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**CALL-IN OF CABINET DECISION – THANET MARKETS: MARGATE WEEKLY GENERAL MARKET**

To: **Overview and Scrutiny Panel – 19 August 2014**

By: **Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Ward: **Margate Central**

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**Summary:** This report sets out the reasons for call in of the Cabinet decision by the Chairman of the Overview and Scrutiny Panel.

**For Decision**

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**1.0 Introduction and Background**

1.1 The Chairman of the Overview and Scrutiny Panel has, on behalf of Councillor King, requested the Democratic Services and Scrutiny Manager to call in the Cabinet decision, made 31 July 2014, regarding the relocation of the Margate weekly market.

1.2 The Cabinet decision was as follows:

“THAT Cabinet supports the Council relocating the weekly Margate market to Cecil Square and takes on responsibility for managing the market”.

1.3 The Chairman has, on behalf of the Panel, invited Councillor David Green, Cabinet Member for Strategic Economic Development Services, and Mark Seed, Director of Community Services, to attend and give evidence at the meeting.

**2.0 Reasons for Call In**

2.1 The reasons for the call-in given by the Chairman of the Overview and Scrutiny Panel on behalf of Councillor King are that:

1. As a venue, Cecil Square will not allow for the market to grow, limiting it to about 24 stalls / pitches;
2. The report outlines all the benefits and importance of the market to help regeneration, but then effectively seems to argue against all the reasons that are crucial to success – transport, highways, shops, position etc.
3. We are not making enough of the potential of the market on the Cecil Square site.

2.2 The report to Cabinet on 31 July 2014, together with the five annexes to that report, is attached at Annexes 1 to 6.

**3.0 Call In procedure**

3.1 Under the call-in procedure as outlined in the Overview and Scrutiny Procedure Rule 15.0:

- 3.1.1 If, having considered the decision of Cabinet, the Panel is still concerned about it, it may refer it back to Cabinet for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council;
  - 3.1.2 If referred to Cabinet, Cabinet shall then reconsider within a further 15 working days from the date of this meeting, amending the decision or not, before adopting a final decision;
  - 3.1.3 If the Panel does not refer the matter back to Cabinet, the decision shall take effect on the date of this meeting.
- 3.2 The Overview and Scrutiny Procedure Rule 15.0 also provides for a referral of the decision by the Panel to full Council. If that is the case, Council should meet within 15 working days of referral and if it objects to the decision, it will refer it back to Cabinet, together with its views on the decision. Cabinet would then have to convene to reconsider within 15 working days of the Council meeting.

#### **4.0 Corporate Implications**

##### **4.1 Financial**

- 4.1.1 The financial implications of the Cabinet decision are as outlined in the Cabinet report attached.

##### **4.2 Legal**

- 4.2.1 The legal implications of the cabinet decision are as outlined in the Cabinet report attached.
- 4.2.2 The procedure for calling in Cabinet decisions is as prescribed by Overview & Scrutiny Procedure Rule 15.0.

##### **4.3 Corporate**

- 4.3.1 The corporate implications of the Cabinet decision are as outlined in the Cabinet report attached.

##### **4.4 Equity and Equalities**

- 4.4.1 The equity and equalities implications of the Cabinet decision are as outlined in the Cabinet report attached.

#### **5.0 Recommendations**

- 5.1 The Panel is invited to decide whether it wishes to:
  - a) Take no further action
  - b) Refer the issue back to Cabinet or Council.

#### **6.0 Decision Making Process**

- 6.1 If the Panel refers the decision to Cabinet it may be possible to include it in the agenda for the Cabinet meeting of the 11 September 2014. If the decision is referred to Council for reconsideration it would be necessary to organise an extraordinary meeting to discuss the matter.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager
Reporting to:	Paul Cook, Interim Director of Corporate Resources and S. 151 Officer

### Annex List

Annex 1	Report to Cabinet, 31 July 2014
Annex 2	Photographs of Cecil Square with market ( <i>annex 1 to Cabinet report</i> )
Annex 3	Plan of Cecil Square ( <i>annex 2 to Cabinet report</i> )
Annex 4	Markets in Thanet ( <i>annex 3 to Cabinet report</i> )
Annex 5	Sites considered as a location for Margate market and rejected ( <i>annex 4 to Cabinet report</i> )
Annex 6	Informal consultation with the businesses fronting the proposed Cecil Square site ( <i>annex 5 to Cabinet report</i> )

### Background Papers

Title	Details of where to access copy
None	N/A

### Corporate Consultation Undertaken

Finance	<i>Matthew Sanham, Corporate Finance Manager</i>
Legal	<i>N/A</i>