which was closed in 1988, was reclaimed by the Former Mid Glamorgan County Council using funding from the Welsh Development Agency between 1991/1993 with a view to regenerating a large former colliery to provide a commercial development opportunity, as part of a policy of similar colliery reclamation schemes throughout the South Wales Valleys. Rhondda Cynon Taf County Borough Council inherited the land ownership of the site in 1996.
- 4.5 As for most former colliery sites, the scope of work encompassed the removal of redundant built structures, including the grubbing up of shafts and basements shaft capping of two existing shafts (identified as a specific activity in the grant approval), regrading of colliery spoil tips to achieve a defined landform (as present) and drainage measures for the plateaux and regraded areas. The footpath through the site from the northern entrance (now the cycleway) follows the old railway line on the west of the site was constructed and subsequently surfaced by Sustrans.
- 4.6 Collieries and their spoil tips were not usually the source of significant contamination unless the colliery had a by-products plant. Lady Windsor did not and the scheme was undertaken as a standard reclamation with no remediation of contaminated soils. Two development areas have been created by excavating the spoil (mainly from tips) and redistributing to create the defined landform, comprising a northern plateau and southern plateau which is situated at a slightly lower level.

The two capped mine shafts provide the demarcation between the plateaus and are not capable of development.

- 4.7 A number of reports were produced after completion of the works, including a Chapman Warren (Consultants) General Land Report produced in 1997. A report was produced by Frozen Ltd in 2001 which investigated the feasibility of creating a business cluster of timber users

(Wood Users Cluster). This was not progressed. A Village Appraisal for Ynysybwl was also undertaken by the University of Glamorgan in 2002 which evolved to produce a feasibility study in 2003 to look at a Community Regeneration Centre offering IT learning facilities, skills training, community health facilities and community leisure facilities. The developments would need to be underpinned by the development of part of the land for residential purposes. There was no interest from residential developers at that time to enable the proposals to be progressed.

- 4.8 The Council prepared a Development Brief in May 2004 to provide Planning Guidance for prospective residential developers of the Former Windsor Site. The whole development site measures 6.7 hectares (16.5 acres) thereabouts overall, being allocated for Housing and Community development.
- 4.9 A Development Programme was prepared by Powell Dobson Urbanists for the Former Lady Windsor Colliery in 2009, in conjunction with the Welsh Development Agency to provide a mixed use scheme for residential uses, educational uses, community facilities and opportunities for social enterprise schemes. At the time the suggestions were considered commercially unviable.
- 4.10 A subsequent regeneration study, the Lady Windsor Colliery, Ynysybwl Development Programme Addendum, was undertaken in 2013 by consultants, the Urbanists which identified opportunities to fully develop the Former Lady Windsor Colliery. In 2014-15, the Council commissioned Arup to carry out work to produce an indicative masterplan for the possible development of the two development plateaux of the former Lady Windsor Colliery for housing purposes. This masterplan was not progressed further following a lack of support from the Ynysybwl community.
- 4.11 After further consultation with the Local Member and Community representatives in 2017 discussions were progressed to look at the possibility of bringing forward the Former Colliery again, for residential and community development.
- 4.12 Since the further consultation with Local Member and Community representatives was undertaken in 2017, at the request of the Ynysybwl Regeneration Partnership (YRP), the Cabinet Member for Enterprise Development and Housing and Council officers from Prosperity & Development and Corporate Estates have met with YRP on a number of occasions to discuss their initial proposals for the possible development and use of part of the Southern plateau. These discussions are still ongoing, albeit the Partnership are progressing the possible development of a Community Facility, refurbishing an existing property within the village. The partnership still have aspirations to develop outdoor community facilities on the Southern Plateau involving a Community Asset Transfer, albeit, to date, there has been no definitive proposals made to the Council for consideration. YRP confirmed at recent meetings that they

wanted to take forward their CAT related enquiries for land on the Former Lady Windsor Colliery forward independently from any private housing developer proposals. This negated any suggestion that the house builder developer could work with the community group to provide community facilities or road access to the southern plateau for community benefit as part of the development of the northern plateau

- 4.13 In 2018, the Council's Corporate Estates department made contact with a number of house builder developers to ascertain their potential interest in developing the Former Lady Windsor Colliery, stating also that consideration may be given to the sale of part of the land, subject to the developer incorporating a proposal to accommodate community uses on part of the remainder. The Council received interest from two National, private house developers who expressed interest in developing part of the site contained on the northern plateau. Subsequently one of the interested parties withdrew their interest because of external circumstances.
- 4.14 The remaining house builder/developer, Persimmon Homes Limited interested made one offer to the Council to purchase land on the northern plateau which was rejected as being too low compared with an independent valuation procured on behalf of the Council.
- 4.15 In addition, the offer was not acceptable to Welsh Ministers and their advisors. Under the terms of the Explanatory Memorandum on Grants for the Reclamation or Improvement of Derelict Land by Local Authorities under the Welsh Development Agency Act 1975 Section 1, permission has to be sought from the Welsh Development Agency (now Welsh Ministers) to any disposals. Under Section 19, any money raised from a sale, agreement will need to be reached about the Market Value of the land and any money obtained will be repaid by the Local Authority as Land Reclamation Clawback. Written authorisation is required from Welsh Ministers for any sale of land subject to a Land Reclamation Grant by the Local Authority.
- 4.16 A further considered offer has been received from the builder/ developer for the land which was scrutinised by an external surveyor and submitted to Welsh Ministers for consideration. Initial queries were raised and answered. The Council has received confirmation that the amended proposal and costings were acceptable to Welsh Ministers, subject to no further reduction in the offered, amended purchase price.

5. PROPOSAL

- 5.1 The developers, Persimmon Homes Limited wish to acquire 2.83 hectares (7 acres) net or thereabouts, of land at the Former Lady Windsor Colliery (Northern Plateau) for the construction of residential accommodation comprising a mixture of 97 No. Detached and semi detached houses for sale on the open market together with 11 No. mid terrace and semi detached houses providing at least 10% affordable accommodation.

- 5.2 The land to be developed is shown outlined on the attached plan at Appendix 1.
- 5.3 The Developer submitted an offer to acquire the Freehold interest of the Land, Subject to Contract and a Detailed Planning Consent being received, free from onerous Planning Conditions. Exchange of contracts would take place within 6 weeks of solicitors being instructed. A Detailed Planning Application will be submitted within 4 months of exchange of Contracts. Completion will take place within four weeks following receipt of a full, satisfactory Planning Permission. It is expected that the Planning Conditions will be discussed and agreed after pre application is submitted by the developer.
- 5.4 Presently, due to COVID 19 restrictions and in accordance with Welsh Ministers Guidance, the planning process has been put on hold and no pre application discussions will be entered into between the Authority and the Developer until an appropriate time in the future, to be confirmed by Welsh Ministers. Under the PAC Process, as a requirement of the Planning (Wales Act) 2015, the developer must now advertise and enter into community consultation for a minimum of 28 days before a Planning Application is submitted.
- 5.5 The costs of development have been scrutinised on behalf of the Council by an independent firm of Chartered Surveyors, Avison Young who have confirmed that the suggested costs and values are realistic and achievable. A report recommending acceptance of the amended offer has been received from the consultants and approved by Welsh Ministers and their advisors.
- 5.6 The sale of the land would have a number of tangible and intangible benefits including:
- The sale would go a long way to fulfilling the aspirations detailed in the Councils 2020- 2024 Corporate Plan.
 - The development of the former brownfield site will provide a number of tangible and intangible benefits for the area, given the challenging economic circumstances at the present time.
 - The City Deal Investment will deliver the South Wales East Metro scheme which will facilitate a number of improvements to public transport throughout the region. The Metro will focus on the provision of the modernisation of Core Valley lines, providing faster and more frequent trains into and out of Cardiff, which should have significant knock on effect on towns such as Pontypridd where there is an established public transport connection to Ynysybwl. .
 - The sale would lever significant Health and Wellbeing implications, encouraging the further use of public transport and the enhanced railway network from Pontypridd, reducing the valleys carbon footprint significantly, in accordance with the Well Being of Future Generations (Wales) Act 2015.

6. EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 An Equality Impact Assessment (EqIA) screening form has been prepared for the purpose of this report. It has been found that a full report is not required at this time.

7. CONSULTATION

- 7.1 There has been ongoing consultation between the Local Authority, Community Representatives and the Local Member about the specific proposal and wider development aspirations of the Local residents.
- 7.2 The developer will undertake detailed Local Consultation as part of the PAC process before submitting a detailed Planning application for consideration by the Local Authority.

8. FINANCIAL IMPLICATION(S)

- 8.1 A purchase price [REDACTED] has been agreed, subject to Contract and Formal Planning Consent, submission of a detailed Planning Application and an agreed timescale for exchange and completion. This money will be repaid to Welsh Ministers as Land Reclamation Clawback in accordance with The Explanatory Memorandum on Grants for the Reclamation or Improvement of Derelict Land by Local Authorities under the Welsh Development Agency Act 1975 Section 1

9. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 9.1 The Local Government Act 1972 s123 empowers the Council to dispose of public assets by agreement, subject to best consideration being achieved.

10. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

- 10.1 The sale of part of the Former Lady Windsor Colliery will contribute to the Council's corporate priorities:

- Ensuring **People: *are independent, healthy and successful;***
- Creating **Places: *where people are proud to live, work and play;***

- Enabling **Prosperity: *creating the opportunity for people and businesses to: be innovative; be entrepreneurial; and fulfil their potential and prosper.***

10.2 The sale of the land will contribute towards the Council's aspiration to provide residential development opportunities, to retain the cohesive nature of Ynysybwl, providing additional housing opportunities in the valley. The provision of new housing should arrest the movement of people out of the valley to maintain an active and healthy community.

11. CONCLUSION

11.1 The report sets out a proposal to sell land at the Former Lady Windsor Colliery to Persimmon Homes Limited for the residential development of a brownfield site which will have significant tangible benefits to the village and surrounding area.

Other Information:-

Relevant Scrutiny Committee

Public Services Delivery, Communities and Prosperity

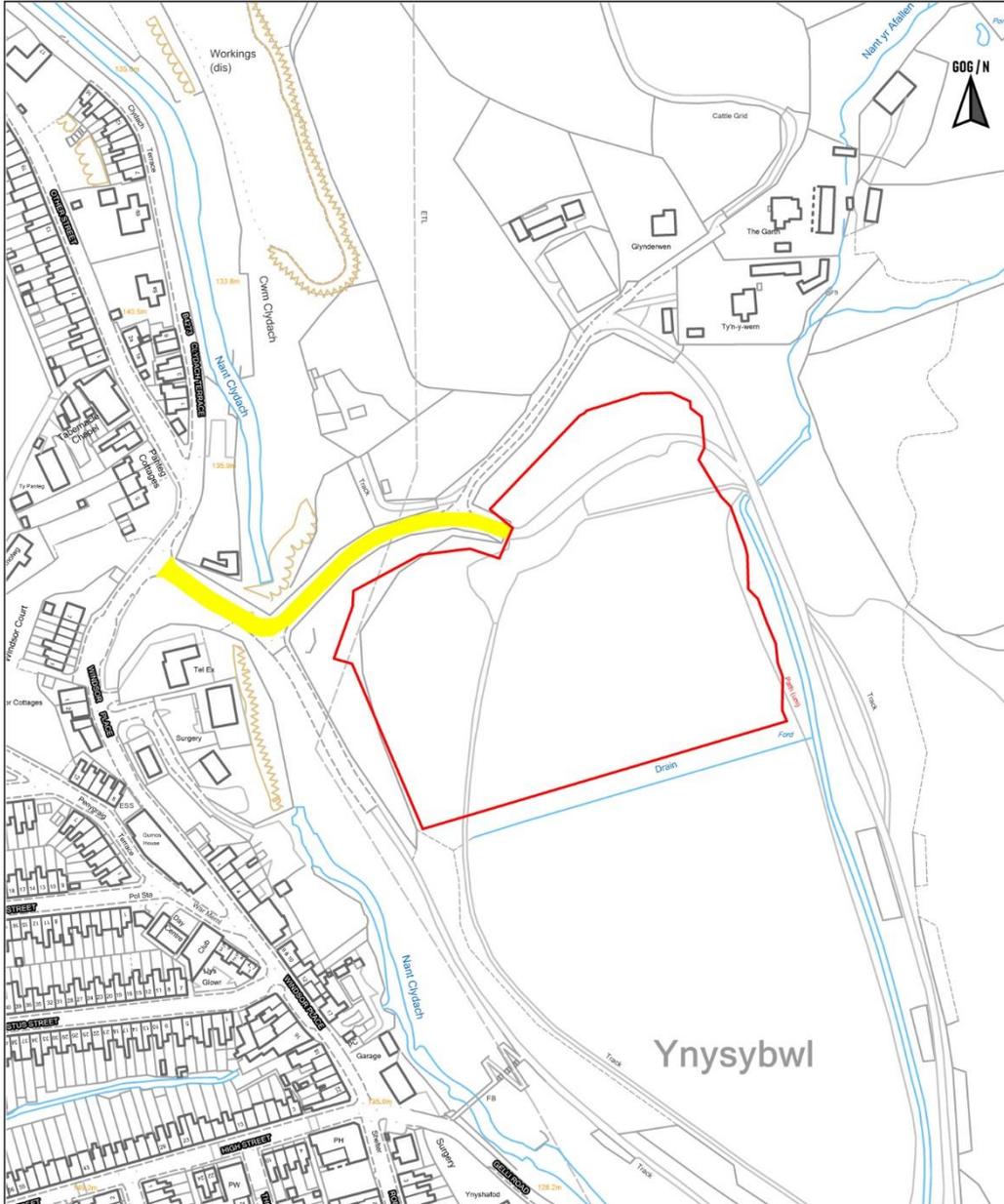
Contact Officer(s): David Powell 01443 424144 Hilary S Reid 01443 281188

Appendix 1

Site location plan;



EIDDO'R CYNGOR / CORPORATE ESTATES Ty Trevithick, Abercynon CF45 4UQ



Teitl/Title: Land at Lady Windsor Colliery Site	Graddfa ar A4/ 1:2,500
Sylwadau/ Comments << >>	Scale at A4: 306,162E
	Location: 194,352N
	Dyddiad/ 19/03/2020
	Date: 19/03/2020

COFNOD O BENDERFYNIAD WEDI'I DDIRPRWYO GAN SWYDDOG
RECORD OF DELEGATED OFFICER DECISION

Penderfyniad Allweddol | Key Decision ✓

PWNC | SUBJECT: SALE OF PART OF THE FORMER LADY WINDSOR COLLIERY SITE, YNYSYBWL

DIBEN YR ADRODDIAD | PURPOSE OF THE REPORT:

To sell the Freehold interest in land at the Former Lady Windsor Colliery Site, Ynysybwl CF37 3LL to facilitate the redevelopment of part of the site for residential purposes.

In accordance with the Council's Scheme of Delegation, the exempt report has been prepared to accompany the intended officer decision of the Director of Corporate Estates as described below (containing exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended) namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

PENDERFYNIAD WEDI'I DDIRPRWYO | DELEGATED DECISION:

AGREED:

1. To sell the Freehold interest in land located at the Northern section of the Former Lady Windsor Colliery Site to Persimmon Homes Ltd; and
2. To note that the proceeds of the sale will be repaid to Welsh Ministers as Land Reclamation Clawback.



Llofnod y Prif Swyddog
Chief Officer Signature

David Powell

Enw (priflythrennau)
Name (Print Name)

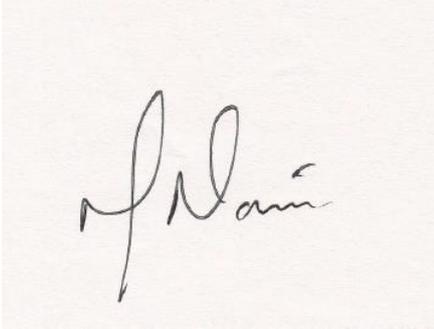
30-07-20

Dyddiad
Date

Mae'r penderfyniad yn cael ei wneud yn unol ag Adran 15 o Ddeddf Llywodraeth Leol 2000 (Swyddogaethau'r Corff Gweithredol) ac yn y cylch gorchwyl sy wedi'i nodi yn Adran 5 o Ran 3 o Gyfansoddiad y Cyngor.

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution.

YMGYNGHORI | CONSULTATION



30-07-20

LLOFNOD YR AELOD YMGYNGHOROL O'R CABINET
CONSULTEE CABINET MEMBER SIGNATURE

DYDDIAD | DATE

LLOFNOD SWYDDOG YMGYNGHOROL
CONSULTEE OFFICER SIGNATURE

DYDDIAD | DATE

RHEOLAU'R WEITHDREFN GALW-I-MEWN | CALL IN PROCEDURE RULES.

A YW'R PENDERFYNIAD YN UN BRYN A HEB FOD YN DESTUN PROSES GALW-I-MEWN GAN Y PWYLLGOR TROSOLWG A CHRAFFU?:

IS THE DECISION DEEMED URGENT AND NOT SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

YDY | YES NAC YDY | NO ✓

Rheswm dros fod yn fater brys | Reason for Urgency:

Os yw'n cael ei ystyried yn fater brys - llofnod y Llywydd, y Dirprwy Lywydd neu Bennaeth y Gwasanaeth Cyflogedig yn cadarnhau cytundeb fod y penderfyniad arfaethedig yn rhesymol yn yr holl amgylchiadau iddo gael ei drin fel mater brys, yn unol â rheol gweithdrefn trosolwg a chraffu 17.2:

If deemed urgent - signature of Presiding Member or Deputy Presiding Member or Head of Paid Service confirming agreement that the proposed decision is reasonable in all the circumstances for it being treated as a matter of urgency, in accordance with the overview and scrutiny procedure rule 17.2:

.....
(Llywydd | Presiding Member) (Dyddiad | Date)

DS - Os yw hwn yn benderfyniad sy'n cael ei ail-ystyried yna does dim modd galw'r penderfyniad i mewn a bydd y penderfyniad yn dod i rym o'r dyddiad mae'r penderfyniad wedi'i lofnodi.

NB - If this is a reconsidered decision then the decision Cannot be Called In and the decision will take effect from the date the decision is signed.

AT DDEFNYDD Y SWYDDFA YN UNIG | FOR OFFICE USE ONLY

DYDDIADAU CYHOEDDI A GWEITHREDU | PUBLICATION & IMPLEMENTATION DATES

CYHOEDDI | PUBLICATION

Cyhoeddi ar Wefan y Cyngor | Publication on the Councils Website:- _____30-07-20_____

DYDDIAD | DATE

GWEITHREDU'R PENDERFYNIAD | IMPLEMENTATION OF THE DECISION

Nodwch: Fydd y penderfyniad hwn ddim yn dod i rym nac yn cael ei weithredu'n llawn nes cyn pen 3 diwrnod gwaith ar ôl ei gyhoeddi. Nod hyn yw ei alluogi i gael ei "Alw i Mewn" yn unol â Rheol 17.1, Rheolau Gweithdrefn Trosolwg a Chraffu.

Note: This decision will not come into force and may not be implemented until the expiry of 3 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

Yn amodol ar y drefn "Galw i Mewn", caiff y penderfyniad ei roi ar waith ar / Subject to Call In the implementation date will be

05-08-20

DYDDIAD / DATE

WEDI'I GYMERADWYO I'W GYHOEDDI: ✓ | APPROVED FOR PUBLICATION :✓

Rhagor o wybodaeth | Further Information:

Cyfadran Directorate:	Corporate Estates
Enw'r Person Cyswllt Contact Name:	David Powell
Swydd Designation:	Director, Corporate Estates
Rhif Ffôn Telephone Number:	01443 424026

EXTRACT FROM OVERVIEW AND SCRUTINY PROCEDURE RULES**17. Call-In****17.1 Rules**

- (a) Where a decision is made by the Cabinet, an individual Member of the Cabinet, a Committee of the Cabinet, an Area Committee, under joint arrangements or a Key Decision is made by an Officer (under the General Scheme of Delegation), it must be published on the Council's website by the responsible proper officer within 2 clear working days of it being made. A copy will also be available at the main offices of the Council. All Members of the Council will be sent copies of the records of all such decisions within the same time scale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of 3 clear working days after the publication of the decision, unless any 3 Non-Executive Members object to it and call it in for review under these procedure rules.
- (c) During that period the Proper Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested in the specified format by any 3 Non-Executive Members and, shall then notify the decision taker of the call-in. Following the expiry of the 3 clear working day period in which a decision can be called-in the Proper Officer shall convene a meeting of the Overview and Scrutiny Committee on such a date as he/she may determine. Where possible the Proper Officer will consult with the Chair or Vice-Chair of the Overview and Scrutiny Committee as to a suitable date and in any case the meeting will be held within 5 clear working days of the expiration of the relevant call-in period (only in exceptional circumstances will the Chair (in his/her absence the Vice-Chair) of the Overview and Scrutiny Committee consider extending this time limit).
- (d) As soon as the Chair of the Overview and Scrutiny Committee acts as a signatory to a call-in he/she shall cease to be the Chair for all purposes for the duration of the call-in process. If this situation arises then for the purposes of these Overview and Scrutiny Procedure rules references to 'Chair' of the Overview and Scrutiny Committee should be read as a reference to the 'Vice-Chair' of the Overview and Scrutiny Committee. In the situation where both the Chair and Vice Chair of Overview and Scrutiny Committee act as signatories to a call in then the Chair of the meeting in respect of matters relating to the call-in shall be selected from the rest of the Overview and Scrutiny Committee membership by majority vote.
- (e) If, having considered the decision, the Overview and Scrutiny Committee refers it back to the decision making body or person for reconsideration or the matter to full Council, it must set out in writing the nature of its concerns. If referred to the decision maker they shall then reconsider within a further 5 clear working days, amending the decision or not, before adopting a final decision. This decision shall take effect and be implementable on the date and time immediately following the closure of the relevant meeting
- (f) If following an objection to the decision, the Overview and Scrutiny

Committee does not meet within the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date and time immediately following the closure of the Overview and Scrutiny Committee meeting.

- (g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decisions to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole, or a Committee of it, a meeting will be convened to reconsider within 5 clear working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within 5 clear working days of the Council's request.
- (h) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.
- (i) In order to ensure the call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
 - (i) the Overview and Scrutiny Committee may only call-in a total of 3 decisions per 2 month period;
 - (ii) any 3 Non-Executive Members (from either (i) at least 2 political groups or (ii) in the case of an unallocated Member(s) – that unallocated Member(s) and a Member(s) from a political group) are needed for a decision to be called in;
 - (iii) once a Member has acted as a signatory to a call-in under paragraph 17 (call-in) above, he/she may not do so again until the period of 2 months has expired; and
 - (iv) No Education Co-opted Members may request a decision be called in.
- (j) The Proper Officer (in consultation with the Monitoring Officer) may veto any request for call-in if it falls outside the remit of this scheme.
- (k) Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.
- (l) A request for call in, made in accordance with these Overview and Scrutiny Procedure Rules, can be submitted either by hand to a Democratic Services officer using the designated call-in form (a copy of which is available on request from Democratic Services) or via electronic mail (email). Any request submitted via email must be sent by one of the three signatories to the call-in and emailed to the following email address – scrutiny@rctcbc.gov.uk. For the purposes

of checking compliance with these rules the email will have been deemed to be received at the time it is received into the Scrutiny mailbox. In order to be a valid call in request any request submitted via email must include all of the same information and details as is required to be completed in the designated hardcopy call-in form. Attaching a copy of the call in form to the email is acceptable. The three signatories to the call in request should keep an audit trail of their agreement to collectively submit the call in request. This will only be requested by the Proper Officer in the event of there being any dispute that a member (or members) did not consent to being a signatory to the call in request.

17.1A Reference to a 'clear working day' in these Overview and Scrutiny procedure rules is defined as the following:-

A complete period of 24 hours (excluding weekends and Bank Holidays), beginning and ending at midnight on the day in question.

Therefore, by way of example, for the purposes of these call-in rules it shall exclude the day on which the relevant Cabinet decision notice is published and the day on which the call-in meeting is held.

17.1B Procedure at call-in meetings held under Rule 17.1

- (1) Declarations of interest (including whipping declarations).
- (2) Welcome by Chair outlining reason for call-in meeting as per details recorded on the call-in request.
- (3) Chair to invite the three Members who have acted as signatories to the call-in to present their submission(s) to the Overview and Scrutiny Committee as to why they consider the relevant decision should be referred back to the decision maker for reconsideration, having regard to the reasons set out in the call-in request.
- (4) Chair to invite relevant Director(s) to respond.
- (5) Chair to give any Cabinet Member(s) present the opportunity to address the Committee.
- (6) Chair to invite any other Members of the Committee to speak (and with the Chair's permission any non-Committee Members present, who are eligible to attend, and wish to speak).
- (7) If necessary, the Chair to invite any relevant Director/Cabinet Member present to respond to a Member's question.
- (8) Chair to invite one of the three signatories to the call-in to make a final address to the Committee membership.
- (9) Chair to put the matter to the vote.
- (10) Legal Officer present to summarise the effect of the Committee's decision in accordance with Overview and Scrutiny Procedure Rules 17.1(e) and 17.1(f) and thereafter communicate the Committee's decision to the Proper Officer.