

# VALE OF GLAMORGAN COUNCIL

## REQUEST FOR "CALL-IN"

**N.B. BEFORE COMPLETING THIS FORM, MEMBERS ARE REQUESTED TO GIVE CAREFUL CONSIDERATION AS TO WHETHER OR NOT THEY ACTUALLY WISH TO HOLD UP THE DECISION(S) OF CABINET. IF NOT, AND THE INTENTION IS TO SIMPLY SEEK FURTHER INFORMATION / CLARIFICATION, PLEASE USE THE ALTERNATIVE FORM TO REQUEST CONSIDERATION OF A MATTER BY A SCRUTINY COMMITTEE.**

Name: Neil Moore

Signature: *N Moore*

I request the "calling-in" of the following matter:

**Subject: C417 HOUSING DEVELOPMENT PROGRAMME - HAYES WOOD ROAD, BARRY (HBS) (SCRUTINY - HOMES AND SAFE COMMUNITIES) -**

**Date of Cabinet: 17<sup>th</sup> September 2018 Cabinet Minute No: C417**

**Cabinet Resolution Nos: Calling in Cabinet resolutions C417 (1 – 6) i.e.**

- (1) T H A T the findings of the site assessment (Appendix A) be endorsed and the site at Hayes Wood Road, Barry be confirmed as the preferred site to meet the longer term needs for Gypsy and Traveller accommodation identified in the Gypsy and Traveller Accommodation Assessment (GTAA).**
- (2) T H A T approval be granted to submit a planning application for the site at Hayes Wood Road, Barry, as a detailed application for a permanent Gypsy and Traveller Site.**
- (3) T H A T approval be granted to the Head of Finance to finalise negotiations with Welsh Government for the acquisition of the site, having regard to the proposed use of the site, existing site constraints and any costs.**
- (4) T H A T delegated authority be given to the Monitoring Officer / Head of Legal and Democratic Services to agree the form of contract and transfer in respect of the land to be acquired from Welsh Government at the appropriate time and complete all necessary legal agreements relating to the purchase.**
- (5) T H A T approval be granted to tender the proposed scheme shown, for illustration purposes at Appendix B, subject to approval of planning permission and acquisition of the site.**
- (6) T H A T a further report be presented to Cabinet regarding award of contract, following the planning decision and, if applicable, the tender receipt.C417**  
*(To be completed where the above Minute contains multiple recommendations)*

**Referral to which Scrutiny Committee(s): Homes and Safe Communities Scrutiny Committee**

Reason(s) for request:

**This matter is being sent to Scrutiny for Consideration erroneously and not in keeping with the fundamental principles of the constitution.**

**How can a Scrutiny Committee consider a matter when the Cabinet has already made up its mind AND made decisions?**

**Therefore the Call-in of those decisions made and recorded in the minutes have to be called-in to scrutiny, otherwise they will be enacted by stealth and without challenge.**

**I consider that the Cabinet has broken with the recommendation that the Wales Audit Committee requested and which the previous Cabinet and Council accepted, in that, no 'information' reports are sent to Scrutiny. This report does exactly that, but spuriously purporting it to be for 'consideration'.**

**This is quite clearly 'an information report and unless it is called in, the delegations and approvals agreed in the Cabinet Minutes will be enacted and be final, for at least 6 months – see below:**

#### **4.22.1 Motion to Rescind a Previous Decision**

**No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless a preliminary notice in writing of such motion or amendment signed by the Member proposing the same is delivered to the Proper Officer at the Civic Offices before the expiration of twenty four hours from the time of commencement of the meeting of the Council at which such resolution was passed and a confirmatory written notice signed by at least twelve Members of the Council and setting out the proposed motion or amendment is delivered to the Proper Officer at the Civic Offices before the expiration of five days from the date of the meeting at which the resolution was passed.**

**Unless this call-in is allowed it will be contradicting and breaking the purpose and the spirit of the constitution, thereby denying the Scrutiny Committee any chance to review or if necessary challenge the minute.**

**As I have indicated, unless this minute is called in to Scrutiny, then the decisions taken by Cabinet (prematurely in my opinion) will be enacted.**

**This is simply flouting the role of scrutiny.**

**Reasons for call-in are in red below:**

**(1) T H A T the findings of the site assessment (Appendix A) be endorsed and the site at Hayes Wood Road, Barry be confirmed as the preferred site to meet the longer term needs for Gypsy and Traveller accommodation identified in the Gypsy and Traveller Accommodation Assessment (GTAA).**

**Cabinet should not endorse the report or decide on a preferred site before Scrutiny has an opportunity to review the matter.**

(2) T H A T approval be granted to submit a planning application for the site at Hayes Wood Road, Barry, as a detailed application for a permanent Gypsy and Traveller Site.

**Cabinet should not agree to a planning application before Scrutiny has an opportunity to review the matter.**

(3) T H A T approval be granted to the Head of Finance to finalise negotiations with Welsh Government for the acquisition of the site, having regard to the proposed use of the site, existing site constraints and any costs.

**Cabinet should not grant delegations to negotiate anything until Scrutiny has an opportunity to review the matter.**

(4) T H A T delegated authority be given to the Monitoring Officer / Head of Legal and Democratic Services to agree the form of contract and transfer in respect of the land to be acquired from Welsh Government at the appropriate time and complete all necessary legal agreements relating to the purchase.

**Cabinet should not grant delegations to negotiate anything until Scrutiny has an opportunity to review the matter.**

(5) T H A T approval be granted to tender the proposed scheme shown, for illustration purposes at Appendix B, subject to approval of planning permission and acquisition of the site.

**Cabinet should not grant delegations to carry out a tender of the scheme until Scrutiny has an opportunity to review the matter.**

(6) T H A T a further report be presented to Cabinet regarding award of contract, following the planning decision and, if applicable, the tender receipt.

**Cabinet should not agree for a further report until a final decision is made and that decision should not be made until Scrutiny has an opportunity to review the matter.**

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Date received: ..... Managing Director's Signature: .....

Scrutiny Chairman authorisation: Approved  Refused:

Reason(s) for refusal:

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.....

Scrutiny Chairman's signature: .....

**FORM TO BE RETURNED TO THE MANAGING DIRECTOR**  
**(e-mail: [DRThomas@valeofglamorgan.gov.uk](mailto:DRThomas@valeofglamorgan.gov.uk))**