

## **BABERGH AND MID SUFFOLK DISTRICT COUNCILS**

Minutes of the meeting of the **JOINT OVERVIEW AND SCRUTINY COMMITTEE** held in the Teams Meeting on Monday, 22 March 2021

### **PRESENT:**

Councillor: Keith Welham – Chair for minute number 39 to minute number 48  
Alastair McCraw - Chair for minute number 49 to minute number 54

Terence Carter	James Caston
Siân Dawson	Paul Ekpenyong
Jane Gould	Kathryn Grandon
Mary McLaren	David Muller
Adrian Osborne	Keith Scarff

### **In attendance:**

Councillor(s): Alison Owen – Lead Signatory of the Babergh Call-in  
David Busby – Cabinet Member for Assets and Investments  
Michael Holt – Cabinet Member for Economic Growth

Susan Maria Ayres  
Trevor Cresswell  
Derek Davis  
John Hinton  
Leigh Jamieson  
Margaret Maybury  
John Nunn  
Jan Osborne

Witness(es): Councillor Joanna Spicer – Chair of the WSCSP  
Clair Harvey – Suffolk County Council Specialist Lead Public Health  
Superintendent Janine Wratten – Western Area Commander (West Suffolk Constabulary)  
Jane Reason - Albany Pupil Referral Unit

Officers: Assistant Director – Planning and Communities (TB)  
Assistant Director - Economic Development & Regeneration (FD)  
Assistant Director Law and Governance and Monitoring Officer (EY)  
Corporate Manager – Communities (VM)  
Senior Governance Support Officer (HH)

### **Apologies:**

None

## **39 DECLARATION OF INTERESTS**

Councillor McLaren declared a local non-pecuniary interest in Item 8, in her role as a

member of the Western Suffolk Community Safety Partnership.

Councillor Grandon declared a local non-pecuniary interest in the Item 13, as one of the bidders for the project was known to her.

**40 JOS/20/16 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 14 DECEMBER 2020**

**It was RESOLVED: -**

That the minutes of the meeting held on 14 December 2020 be approved and signed at the next practicable opportunity.

**41 JOS/20/16 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 15 FEBRUARY 2021**

**It was RESOLVED: -**

That the minutes of the meeting held on 15 February 2021 be approved and signed at the next practicable opportunity.

**42 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

None received.

**43 QUESTIONS BY THE PUBLIC**

None received.

**44 QUESTIONS BY COUNCILLORS**

None received.

**45 JOS/20/17 TO REVIEW THE ACTIVITY OF THE WESTERN SUFFOLK COMMUNITY SAFETY PARTNERSHIP (WSCSP)**

45.1 The Chair welcomed the attending Members of the Western Suffolk Community Safety Partnership (WSCSO) and invited the Chair WSCSP, Councillor Spicer to make an introduction to Members.

45.2 Councillor Spicer outlined her role in the WSCSP and that she was one of two Suffolk County Council representatives, the other being Councillor Jack Owen. The Partnership was not just a statutory partnership but worked on what was relevant for the area. The strength of the Partnership was that partners were involved from across a wide area.

45.3 There were some challenges for Babergh and Mid Suffolk, as the policing boundaries did not match the area of the two Districts, and substantial parts

of Babergh were within what people perceived as Ipswich. However, the future of community safety relied on working together in the partnership and she thanked the Councils' representatives Councillors Mansel and Davis for their contributions.

- 45.4 She explained that the term 'Criminal Exploitation' was a new umbrella term covering gangs and county lines. She continued that national data showed that violence against women and girls had increased considerably during the Covid-19 lockdown and that the Partnership was supporting the victims and ensuring that refuges were provided to those fleeing violence. Domestic Homicide Review (DHR) was part of the WSCSP statutory duty and the DHR panel reviews all cases and progresses any actions from these reviews. She outlined the work undertaken for Hate Crime and Prevent and that much of the work was focused on awareness amongst the public and specifically young persons. The feedback received from schools and colleges indicated that it was working well. She ended her introduction by adding that modern day slavery, which was not included in the paper, needed to be looked at in its entirety and that the police had set up a team to address the issues nationally.
- 45.5 The Chair invited the Corporate Manager for Communities, Vicky Mosley to introduce Paper JOS/20/17.
- 45.6 The Corporate Manager – Communities provided an update on the work of the WSCSP during the past year and the challenges facing community safety during the Covid-19 pandemic. She listed the five priority areas of focus and explained that the performance was tracked using a three-year action plan, broken down into five themes: awareness, communication, training and education, projects and community resilience. She then detailed how each area was addressed and how projects were progressing despite the lockdowns and the restrictions imposed on the services due to Covid-19.
- 45.7 Councillor Davis, the Babergh representative on WSCSP, outlined further the work undertaken by the Partnership's action plan for the top priority areas, and that strategies such as Violence Against Women and Girls, Men and Boys had enabled the development of programmes for officers and Members on topics such as criminal exploitation, disrupting exploitation, hate crime training and domestic abuse training. Other areas included the development of an anti-social behaviour (ASB) plan and the way these were dealt with including access to information on the website and the way ASB cases were processed.
- 45.8 Councillor Mansel, the Mid Suffolk representative on WSCSP, focussed on the development action plans in respect of Violence against Women and Girls, Men and Boys. Partners across the County had been working on raising awareness of sexual abuse including social media campaigns. Mid Suffolk had funded two PCSOs for the past two years and they had engaged with the community at approximately 137 venues up until February last year, including schools and community centres. PSCOs had engaged with students across the District and had visited 44 schools. In February 2021 the

PCSOs had visited Chinese communities to reassure them of their safety in the light of the Covid-19 Pandemic. From the March 2020 to February 2021 the PCSOs had to reduce their engagement activities due to Covid-19 restrictions.

- 45.9 Councillor Gould asked why there was not representation for youth offenders on the WSCSP and how the Partnership supported hard to reach victims, especially in rural areas. Councillor Spicer confirmed that representatives for organisation which deal with youth offenders were part of the Partnership and that any organisation, who could make a difference to community safety could the join the Partnership.
- 45.10 Suffolk County Council Specialist Lead - Public Health, Clair Harvey explained that WSCSP Partnership held regular conversations across neighbouring Counties. Nationally there had been indications of an increase of 25% of hard-to-reach residents due to the Pandemic and the policies for self-isolation. However, that had not been the case in this Partnership, though she added a caveat that it might be that the Partnerships were not yet aware of these. The Partnership had set up a Task and Finish group for a project on how to reach out to the groups that were known, but she recognised that there may be unknown hidden groups, not yet identified.
- 45.11 Councillor Grandon commented that previously the County had suffered from County Line crimes and asked whether this had reduced during the Pandemic and whether gangs had found other means of selling drugs in the area.
- 45.12 The SCC Specialist Lead responded that there had been a reduction of County Lines, possibly because of drugs being distributed in different ways. Suffolk Constabulary had worked with the Metropolitan Police to tackle criminal exploitation and additional funding had aided this work.
- 45.13 Councillor McLaren referred to the issues with the accommodation at Stella Maris in Sproughton and how this was being addressed.
- 45.14 The Corporate Manager – Communities responded that an action plan had been implemented and was initially working well. She outlined the work undertaken by Officers to ensure that processes were streamlined, and that officers and partners received training and worked together to resolve the issues there.
- 45.15 Councillor McLaren asked that all Members were made aware of the progress and how the Council was responding to the issues.
- 45.16 The Strategic Director, Kathy Nixon, advised Members that they would be invited to receive further development and training, as a result of the lesson learned from Stella Maris and that these lessons were being used across the County to provide better mitigation of such issues.
- 45.17 Councillor McCraw queried how the work undertaken for ASB by the Council

could be translated into action in the communities and the Corporate Manager – Communities detailed the community engagement process implemented by the Housing and the Community teams. Processes were being reviewed, including community triggers and how cases of ASB were reported to the Council to make the reporting easier for residents.

- 45.18 She added as a response to Councillor McCraw's comments regarding gathering in larger groups during lock-down that the work did not specifically focus on the Pandemic, but that the current situation was a good time to consider new processes.
- 45.19 Councillor Ekpenyong referred to drug related activities and the successful interventions in Stowmarket, and how engagement, information and training was conducted in schools.
- 45.20 The SCC Specialist Lead responded that comprehensive work had been undertaken in schools already and that new training and information packages were ready to be rolled out once restrictions had been lifted. Feedback from engagement with teachers, pupils and parents had indicated this had been successful. Information packages were available online free of charge.
- 45.21 Councillor Dawson questioned the report and that there was not any analytical, evaluation assessments or appraisal included to enable Members to assess targets and developments.
- 45.22 The SCC Specialist Lead responded that the WSCSP had an action plan and that statistics had to be submitted to the Home Office on a regular basis. Councillor Spicer added that partners held each other to account for actions in the agreed Action Plan.
- 45.23 In an additional response to Councillor Dawson's questions, Councillor McCraw informed Members that the report was truncated this year and was not a full review of the WSCSP. Due to the pressure on resources as a result of the Covid-19 pandemic and that many services were still in emergency response mode, the Chairs of the Overview and Scrutiny Committees had agreed that the Committee could conduct a review of the activities of the WSCSP rather than a full review.
- 45.24 In response to Councillor McCraw's concern regarding ASB and that he felt that this it was not a high priority at the moment, the Strategic Director reiterated that ASB cases were a high priority in both Babergh and Mid Suffolk Districts and that the Councils work to ensure that the work on the ground was done well. This was one of the strengths of the Partnership.
- 45.25 The Superintendent for Suffolk Constabulary, Janine Wratten, then introduced herself to Members and informed them that she was the Lead Officer for ASB for the whole police force in Suffolk and was going to undertake a review of the work of the agency partners.

- 45.26 Jane Reason, Albany Pupil Referral Unit provided an outline of the work she undertook, and that the Unit was working well with parents and that before the Pandemic Lockdown restrictions, engagement meetings had been well attended. There had been a reduction in cases involving County Lines and a significant reduction in drug selling during the Covid-19 Pandemic period.
- 45.27 The Chair invited questions from Members and Councillor Caston queried what indicators there were for a reduction in County Lines activities and what monitoring processes were in place to provide data for these activities.
- 45.28 The SCC Specialist Lead responded that indicators for County Lines signalled a reduction in area, and that drug related services had seen a slight reduction. Superintendent Wratten added that drug use data was by nature not reliable data and only cases which were registered could be included in the data sets. However, the figures did indicate a decrease in drug offences.
- 45.29 In further responses to Members questions, the SCC Specialist Lead and Superintendent Wratten could not yet confirm that there had been an increase in Parent/Carer violence. Whilst they were not aware that County Lines had recruited more children and young persons as drug couriers, no data existed yet. However, the lockdown had made it more difficult for drug couriers to use public transport for distribution lines. Black spots for drug selling were known to the police in the County and the police had undertaken background work to stop this activity coming back after the lockdown.
- 45.30 Members returned to questions regarding ASB and Councillor Adrian Osborne asked Councillor Davis for an update on ASB in Sudbury as this was the biggest concern for many residents there; especially the elderly, who felt not enough was being done to deal with ASB issues in their neighbourhoods.
- 45.31 Councillor Davis advised that a new ASB Officer had been working with the Corporate Manager – Communities and that more information would be made available to Members, as data was compiled and analysed. The Corporate Manager reiterated this and reassured Members that once processes had been approved and put in place, more high-level generic data would be forwarded to all Members.

Note: the meeting was adjourned between 10:50 am and 11:00 am.

- 45.32 Members continued with further questions and Councillors Welham and McCraw queried data for violence and domestic abuse figures for Women and Girls, Men and Boys, as the solve rate was not particularly good in Suffolk for these crimes. They both asked what could be done to reduce these forms of crime
- 45.33 The SCC Specialist Lead replied that a campaign had been implemented last year for domestic abuse training for recognising and reporting this crime to embed people in all organisations to help victims. Last year 358 persons

had been trained across the County. The WSCSP could support this by getting the message out to the wider communities and make residents aware of the 24/7 helpline and the support available for victims.

- 45.34 Councillor Welham asked how accommodation was provided for victims of domestic violence against Men and Boys, as there was not a lot of accommodation available for this specific crime generally and the SCC Specialist Lead responded that even if domestic abuse victims did not usually seek refuge within the County, it was still important to provide refuge and satellite accommodation for victims. Recently an extra 19 spaces and had been added on top of the current spaces. Further funding would be forwarded from Central Government in due course.
- 45.35 Members debated the issues including that the Member handbook produced a couple of years ago should be updated and redistributed to all Members.
- 45.36 Councillor McLaren thought that the report did not contain enough detail, and the Assistant Director – Sustainable Communities provided Members with a breakdown of the domestic abuse cases in refuge accommodation and sheltered accommodation.
- 45.37 The Chair explained to Members that the data had not been included in the report as officers had been redeployed to Covid-19 duties and that the Chairs of the Overview and Scrutiny Committees had asked to bring the report to Committee now rather than later in the year. Next year's report should include more data.
- 45.38 Councillor Dawson asked that it be noted that there was not enough analysis, assessments and appraisal of the activities for the WSCSP included in the report.
- 45.39 Councillor Ekpenyong suggested that ASB be scrutinised in the future and that each of the priority areas could be scrutinised in turn.
- 45.40 Councillor McCraw stated that it was the Councils' statutory duty to review the WSCSP every year, and not to duplicate their work. The Councils had their own representatives on the WSCSP, who contributed to the work of the Partnership on behalf of the Councils.
- 45.41 A discussion ensued regarding the Councils' representatives reporting back to Members on the work of the WSCSP and the Corporate Manager – Communities assured Members that updates would be brought back to Members in due course.
- 45.42 Members considered the recommendations and agreed that the content of the report should be noted, however that an updated version of the confidential WSCSP Member handbook should be distributed to all Members, in addition Members should be briefed on the procedures and processes of ASB.

45.43 Further consideration focused on the WSCSP report for next year and Members asked for more detail and data to be included. Some Members were concerned that there was not enough analysis, assessments and evaluation of the work of the WSCSP, and others felt that this was not the purpose of the Committee and that an evaluation of the effectiveness of the activities of the WSCSP would add more value.

By a unanimous vote

**It was RESOLVED:-**

**That the Joint Overview and Scrutiny Committee, having reviewed the activity of the WSCSP and noted the content of the officer's report, have the following observations:**

**That the previously prepared Confidential Member WSCSP information pack be prepared, updated and additional information added and distributed to all Members;**

**That arrangements be made for a briefing for Members of the Councils on the procedures, processes and the action plan in respect of Anti-Social Behaviour;**

**That the next annual review of the WSCSP to include an evaluation of the effectiveness of the activity of partnership.**

**46 FORTHCOMING DECISIONS LIST**

**It was RESOLVED: -**

**That the Forthcoming Decisions List be noted.**

**47 JOS/20/18 BABERGH OVERVIEW AND SCRUTINY WORK PLAN**

**It was RESOLVED: -**

**That the Babergh Overview and Scrutiny Work Plan be noted.**

**48 JOS/20/19 MID SUFFOLK OVERVIEW AND SCRUTINY WORK PLAN**

**It was RESOLVED: -**

**That the Mid Suffolk Overview and Scrutiny Work Plan be noted.**

**Councillor Welham handed over the Chair to Councillor McCraw for the next Agenda Items.**

Note: the meeting was adjourned between 11:45 am and 11:55 am.

**49 BOS/20/6 TO CONFIRM THE BABERGH MINUTES FROM THE MEETING HELD ON 15 FEBRUARY 2021**

**It was RESOLVED: -**

**That the Babergh minutes of the meeting held on the 15 February 2021 be approved and signed at the next practicable opportunity.**

**50 CALL-IN OF BABERGH CABINET DECISION 11 MARCH 2021**

**51 PROTOCOL FOR CALL-IN PROCEDURE**

51.1 The Chair informed Members that the Call-in Procedure had been agreed with the Lead Signatory and had been tabled to Members.

51.2 Councillor McCraw proposed that the Protocol for the Call-in Procedure be approved, which was seconded by Councillor Gould.

By a unanimous vote

**It was RESOLVED:**

**That the Protocol for the Call-in Procedure be approved.**

52.3 The Chair detailed the Call-in process and the papers attached to the Agenda. He then outlined the scope of the Call-in based on the points set out in the Call-in Procedure.

52.4 Members considered and agreed the scope of the Call-in.

52.5 The Chair proposed that if no one spoke the scope be approved by consensus.

**It was RESOLVED:-**

**That the scope as detailed in the papers be agreed.**

**52 CALL IN OF THE DECISION FROM THE MEETING OF THE BABERGH CABINET 11 MARCH 2021 - REPORT BCA/20/44**

52.1 The Chair invited the Lead Practitioner, Councillor Owen, to present her reasons for the Call-in.

52.2 The Lead Practitioner presented the following reasons:

We have called in the decision BCa/20/44 relating to the Belle Vue regeneration that was heard at the Cabinet meeting on the 11 March 2021. There were a number of reasons for requesting this decision to be reviewed by the Overview and Scrutiny Committee. The first reason for the call in is because as a Council Member I was able to attend the closed session discussion and I was expecting that each bid

would be discussed, and the score reviewed against each other. Only bids B and F were discussed, and they did not go through the scoring and concentrated on the preferred bid B. I had assumed that they would have started with reviewing the scoring matrix and how the scores were decided. The process felt very rushed and needed more time. There were no discussions about who had come up with the system and how it had been weighted and scored. And if six bids came in, then six bids should have been discussed. It should have been clear why the other bidder's bids were not chosen. Based on these points and that some of the scores did not make sense we believe that the bidding process should be restarted. We believe there should be a clear understanding and agreement of the scoring before any bids are considered. We do not understand why the scoring matrix could not have been made open as to how it was calculated and weighted. The scoring matrix should have had the details of bidders removed so that this could have been made open and transparent. This would have helped to show how the Cabinet came to their decision. This could also help future bids, including community bids, to understand the requirements that Babergh are looking for to get the best bids in.

There was also a lack of clarity around some key areas that we do not feel have been properly considered and decisions have been made with insufficient information. We understand that Babergh have to follow a legal process for the disposal of the open space. The Officers advised Members to weigh up the balance of the loss of open space against wider benefits. There was no clarification on what open space in Appendix A was being lost. It was advised that the process has been followed by advertising in the newspaper for a minimum of two weeks and it referenced Appendix A which is the red outlined land. However, there was no assessment provided on how much of the land Babergh considered to be public open space in Appendix A. There was also a discussion about an extra five metres of land wanted by the house bidder. It was unclear if this land was to be given or sold to the bidder. And there would be further loss of open space that would need to be discussed. The objections were, in our view, not thoroughly debated and fully understood. Councillor Osborne asked the question if there was a deficit of open space, as raised in the objections, and the answers given could not confirm or deny and were quite vague.

If you look on page 155 of the agenda supplement to the Cabinet papers, it shows that there is a minus 15.76 hectares of park and recreation land. Why are we selling our parks and green spaces when we do not have enough? Friars Water Meadows were mentioned as not being included in the current assessment, but it is underwater for many months of the year and not accessible for wheelchairs. This does not affect the current shortfall of park and recreation land as the meadows are a part of a different open space category.

Given these points we do not see how the Cabinet Members could take a decision to dispose of open space when they were not clear on what it is or where it is. We believe Appendix A should clearly set out what is open space before a decision is made.

Another issue is why the red line was not defined in a clear manner as it has a lot of impact on the decision overall. There was no clarification whether the winning bid would be for the land at Appendix A, the red line drawing, or whether the land will be required for the bid to succeed and the bids are subject to planning permission.

The impact of the lack of clarity includes the terrace at the front of Belle Vue house is outside of the red line and there was confusion as to whether more land would be negotiated at a later date.

The resolution at 1.1 relates only to Appendix A at the red line drawing and so surely bids outside the red line would have to be reheard and the process started again.

The land at the front of the house is public open space and would be subject to a new disposal process. The extra land would increase the value so the bid would need to be renegotiated to reflect the extra land given and could attract further bids as most would want the house with the terrace.

Given these key issues the preferred bidder requires additional land. The marketing process should be started again as a disposal agreed by the Cabinet was only for the land in Appendix A nothing further.

We are asking the Overview and Scrutiny Committee to review the decision made on the basis of the points raised.

52.3 The Lead Petitioner called on Councillor Maybury, a signatory, to contribute to the statement.

52.4 Councillor Maybury supported the Call-in based on the negative aspect on the public open space and the requirements for such for residents. Belle Vue Park was an important part of maintaining health and wellbeing for residents and for the future of Sudbury and this was this point of clarification she thought that the Overview and Scrutiny Committee should ask for.

52.5 The Cabinet Member for Economic Growth, Councillor Holt provided a summary of the events at Cabinet. The Belle Vue site had a long and complex history and the house and pool site had remained unused for a number of years, and as result the Council decided to dispose of the site in 2013. Some use of these areas had been re-provided for public use, such as fitness and swimming at the Kingfisher Leisure Centre, which recently had a £2.4m upgrade including a new skate and multiuse gaming within the wider park. There had been a costly upkeep for the Council for the site as it was a key gateway into the central area of Sudbury. This had remained underutilised and had not made any contribution to the economic health of the town, neither for the vision and ambitions nor for enabling further investments. There had been no firm consensus on the future viability, and this had led to the site remaining dormant. The latest marketing campaign had sought to encourage fresh interests and opportunities for the site to progress. During the Cabinet meeting, the objections, which were 32 in total, for the disposal of the house, park and the old pool site were considered, objection grounds ranged from the loss of open space, to planning matters, to the future use of the whole site or just the house, on the marketing period and the process. The Cabinet balanced and carefully determined the grounds for objections with its wider approach for the site and the best benefits for the town. In deciding to progress with a disposal, the Cabinet had considered the six bids received by formal tender by 12 February 2021 and after a debate and consideration a preferred bidder was chosen, although there had been no obligation for Cabinet to select any of the bids for progression. All proposals were subject to planning and all bids received included retaining or refurbishing the house in some form. The bids ranged from residential, care home to retirement and community uses. The Cabinet also considered a recommendation for diverting up to 100% of the sales proceeds into the creation of a new assessable park entrance, café and

toilets, so that park amenities, local community and visitors would benefit directly from any capital receipts.

- 52.6 The Cabinet Member for Assets and Investments was invited to make a statement by the Chair but declined. He had not agreed with this part of the decision, as he thought there were flaws in the process but was content to comment in the debate.
- 52.7 Committee Members were invited to ask questions of the Lead Signatory and Cabinet Members.
- 52.8 Councillor Dawson enquired of Councillor Busby why he thought the process was flawed, to which Councillor Busby responded that he thought that there was not enough detail provided for the bids and he believed he could not make an informed decision based on the information provided. He referred to the red line in the attached plans and to the additional 5 metres into the park in one of the bids.
- 52.9 In response to Councillor Dawson's further questions, Councillor Holt responded that Cabinet had been asked to approve the recommendations in the report and not to decide the bids. The bids had been presented in a matrix. The red line was an accurate outline of the land, which was at the Council's disposal. The bidding process had been provided to Cabinet Members, and the papers for this had been made available for all Members and the wider population, except for the confidential papers.
- 52.10 Councillor Gould commented that if one bid required an additional 5 metres the bids were not like for like. However, the key point was that all six bids had been discussed. She asked if bidders knew if they could bid for more land even if most bids were based on land within the red line.
- 52.11 Councillor Holt clarified that the red line was a boundary requirement on plans, and whilst bidders could bid for more land, the red line marked all the land the Council intended to sell.
- 52.12 Councillor Grandon asked the Lead Signatory, Councillor Owen what her objectives were for the call-in and what she expected to achieve from this, no matter which bid was successful the outcome would be the same.
- 52.13 Councillor Owen reiterated that she thought the process had not been open and transparent and should have been an objective consideration of each bid, and of the scoring matrix and the loss of open space. Her concern was that the decision had been rushed, even if the end result remained the same.
- 52.14 Councillor McLaren questioned the rules around the length of time for the bidding process and how this had been made public. Councillor Holt responded that the S123 disposal notice had been posted publicly and published just before Christmas and had run for 3 weeks and had been extended for a couple of weeks.

- 52.15 The Assistant Director – Economic Development and Regeneration confirmed that the project was marketed on 14 December 2020 and that the bidding process ended on 22 January 2021.
- 52.16 In response to Councillor McLaren's concerns for the timing of the bidding process, Councillor Holt explained that this had been where the project was at and that marketing of the disposal of the land had been viewed on over 60 websites and received considerable interest. The timing had not appeared to have been an issue.
- 52.17 Following a discussion between the Cabinet Member and Councillor Dawson, the Monitoring Officer advised Members that they had agreed the scope of the call-in points and that strategic matters and the scoring of the matrix were not included in the scope. Members could discuss whether the red line was clear enough on the plans but not the bids themselves.
- 52.18 Members continued questioning including whether Cabinet Members had access to all the papers for the decision, the transparency for the bids and whether the bid matrix was flawed, as some bidders had submitted bids for extra land outside the red line on the plans.
- 52.19 Councillor Busby reflected that he felt that the decision was flawed due to the way the matrix had been presented.
- 52.20 Councillor Grandon referred to point 2 of the Call-in and if it had been an officer or Cabinet decision to provide the bid matrix under the confidential part of the Agenda as this meant that the matrix could not be discussed in open session. The Chair advised Members that information discussed in the closed session of a meeting was determined by law.
- 52.21 Further questions from Members regarding the matrix and if part of the matrix could have been made public and considered in open session followed and the Assistant Director – Regenerations and Economic Partnerships clarified that information contained in the Matrix was highly competitive and that this kind of information could not be made available during the negotiation process. She assured Members that due process had been followed and that the bid had been signed off by the Lead Procurement Officer and the Monitoring Officer. Cabinet had been asked to make a decision for bids within the red line only and the matrix was provided to enable Members to compare the bids for this purpose. In response to Councillor McCraw's question if the matrix could have been made partly public, the Assistant Director stated that every effort had been made to make as much information as possible available in the open part of the report.
- 52.22 Councillor Dawson referred to the reinvestment of up to 100% of the sale for the new entrance, café and amenities and that this was not included in the papers. The Assistant Director – Regeneration and Commercial Partnership explained that work was still ongoing for this. However, Councillor Holt, assured Members that the reinvestment up to 100% was a commitment for

the Cabinet to reinvest the proceeds from the sale of land back into the development.

- 52.23 In response to Councillor Grandon's question regarding open space, the Assistant Director – Regeneration and Commercial Partnerships explained that public open space was defined in a number of ways including in the Joint Local Plan.
- 52.24 The Chair asked for a Proposer and Seconder for the recommendation to go into closed session to discuss the confidential papers. However, no Member made such proposal.
- 52.25 The Chair invited the Cabinet Members for Economic Growth and Assets and Investment to provide a summary of the respective cases.
- 52.26 Councillor Holt, Cabinet Member for Economic Growth stated that the three points made in the Call-in had been addressed and that the decision process had been following legal advice and that endeavours had been made for openness and transparency, as far as possible. He felt that the process had been clear and had resulted in a positive outcome in third option B. Due to the commercial sensitivity and the financial implications defined by law, the matrix could not have been made public. The issues surrounding the definition of public open space had been addressed and he thought that this too had been subject to transparency.
- 52.27 Councillor Busby, Cabinet Member for Assets and Investments felt that the process had not been moved forward any further as there was still further negotiations taking place with the preferred bidder and possible other bidders. He felt that this should have been completed to avoid a decision made on a flawed process.
- 52.28 The Chair invited the Lead Signatory, Councillor Owen to present her summary.
- 52.29 Councillor Owen summarised the key-issues including, that the matrix had not been considered, not all of the bids had been discussed, the scoring matrix was not open and transparent, the loss of open space was not assessed properly, the objections were not thoroughly heard, Cabinet agreed to sell the land within the red line in Appendix 8 however a bidder had wanted extra land, and that this should be part of a remarketing process as this affected the bids. She felt that overall, the decision had been rushed by Cabinet.
- 52.30 The Chair asked the Monitoring Officer, Emily Yule to present her statement, which had been circulated to Members and tabled for the meeting.
- 52.31 Following the Monitoring Officer's statement to Members, Councillor Adrian Osborne asked her if she had been satisfied that Cabinet had read the papers, to which she responded that it was not within her remit to attempt to assess what Members had read or not read. If a Member was present during the whole of the Cabinet meeting, the assumption was that Members are

well prepared for the meeting. The questions raised at the meeting indicated that Members had read the papers.

52.32 Before the debate, the Chair outlined the course of action for decision options and added that he felt that the Monitoring Officer's statement had clarified point 2 in the Call-in Notice.

52.33 Members debated the issues and Councillors Grandon and Adrian Osborne felt that points 1 and 2 in the Call-in Notice had been answered, as the Matrix could not by law be debated in open session, and that point 3 regarding concerns for public open space had been justified at this meeting.

52.34 Councillors Dawson and Gould thought that as the issues were contentious, they should have been debated at Full Council and it had not been clear why the five bids were refused. They did not fully accept that all the information had been included and thought it would have been more transparent if all the bids had been discussed.

52.35 The Monitoring Officer advised Members that the decision had been Cabinet's as the executive decision maker, because the Council followed the Leader/Cabinet governance model. The decision could only be presented to Full Council if the Committee agreed that the policy or budget had not been fulfilled.

52.36 Councillor McLaren was satisfied that the correct process had been followed by Cabinet but had further questions for Cabinet in due course.

52.37 Councillor Dawson questioned and the Chair advised her on the responses provided to the Committee and whether they were within the scope of the Committee. The Monitoring Officer advised Members that all Members had access to all Cabinet papers and that the Leaders allowed questions from non-Cabinet Members during the Cabinet meetings.

52.38 The Chair summed up the debate and he thought that all three points made in the Call-in Notice had been addressed. He therefore proposed that the Cabinet decision be upheld and implemented immediately.

52.39 Councillor McLaren seconded the proposal, which was put to Members for voting.

By 5 votes for and 1 vote against.

**It was RESOLVED:-**

**That the decision be upheld and implemented immediately.**

## **53 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)**

The Committee did not go into closed session.

**54 APPENDIX D (CONFIDENTIAL) - MARKETING SUMMARY AND EVALUATION TABLE**

The business of the meeting was concluded at 1:43 pm.

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Chair