

# OVERVIEW AND SCRUTINY PANEL CALL-IN OF CABINET DECISION – PROPOSAL FOR THE DISPOSAL OF THE DREAMLAND FREEHOLD

Extraordinary  
Overview and Scrutiny Panel                      **15 August 2019**

Report Author    **Committee Services Manager**

Status    **For Recommendation**

Classification:    **Unrestricted**

Ward:    **Margate Central**

## **Executive Summary:**

The purpose of this covering report is to introduce a call-in regarding the Cabinet decision made relating to the 'Proposal for the disposal of the Dreamland freehold'. This decision together with the related report, are attached as Annex 1 and Annex 2 to this covering report.

## **Recommendation(s):**

Members guidance is sought on the following; whether:

1. The Panel wishes to forward some recommendations to the Cabinet or;
2. Members wish to take no further action.

## **CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	There are no implications arising directly from this report. Any financial implications arising from the original called-in decision are explained in the report attached at Annex 2.
<b>Legal</b>	In exercising the right to call-in an executive decision the Panel ought to satisfy itself that some or all of the principles of decision making at reflected in Article 13 of the Council Constitution have not been adhered to. These include the following: <ul style="list-style-type: none"> <li>(a) the presumption in favour of openness and transparency;</li> <li>(b) the need for due consultation;</li> <li>(c) the need to take account of relevant professional advice from appropriate staff;</li> <li>(d) the need for clarity of aims and desired outcomes;</li> <li>(e) the need to identify the range of options considered;</li> <li>(f) the need to give reasons and explanation for a decision;</li> <li>(g) the need to ensure that all necessary requirements of legality and confidence are observed.</li> </ul>
<b>Corporate</b>	There are no direct corporate risks associated with this report.
<b>Equality Act 2010 &amp; Public Sector Equality Duty</b>	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and

	<p>other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p>								
	<table border="1"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td></td> </tr> </table>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	
Please indicate which aim is relevant to the report.									
Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,									
Advance equality of opportunity between people who share a protected characteristic and people who do not share it									
Foster good relations between people who share a protected characteristic and people who do not share it.									
	<p>There no equity and equalities issues arising directly from this report. However there may be equity and equalities implications arising directly from the decision attached as Annex 1 to the report.</p> <p>The Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these.</p>								

<b>CORPORATE PRIORITIES (tick those relevant)✓</b>	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

<b>CORPORATE VALUES (tick those relevant)✓</b>	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	✓

**1.0 Introduction and Background**

- 1.1 The Cabinet made a decision regarding the disposal of the dreamland freehold at the extraordinary Cabinet meeting on Thursday 1 August. The decision notice was published on Friday, 2 August 2019, giving Overview and Scrutiny Panel members five working days to call-in the decision if they deemed it necessary.
- 1.2 On Tuesday 6 November, having been requested by other Panel members, the Panel Chairman asked that the cabinet member decision be called-in and asked Democratic Services to arrange a meeting for consideration for the call-in.

**2.0 Reasons for Call-in**

- 2.1 The Panel Chairman cited that he felt the decision did not meet the following decision making principle as set out in article 13 of the Council’s constitution:
  - (e) the need to identify the range of options considered;
- 2.2 Specifically this being the need for Cabinet to explain why they have taken the decision to dispose of the asset now, rather than retaining it.

### **3.0 Options**

3.1 Members could choose one of the following options either:

1. Whether the Panel wishes to forward some recommendations to the Cabinet or;
2. The Panel wishes to take no further action.

### **4.0 Next Steps**

4.1 If Members agree to take no further action, then the decision becomes implementable from the day of the Panel meeting.

4.2 If the Panel refers some recommendations to the Cabinet for consideration, then the Cabinet shall reconsider them within 15 working days from the date of this Overview and Scrutiny meeting, amending the decision or not, before adopting a final decision.

Contact Officer:	Nick Hughes, Committee Services Manager
Reporting to:	Tim Howes, Director of Corporate Governance and Monitoring Officer

### **Annex List**

Annex 1	Decision Notice Proposal For The Disposal Of The Dreamland Freehold
Annex 2	Cabinet Report On Proposal For The Disposal Of The Dreamland Freehold
Annex 3	Dreamland Plan
Annex 4	Rides

### **Background Papers**

<b>Title</b>	<b>Details of where to access copy</b>
None	N/A

### **Corporate Consultation**

<b>Finance</b>	Matt Sanham, Financial Services Manager
<b>Legal</b>	Tim Howes, Director of Corporate Governance