

## **OVERVIEW & SCRUTINY ORGANISATION AND RESOURCES SELECT COMMITTEE**

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### **DRAFT MINUTES OF THE OVERVIEW & SCRUTINY ORGANISATION AND RESOURCES SELECT COMMITTEE EXTRAORDINARY MEETING HELD ON 30 JANUARY 2012 AT COUNCIL CHAMBER, BRADLEY ROAD, TROWBRIDGE.**

#### **Present:**

Cllr Peter Colmer (Substitute), Cllr Tony Deane (Vice Chairman), Cllr Peter Doyle, Cllr Christopher Newbury (Substitute), Cllr Jeffrey Ody (Substitute), Cllr Jeff Osborn (Chairman), Cllr Bill Roberts, Cllr Judy Rooke and Cllr Jonathon Seed

#### **Also Present:**

Cllr John Brady, Cllr Trevor Carbin, Cllr Christine Crisp, Ian Gibbons, Cllr Lionel Grundy OBE, John Quinton, Yamina Rhouati, Cllr Jane Scott OBE, Mark Stone, Cllr Toby Sturgis, Cllr John Thomson, Cllr Dick Tonge, Cllr Stuart Wheeler and Ceri Williams

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#### **14. Apologies and Substitutions**

Apologies were received from Cllr Nigel Carter, Cllr Christopher Devine, Cllr Nick Fogg, Cllr Charles Howard, Cllr Jacqui Lay and Cllr Mark Packard.

Cllr Jeff Ody substituted for Cllr Nigel Carter, Cllr Peter Colmer substituted for Cllr Mark Packard and Cllr Christopher Newbury substituted for Cllr Nick Fogg.

#### **15. Declarations of Interest**

As members of the Urchfont Manor Management Board, personal interests were declared by Cllr Jeff Osborn, Cllr Jonathon Seed and Cllr Christopher Newbury.

Personal interests as members of the Urchfont Manor Management Board were declared by Cllr Christine Crisp and Cllr Lionel Grundy, also in attendance.

#### **16. Chairman's Announcement**

The Chairman of the Committee, having called in the decision, requested that the Committee consider his request to stand down as Chairman for this meeting only and for the Vice Chairman to act as Chairman. Cllr Tony Deane, as Vice Chairman, duly took the Chair.

In addressing the Committee the Chairman requested that all those speaking provide an introduction to themselves for the benefit of the members of the public in attendance.

The Committee was also reminded that the Part II paper should not be discussed until this Item was reached on the agenda and following the departure of members of the public.

17. **Public Participation**

The Chairman acknowledged that two members of the public had registered to speak at this meeting on the following item. The Chairman was happy for other members of the public present to also participate in the discussion at this meeting.

18. **Call in of Cabinet Decision - Proposed closure of Urchfont Manor**

The Senior Scrutiny Officer opened the Item with clarification on the purpose of the call-in, which was to consider the Cabinet decision taken on 17 January to close Urchfont Manor and whether appropriate consultation had been undertaken.

After listening to the concerns raised and following discussion the Committee would be requested to decide either:

- (1) That it was satisfied by the response, would take no further action and inform the decision-making (Cabinet) accordingly. The decision would then be implemented immediately; or
- (2) Refer the matter back to the decision-maker and set out in writing the nature of its concerns. The decision-maker would then be required to reconsider the matter within 5 working days, amend the decision or not, before adopting a final decision.

Cllr Osborn, who had raised the call-in as the Chairman of the Committee, was then invited to make his presentations accordingly. A copy of Cllr Osborn's statement was circulated at the meeting which included:

- That the decision to call-in the decision was on behalf of all back-bench members, irrespective of party political interest.
- That there was no evidence to demonstrate that Cabinet had undertaken adequate consultation in line with constitutional requirements outlined within paragraphs 25 and 26 of the Cabinet Procedure Rules prior to reaching their decision.

Reference was also drawn to the consultation strategy for Wiltshire Council which outlined the Council's commitment to engage people in decision-making

by giving them an opportunity to voice their opinions before decisions were taken.

As a member of the Urchfont Manor Management Board, Cllr Osborn was also concerned that the Board, whether as a stakeholder or advisory panel, was not adequately consulted.

A motion was presented that Cabinet reconsider the decision made with regards to the future of Urchfont Manor in light of consultation as defined within paragraphs 25 and 26 of the Cabinet procedure rules of the Constitution.

### Public Participation

Written representations were received from the following members of the public in the form of questions and statements, details of which were circulated:

Mr David Mottram  
Michele Lomas  
Janet Crowther  
Myfanwy Hart  
Nicola Vesey Williams  
Richard Hawkins  
Geoff Skinner  
Staff of Urchfont Manor  
Ann Brewins  
Bob Giles  
Nicola Jones  
Jan Pineau  
Michael Drage  
Stella Hall  
Sue Madden  
Cllr John Smale  
Liz Adams  
Gerald Seman  
Lesley Irvin  
Terri Atkins

Verbal representations were also made at the meeting by:

Mr David Mottram  
Mr Cairns Langlands

Following Public Participation Cllr Jonathon Seed, as Chairman of the Urchfont Manor Management Board (UMMB), requested to address the Committee prior to the Cabinet members response to Cllr Osborn's call-in request.

Clarification was made that the purpose of the Board was as an advisory panel, further details of which could be found in the Terms of Reference, a copy of which was circulated at the meeting.

Reference was also made to the discussions that had been undertaken by the Board since unitary in 2009 in relation to use of the Manor and potential funding streams that could assist the Council in maintaining the use of the building.

A recommendation relating to the future of the Manor was expected from the Cabinet Capital Asset Committee (CCAC). The next meeting of the Board (scheduled for December) was cancelled until the CCAC recommendation was known. The next meeting was scheduled to take place on 10 February where the Cabinet decision would be discussed.

The Cabinet Member for Campus Development and Culture was asked to respond to the call-in request by Cllr Osborn where clarification was given that the decision related to the closure of the building and not the provision of adult education services.

Details of plans to reduce the number of strategic assets had been clearly outlined in the Council's Business Plan. Although consultation was not required for the disposal of strategic assets, discussions had taken place with Urchfont Parish Council. As a result key community amenities, such as the playing fields, wooded area and the cricket pitch, were to be protected.

Following closure of debate the Committee voted on whether to support the Call-in. With a majority vote the Committee

**Resolved:**

**To refer the matter back to the decision-maker requesting that Cabinet reconsider the decision to close Urchfont Manor House in light of consultation, as defined within paragraphs 25 and 26 of the Cabinet procedure rules in Part 7 of the Constitution.**

Post meeting note: A report outlining the Committee's recommendation was prepared and presented to Cabinet at its meeting held at 3:45pm on 30 January 2012. A copy of the report can be found attached to these minutes.

19. **Next Scheduled Meeting**

5 April 2012.

20. **Exclusion of the Press and Public**

As no further debate ensued the Chairman resolved that the Committee was not required to proceed to closed session and the meeting concluded.

(Duration of meeting: 10.30 am - 12.30 pm)

The Officer who has produced these minutes is Sharon Smith, of Democratic Services, direct line (01225) 718378, e-mail [sharonl.smith@wiltshire.gov.uk](mailto:sharonl.smith@wiltshire.gov.uk)

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## Wiltshire Council

### Cabinet

30<sup>th</sup> January 2012

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#### Report of the Organisation and Resources Select Committee:

#### Call-in of Cabinet's decision to close Urchfont Manor House

#### Purpose

1. To present the conclusions and recommendations of the Organisation and Resources Select Committee following its meeting on 30<sup>th</sup> January to consider a call-in request from the Chairman of the Committee, Cllr Jeff Osborn, with respect to Cabinet's decision to close Urchfont Manor House.
2. The Select Committee resolved that it had concerns about the level of consultation undertaken with respect to the decision to close Urchfont Manor House and therefore refer the matter back to Cabinet as the decision maker. Cabinet is required to reconsider the matter within 5 working days of the Select Committee's meeting, amending the decision or not, before adopting a final decision.

#### Background

3. The call-in request related to a decision taken by Cabinet on 17<sup>th</sup> January to close Urchfont Manor House. This decision was taken under an item proposing the creation of a town centre customer access facility in Devizes and the closure of three buildings, detailed within a report from Carlton Brand, Corporate Director.
4. On 24<sup>th</sup> January, Cllr Jeff Osborn, Chairman of the Organisation and Resources Select Committee, gave formal notice to call-in Cabinet's decision to close Urchfont Manor House (The provision for a call-in of an executive decision is set out in the Overview and Scrutiny Procedure Rules in the Council's Constitution). The reasons given were:
  - Consultation should be taken with interested parties where appropriate and practicable (*para 14.2 – Part 1 – Article 14 – Decision Making*).
  - All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extend of consultation with shareholders, advisory panels and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of

consultation required will be appropriate to the nature of the matter under consideration (*Para 25 – Part 7 – Cabinet Procedure Rules*).

- Reports must state that consultation has been carried out in accordance with the Council's consultation strategy or explain the reason for any divergence from the strategy (*Para 26 – Part 7 – Cabinet Procedure Rules*).
5. On 30<sup>th</sup> January, the Organisation and Resources Select Committee met to consider Cllr Osborn's call-in request. The meeting was chaired by Cllr Tony Deane, Vice-Chairman of the Committee. Several members of the public submitted written statements or spoke at the meeting. Cllr Osborn presented his reasons for requesting the Call-in and responses were provided by the Cabinet Member for Campus Development and Culture, the Cabinet Member for Waste, Property, Environment and Development Control Services, and the Cabinet Member for Children's Services.

### **Resolution of the Committee**

6. The Organisation and Resources Select Committee resolved that it has concerns regarding Cabinet's decision to close Urchfont Manor House and hereby refers the matter back to Cabinet, who are required to reconsider the matter within 5 working days.
7. The Committee requests that Cabinet reconsider the decision in light of consultation as defined within paragraphs 25 and 26 of the Cabinet procedure rules in Part 7 of the Constitution (copied above). The Committee's concerns discussed at the meeting can be summarised as follows:

With regards to paragraph 25 of the Cabinet Procedure Rules;

- Urchfont Manor Management Board is either a stakeholder or an advisory panel (or both). Although the Chairman of the Management Board was advised of the final decision to dispose of Urchfont Manor, other members of the Board were not. The Committee is not satisfied that Board Members' involvement in discussions about the future of Urchfont Manor during the years preceding the decision to close represents adequate consultation on that decision.
- The closure and disposal of Urchfont Manor is a budgetary matter. Therefore the relevant report to Cabinet should have contained details of the nature and extent of consultation with shareholders, advisory panels and relevant overview and scrutiny committees, and the outcome of that consultation.
- The relevant overview and scrutiny committee (i.e. the Organisation and Resources Select Committee) were not consulted on the decision at any stage.

With regards to paragraph 26 of the Cabinet Procedure rules;



- The report to Cabinet proposing the closure of Urchfont Manor House did not state that consultation had been carried out in accordance with the Council's consultation strategy or explain the reason for any divergence from the strategy.
8. The Committee did not accept that if the decision to dispose of Urchfont Manor House was strategic, consultation was therefore not required.

### **Recommendation to Cabinet**

9. The Organisation and Resources Select Committee requests that Cabinet reconsider the decision to close Urchfont Manor House in light of consultation, as defined within paragraphs 25 and 26 of the Cabinet procedure rules in Part 7 of the Constitution.

### **Cllr Jeff Osborn, Chairman of the Organisation and Resources Select Committee**

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### **Background documents**

'Proposed Creation of Central Devizes Customer Access Point, the Closure of Browfort, Urchfont Manor and Bradley Road Building' – report to Cabinet, 17<sup>th</sup> January 2012

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