



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

# Culture and Visitor Economy Overview & Scrutiny Committee

5<sup>th</sup> January 2021

**Report of:** Shahin Ismail, Monitoring Officer



## Cabinet Decision Call-in - Public Realm Improvements, St Peter's Hill, Grantham

The report provides a summary of the call-in and sets out the options available to the Culture and Visitor Economy Overview and Scrutiny Committee in the process.

### Report Author

Dan Snowdon, Interim Head of Governance

Tel: 01223 699177

Email: [Dan.Snowdon@southkesteven.gov.uk](mailto:Dan.Snowdon@southkesteven.gov.uk)

Corporate Priority:	Decision type:	Wards:
Not applicable	Not applicable	Grantham St Wulfram's

<b>Reviewed by:</b>	Richard Wyles (S151 Officer)	22/12/2020
<b>Approved by:</b>	Shahin Ismail (Monitoring Officer)	22/12/2020
<b>Signed off by:</b>	Karen Bradford (Chief Executive)	22/12/2020

### Recommendation (s) to the decision maker (s)

1. Notes the contents of the report;
2. Considers the decision of Cabinet in relation to its decision regarding Public Realm Improvements, St Peter's Hill, Grantham.

## **1 Background**

- 1.1 Cabinet received a report at its meeting held on 1 December 2020 regarding Public Realm Improvements, St Peter's Hill, Grantham. The report is attached at Appendix A to this report.
- 1.2 The report made the following recommendations that were approved:
1. Cabinet is asked to approve the installation of the statue on St Peter's Hill Green, in accordance with the agreed planning permission;
  2. To approve a budget allocation from the Local Priorities Reserve and authorise expenditure of up to £100k to underwrite the statue unveiling even and any consequential works. Any fundraising from the public, businesses and others will go towards funding this budget allocation;
  3. To approve the engagement of an external organisation, as part of the above allocation, to coordinate the unveiling, including event management, communications and fundraising campaign; and
  4. To delegate to the Chief Executive, in consultation with the Leader and Monitoring Officer, the authority to enter into a deed of gift agreement with The Public Memorials Appeal to transfer the ownership of the statue to the Council from the point of installation.
- 1.3 A request to call-in the decision was received by the Chief Executive on 6 December 2020 and was approved by the Monitoring Officer. A copy of the completed form is attached at Appendix B.
- 1.4 The stated reasons to call in the decision are as follows:
- (a) It is outside the delegated powers of the Cabinet;
  - (b) There has been inadequate/insufficient consultation with Members and other stakeholders including Grantham residents;
  - (c) Insufficient consideration of all options/relative weighting of options;
  - (d) Cabinet members conflict of interest; and
  - (e) Significant public interest in the decision.

## **2 The Role of Overview and Scrutiny**

The statutory requirement for call in is contained in Section 21 of the Local Government Act 2000 and allows elected members to call in a decision made by the Cabinet that has yet to be implemented.

Calling in the decision prevents the decision taking immediate effect, to ensure that the Overview and Scrutiny Committee has an opportunity to ask questions of Cabinet Members and relevant officers, to find out more about the rationale behind the Decision.

- 2.1 The Constitution sets out the powers of Overview and Scrutiny Committees with regard to call in at Article 6 (6.18 and 6.19).
- 2.2 The Constitution states that;

*If, having considered the decision, the relevant Overview and Scrutiny Committee is still concerned about it, then the Committee may refer it back to the decision-making person or body for reconsideration setting out in writing the nature of its concerns, or refer the matter to full Council. If referred to the decision-maker, he or she shall then reconsider within a further 5 working days, amending the decision or not, before adopting a final decision.*

Therefore, following debate, the Committee may either:

- (a) Endorse the decision taken by Cabinet in relation to this matter;
- (b) Refer the matter to the next meeting of Cabinet for reconsideration; or
- (c) Refer the matter to Full Council.

### **3 Process for call in**

In order to provide structure to the call in, it is proposed that the following process is adopted for the meeting:

- 3.1 Each of the five members who requested the call in be given the opportunity to speak, each person to speak for no more than 5 minutes. The grounds for the call in should be explained;
- 3.2 Any ward member who wishes to speak may speak for no more than 5 minutes;
- 3.3 Cabinet members and relevant officers to respond
- 3.4 Committee members to deliberate and vote on outcome.

### **4 Financial Implications**

- 4.1 The financial considerations with respect to the report 'Public Realm Improvements, St Peter's Hill Grantham' (that was considered by Cabinet on 1 December 2020) are contained within that report. There are no specific financial considerations arising from this report.

**Financial Implications reviewed by: Richard Wyles, Interim Director of Finance**

### **5 Legal and Governance Implications**

- 5.1 Legal implications are contained within the body of this report.

**Legal Implications reviewed by: Shahin Ismail, Monitoring Officer**

### **6 Equality and Safeguarding Implications**

- 6.1 None.

### **7 Risk and Mitigation**

- 7.1 Not applicable

### **8 Community Safety Implications**

- 8.1 Not applicable

### **9 How will the recommendations support South Kesteven District Council's declaration of a climate emergency?**

9.1 Not applicable

## **10 Other Implications (where significant)**

10.1 None

## **11 Background Papers**

11.1 South Kesteven District Council Constitution:

<http://moderngov.southkesteven.gov.uk/ieListDocuments.aspx?CId=600&Mid=3713&Ver=4&Info=1>

## **12 Appendices**

12.1 Appendix A - Report to Cabinet

Appendix B – Decision Call-in Request Form

<b>Report Timeline:</b>	Date of Publication on Forward Plan (if required)	Not applicable
	Previously Considered by:	Not applicable
	Final Decision date	Not applicable