

Report of the Monitoring Officer

OVERVIEW AND SCRUTINY COMMITTEE – CONSIDERATION OF CALL-IN: OPPORTUNITY TO DEVELOP FIVE NEW HOMES AND ONE REFURBISHED HOME1. Purpose of Report

To consider the recommendation of the Overview and Scrutiny Committee following an extraordinary meeting held on 28 February 2024.

2. Recommendation

Cabinet is asked to CONSIDER the comments from the Overview and Scrutiny Committee and RESOLVE accordingly.

3. Detail

At its meeting on 6 February 2024, Cabinet considered a report named 'Opportunity to Develop Five New Homes and One Refurbished Home' which sought approval to construct five new homes on land adjacent to 51 Ilkeston Road, Bramcote NG9 3JP, as specified by Planning consent 21/00038/REG3, and to refurbish Farm Cottage at the site to bring it back into use for Social Rent as one home. Cabinet resolved that the production of six dwellings at the Farm Cottage site, as detailed in the report, be approved.

Following the decision, a Call-In request was received from Councillors A Kingdon, D K Watts, S J Carr, B C Carr and H Land. The reasons for the Call-In were given as follows:

"We consider the decision should be called in as it is not in accordance with the Council's decision-making principles and not in the public interest. In relation to the above we consider that the following principles of decision-making have been breached:

- Open and transparent – this decision was taken without any consultation with local residents
- Take into account all relevant considerations and ignore irrelevant considerations – the decision fails to take into account the views of local residents. Further, Members were not aware of the surveyor's report received on the day of the Cabinet meeting
- Undertake consultation as required or as may be appropriate – it is appropriate to consult residents who will be adversely affected by this decision. Residents had been told a year before that this decision had been scrapped and had not been told that it was even being reviewed.

- Obtain and consider professional advice as may be required or appropriate – the decision was taken without regard to the Surveyor’s report.
- Ensure best value – the decision was scrapped previously as not being value for money. The costs have since increased, something that was not made clear to the Members of the Cabinet.”

The Overview and Scrutiny Committee held an extraordinary meeting on 28 February 2024 to consider the Call-In request and took evidence from the Councillors who requested the Call-In, The Portfolio Holders for Resources & Personnel Policy and Housing. Further information was given by the Head of Economic Development & Asset Management.

On hearing the evidence and opinions presented, the Committee concluded that when the report was considered by Cabinet, the late submission of the Surveyor’s report did not allow for Members to be fully informed when reaching a decision on the item. It was stated that the potential cost of repair of Fishpond Cottage may not be viable when considering the details of the Surveyor’s report. Furthermore, the uncertainty regarding the potential grant from Homes England did not allow for Cabinet to be fully appraised of the financial outlay for the proposals leading to a lack of clarity in the report.

Further suggestions from the Committee included that there was extensive consultation during the original planning process, the scheme represented value for money as the payback period was 33-years rather than the industry standard of 40-years, flooding concerns were not based on local evidence and that the Cottage would fall into further disrepair should no action be taken.

Recommendation

On being put to the meeting, the Overview and Scrutiny Committee resolved to refer the decision back to Cabinet for reconsideration, setting out the nature of the Committee’s concerns, for re-consideration within 10 working days, taking into account the concerns of the Overview and Scrutiny Committee, before making a final decision.

APPENDIX 1 contains the report submitted to Cabinet on 6 February 2024, with the addition of the Surveyor’s report referenced at the Overview and Scrutiny Committee.

APPENDIX 2 is a confidential appendix containing further commercially sensitive financial information originally submitted to Cabinet on 6 February 2024.

4. Key Decision

This is a key decision.

5. Updates from Scrutiny

Updates from the Overview and Scrutiny Committee are contained within the report.

6. Financial Implications

The comments from the Head of Finance Services are contained within the report submitted to Cabinet on 6 February 2024.

7. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services are contained within the report submitted to Cabinet on 6 February 2024.

8. Human Resources Implications

Not applicable.

9. Union Comments

Not applicable.

10. Climate Change Implications

The climate change implications are contained within the report submitted to Cabinet on 6 February 2024.

11. Data Protection Compliance Implications

APPENDIX 2 to this report contains OFFICIAL(SENSITIVE) information as detailed in Section 12A of the Local Government Act 1972. It is therefore included in the private section of this agenda. There are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

Not applicable.

13. Background Papers

Nil.