

Minutes of the meeting of the Scrutiny
Committee held at 9.30 am on Tuesday,
28th June, 2022 at Council Chamber, Civic
Centre, Stone Cross, Rotary Way,
Northallerton, DL6 2UU

Present

Councillor K G Hardisty (in the Chair)

Councillor	P Atkin	Councillor	G Ramsden
	P Bardon		A Wake
	N A Knapton		

Also in Attendance

Councillor	B Griffiths	Councillor	P R Thompson
	M S Robson		S Watson
	Mrs I Sanderson		D A Webster
	M G Taylor		P R Wilkinson

Apologies for absence were received from Councillors R W Hudson,
P A James, R Kirk, J Noone and D Watkins.

SC.7 Call-In of Cabinet Decision

Stokesley Ward

The subject of the decision:

Cabinet Decision CA.5 regarding the 'Refurbishment of Cobbles and Surrender of Lease – Land at Stokesley' had been called in by three Members of the Scrutiny Committee. The call-in was concerned with the refusal by the Cabinet to agree to the request by Stokesley Town Council for an increase in the funds which had previously been agreed as part of the negotiations between both councils to surrender the lease over the 'Stokesley Cobbles' land.

The Chief Executive presented a report which outlined the requests for call-in. Copies of the call-in requests, the original Cabinet report and Cabinet's decision, and the protocol for the meeting were also appended to the Chief Executive's report.

Having briefly explained the procedure for the meeting, the Chairman then invited in turn the three Members who had requested the call-in to outline the nature of their requests and to explain their reasons for the call-in of the decision of Cabinet.

Councillor A Wake stated that he had called in the decision of the Cabinet because he did not think the matter was given proper consideration and, further, that the decision should be made at a Full Council meeting after a proper debate.

Councillor P Atkin explained that he had called in the decision of the Cabinet because he also felt that the matter was not given proper consideration, in particular that Cabinet had not fully considered the safety concerns occasioned by the ongoing maintenance issues, nor had the Cabinet properly considered any impacts on the Conservation Area.

Councillor Atkin went on to state that he believed that insufficient weight was given to the arguments put forward by Stokesley Town Council, which had outlined the justification for the additional monies. Councillor Atkin explained that in his view the Town Council had clarified that the request for additional funds was due, in part, to inappropriate maintenance by Hambleton District Council. This had led to further deterioration of the cobbled areas since the initial refurbishment costs were agreed.

Councillor Atkin was also of view with that the matter should be fully debated at the next full Council meeting and that a decision on the matter should be made at that meeting by the full Council, not the Cabinet.

Councillor G Ramsden explained that he had requested the decision be called in because he did not believe the matter was given sufficient consideration by Cabinet and, in any event, the decision should be made by the full Council as the appropriate decision maker. Councillor Ramsden continued by stating that he did not believe that arguments regarding the health and safety of constituents had been properly considered, nor had the arguments highlighted by members of Stokesley Town Council.

Councillor Ramsden concluded by saying that the additional sums required to repair the relevant area should be made available by Hambleton District Council.

The Committee also heard from Councillor B Griffiths as Ward Member for Stokesley. Councillor Griffiths (who was also acting in his capacity as a Stokesley Town Councillor and Trustee for the land in question) highlighted several issues which he believed engaged the District Council's obligations under the lease. Councillor Griffiths stated that the District Council was obliged under the terms of the lease to maintain the relevant land by using replacement cobbles, rather than 'bitmac' repairs. Councillor Griffiths also drew attention to safety concerns from residents caused by the poor state of the cobbles. Councillor Griffiths concluded that the matter should be referred back to the Cabinet for reconsideration.

The Portfolio Holder for Economic Development and Finance (and Cabinet Member) Councillor P R Wilkinson, informed the Committee that the decision taken by Cabinet at their meeting held on 7 June 2022, related to the request by Stokesley Town Council for increased funding from the District Council for the refurbishment of the cobbles, which was directly associated with the surrender of the lease between the respective councils.

Councillor Wilkinson explained that in return for surrendering the lease the District Council had previously agreed to provide a grant to Stokesley Town Council for the Town Council to commission works of refurbishment as part and parcel of the agreement to surrender the lease. These were not separate matters. The sum to be provided had been agreed with the Town Council as part of the negotiations to surrender the lease. Councillor Wilkinson informed the Scrutiny Committee that the Cabinet had been provided with all the necessary and relevant information in order to make an informed decision.

The Leader of the Council, Councillor M S Robson, went on to explain that the decision which had been taken by the Cabinet related to the disposal of an asset. This had been agreed between the District Council and the Town Council four years ago. The ongoing issues regarding who was responsible for the cobbles under the terms of the lease, which were the subject of disagreement between the Councils, were not in his view relevant to the request to call-in this Cabinet decision.

The Council's Chief Executive, in response to the assertions regarding the safety of the repair works undertaken by the Council, stated that the Council does not negate health and safety responsibilities and that the repair works undertaken met relevant health and safety standards.

One of the Committee questioned why those members of the Scrutiny Committee who had called in the decision had not made their representations at the Cabinet meeting at which the decision was made.

Another Member of the Committee reminded the meeting that the Scrutiny Committee was concerned with considering this decision of the Cabinet, rather than seeking to adjudicate on the legal rights and wrongs of the historical approaches taken by both Councils. In his view the relevant information had been before the Cabinet and the Cabinet had understood the issues, including as far as was relevant the background which led to the agreement to surrender the lease. The Committee Member also stated that the Town Council was in a better position than the District Council to secure additional funds (for instance through a public works loan and subsequent precepting) given the imminent abolishment of the District Council.

Alternative options considered:

In reviewing the Cabinet decision, the Committee considered the following options: -

- whether to accept the original decision (in which case no further action would be necessary and the decision could be implemented); or
- whether to refer the decision back to Cabinet for reconsideration.

The reason for the decision:

Having sought advice the Committee was satisfied that the decision of the Cabinet was not contrary to the Council's Policy Framework, nor was it contrary to (or not wholly in accordance with) the budget. The Committee was further satisfied that the decision did not relate to an excluded function under the relevant functions and responsibilities regulations and, in consequence, it was a matter for the Cabinet.

The Committee was satisfied that in reaching its decision the Cabinet had properly considered relevant matters.

The decision:

That the Committee accepts the original decision made by Cabinet and agrees that it can be implemented. No further action is necessary.

The meeting closed at 10.15 am

Chairman of the Committee