

Overview and Scrutiny Management Board

12 September 2014

Request for Call-In – Durham Villages Regeneration Ltd



Report of Colette Longbottom, Head of Legal & Democratic Services

Purpose of the Report

- 1 To advise the Overview and Scrutiny Management Board of a request for call in of a Cabinet decision and of the decision made by the Vice Chairman of the Board not to call in the decision.

Background

- 2 On 18 June 2014, a request was received by the Head of Legal and Democratic Services for call in of the Cabinet decision agenda item number 14 of the Cabinet meeting of 11 June 2014. The report related to Durham Villages Regeneration Ltd – Update and Forward Programme.
- 3 A copy of the request is attached at Appendix 2.
- 4 On 19 June, the Head of Legal and Democratic Services consulted the Vice Chairman. He decided not to call the decision in.
- 5 In doing so, he took into account the advice of the Monitoring Officer and the Chief Finance Officer that delaying the implementation of the decision would not be likely to cause significant damage to the Council's interests.
- 6 Having considered this, he then considered whether a case had been made out for calling in the decision and concluded that it had not. He gave as his reasons:-

“The report upon which the decision was based was a full and reasoned report which highlighted that legacy regeneration priorities relating to Durham City would be honoured and that the Articles of Association of the company had been amended to reflect the new County boundary since Local Government Reorganisation. It sets out its aims and desired outcomes and there is no suggestion from the report, or from this request for call-in that human rights or equality legislation was breached or that professional advice had not been taken from officers.

Although the report was exempt, it was made available for members and a detailed note of the decision (excluding exempt information) was published. At a meeting of the County Council on 18 June 2014, a question on this issue was tabled by Councillor Mark Wilkes and a detailed response provided by the Cabinet Portfolio Holder, which included references in the Cabinet report to the honouring of legacy commitments in West Rainton and Sherburn Hill, and of the fact that capital land receipts that the City of Durham Council had

included in the joint-venture had also been used to offset a legacy £7.867 million loan borrowed from Keepmoat to fund the Freemans Quay development.”

Recommendations and reasons

7 The Board is asked to note this report.

Appendix 1: Implications

Finance – None specific in this report.

Staffing - None specific in this report.

Risk - None specific in this report.

Equality and Diversity / Public Sector Equality Duty - None specific in this report.

Accommodation - None specific in this report.

Crime and Disorder - None specific in this report.

Human Rights - None specific in this report.

Consultation - None specific in this report.

Procurement - None specific in this report.

Disability Issues - None specific in this report.

Legal Implications - None specific in this report.

Appendix 2: Request for Call-In

In line with the procedures outlined in the Overview and Scrutiny Procedure Rules section 18 ^{Call in} of the County Council Constitution we have been asked by fellow Councillors to CALL IN the decision of the Executive made on 11th June 2014 regarding the forward programme for DVRL.

The reasons for this are detailed below and directly relate to Article 12 of the Constitution taking due regard to the said principles of decision making.

Whilst we appreciate since 2009 the company now covers the whole of the County, the dividends to date have been received from development in the old Durham City district area only. In light of the quarterly update report to Cabinet on the same day highlighting the underperformance of house completions in the Durham City area compared to the other areas of the County being above target we feel that this decision is flawed and should be referred to scrutiny for full debate.

Signed

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W. Longpack

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Maria Simmons

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R. Amess

W. Stelling

W. Stelling

Date 18. 6. 14.