

**MINUTES OF THE SPECIAL MEETING OF THE CORPORATE MANAGEMENT
SCRUTINY COMMITTEE**

**HELD ON 14 SEPTEMBER 2015 AT 7.30 P.M. IN THE ESSEX HALL, TOWN HALL,
CLACTON-ON-SEA**

- Present:** Councillors Steady (Chairman), Platt (Vice-Chairman), Baker, Cawthron, Massey, Scott and Stephenson.
- Also Present:** Councillors Broderick, B E Brown, Callender, Calver, G V Guglielmi (Portfolio Holder for Asset Management and Corporate Services), V E Guglielmi and I J Henderson
- In Attendance:** Corporate Director (Corporate Services) (Martyn Knappett), Democratic Services Manager (Colin Sweeney), Assets Surveyor (Aileen Middleton) and Senior Democratic Services Officer (Ian Ford)

10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none on this occasion.

11. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 13 July 2015, were approved as a correct record and signed by the Chairman.

12. DECLARATIONS OF INTEREST

Councillor Baker declared a non-pecuniary interest in respect of item 13 below insofar as he was a volunteer at the Manningtree and District and Colchester Food Banks.

13. GRANT OF A LEASE OF 14A WADDESDON ROAD, HARWICH

The Committee had before it a report to enable it to scrutinise the following Executive Decision - Number 2582 taken on 21 August 2015 by the Asset Management and Corporate Services Portfolio Holder, which had been called-in:

“To agree in principle to grant a Lease as proposed over the old cash office in Waddesdon Road, Dovercourt, Harwich.”

That Decision had been called in by Councillors J Brown, G Calver and I J Henderson and was to be the subject of scrutiny by the Committee.

In calling in the decision, Councillor Calver, supported by Councillors J Brown and I J Henderson, had stated:

“We wish to “call in” decision (b) of Reference No. 2582 made by the Asset Management and Corporate Services Portfolio Holder on 21 August 2015. The reason for the “call in” is:

We do not believe that sufficient weight has been given to the overwhelming social need for Harwich’s food bank and that the opportunity to use the premises for a community hub has not been given sufficient consideration, both in terms of loss of existing amenity and the loss of potential amenity.”

The Chairman outlined aspects of the procedure that would be followed in scrutinising the decision.

Councillors Calver and Henderson, the callers-in present at the meeting, each made a statement explaining their reasons for the call-in. Those reasons were along the following lines:

- (i) The decision was flawed as it had only considered the financial aspect and not the loss or potential loss of amenity for social and community need;
- (ii) That it would only need eight people to give up their TDC 'Lifestyles' membership at Dovercourt Swimming Pool or Harwich School and to use the proposed new gym style facility at Waddesdon Road for the Council to lose income greater than it would gain from the rent payable by the new lessee;
- (iii) The Food Bank (which served Harwich, Dovercourt and the surrounding area) had to move from its current facility at the Salvation Army as it was required for other Salvation Army purposes. In any case that facility was inadequate for the Food Bank's needs due to its small size; lack of storage and lack of a suitable room for people using the Food Bank to seek advice and guidance in private;
- (iv) Waddesdon Road would be an ideal location for the Food Bank to operate from as it would have sufficient space for storage; for the Food Bank to expand its operations and be part of a community 'hub'; and also have facilities for those in need of help and guidance to do so in private. The building was in a location where those people who felt 'embarrassed' or 'ashamed' at having to use a Food bank could do so discreetly. It was also centrally placed for two Wards of high deprivation namely Harwich East and Harwich East Central; and
- (v) The Council should, on this occasion, put its "social responsibility" to the people in need above its commercial considerations.

The Asset Management and Corporate Services Portfolio Holder (Councillor Guglielmi) made a statement explaining his decision. His reasons were along the following lines:

- (1) His decision had been taken purely on commercial grounds;
- (2) The bid from the organisers of the Food Bank had lacked a proper business plan; and
- (3) Those organisers had failed to engage properly with Officers on the bid or on offers of assistance as to alternative locations.

The callers-in then put their questions to the decision-maker, as appropriate.

The Portfolio Holder then put his questions to the callers-in, as appropriate.

Members of the Committee then put their questions to the decision-maker, the callers-in and the Officers, as appropriate.

References having been made to a private and confidential report by Officers that had been taken into consideration by the Portfolio Holder in making a separate but related decision as to the heads of terms of the proposed lease:

It was moved by Councillor Scott, seconded by Councillor Stephenson and **RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting in order to enable the Committee to consider and discuss the contents of a private and confidential report of the Officers on the grounds that such discussion would involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.

Following the aforesaid consideration and discussion of that report the press and public were readmitted to the meeting.

The Committee agreed that, whenever possible, any relevant private and confidential reports that have a bearing on a called-in decision should be circulated to Members with the agenda.

After further discussion and consideration of the matter in hand it was moved by Councillor Scott, seconded by Councillor Platt and unanimously:

RESOLVED that the Committee wishes to refer the matter back to the decision-maker and requests that he reconsiders his decision, at which point he must do so within fifteen working days following this meeting.

The meeting was declared closed at 8.56 p.m.

Chairman