

Allerdale Borough Council

Executive – 15 March 2023

Report of the Overview & Scrutiny Committee Call-in of minute number 247. – Approval to Dispose of Council owned land in central Workington

Portfolio holder	Councillor Mike Johnson
Report from	Co-Chairs Overview & Scrutiny Committee
Wards affected	All wards
Is this a key decision	Yes

1.0 The reason for the decision

1.1 To provide feedback to the Executive on the outcome of the call-in of Executive minute number 247. – Approval to dispose of Council owned land in central Workington.

2.0 Recommendations

2.1 That the decision of the Executive Minute No. 247 be referred back to Executive for reconsideration of a proposed new recommendation as follows;

‘That the Executive consider and agree to include the use of restrictive covenants in a disposal agreement to safeguard the facility for health and medical purposes in the future as part of their final decision making process’.

3.0 Background and Introduction

3.1 At a meeting of the Executive on 23 November 2022, a decision was taken to approve the disposal of Council owned land in central Workington.

3.2 On the 5 December 2022 a completed call-in form was submitted to the Council’s Monitoring Officer counter signed by Councillor Barbara Cannon, Councillor Alan Smith and Councillor Markus Campbell-Savours. The call-in indicated the signatories had concerns that the proposed land deal underpinning the project had not been scrutinised or sufficient information shared with the public.

- 3.3 The Monitoring Officer, after consultation with the Co-Chairs of Overview and Scrutiny, accepted the call-in request.
- 3.4 The Overview and Scrutiny Committee then held the call-in meeting on 3 March 2023.
- 3.5 Councillor Mike Johnson Leader of the Council and PH for Economic Growth, Community Development and Placemaking and Councillor Marion Fitzgerald PH for Policy, Governance and People Resources were present at the meeting on behalf of the Executive.
- 3.6 The Programme Director and Chief Executive were present to support members.
- 3.7 There was also a representative present from the North Cumbria Integrated Care NHS Foundation Trust.

4.0 Content

- 4.1 The call-in was presented to the Committee by two of the three signatories.

Councillor M Campbell-Savours started off by confirming that they were in support of the proposed development of the Community Diagnostic Centre and that the call-in had been about transparency around the decision making.

He said at the time of the decision there had been no information made available in the public domain for example as to which piece of land it was referring to and any associated information around the decision to dispose. He commented that had the reports been made public and available at the time of the decision making, as they had been for the call-in meeting there may not have been a need to a call the decision in.

In terms of the proposed development of a Community Diagnostic Centre, he said they wished the committee to explore who was going to own the facility once completed, how the land had been valued, any impact on existing NHS facilities in the areas and could the disposal value of the land be justified by potential public benefit.

In support of those comments Councillor B Cannon said she was a great supporter of the NHS and defender of NHS services in Workington demonstrated throughout her political career. She commented she had an issue around how land was valued and wanted to ensure the new facility was not to impact on current facilities in the area. She asked why a new Centre couldn't be added on to the Workington Community Hospital as it had been originally designed with the option to expand upwards if required.

Councillor Cannon said that as of 1st April 2023 all land would transfer to the new Cumberland Council and, as Portfolio Holder for Assets she requested clarity for both the new Council and for the public to understand who would own the facility.

- 4.2 Councillor M Fitzgerald responded to the points raised in the call-in application, set out on page 13 of the agenda. She commented there were many examples of

evidence set out in the report that demonstrated the benefits of the plans to the community. She explained that a new valuation of the land had been carried out with respect to open market valuation carried out by a separate company and was contained in the papers for Scrutiny members.

With regards to the information being marked exempt, members had received legal advice on keeping the commercially sensitive information restricted in line with Schedule 12A of the LGA 1972 and to protect the interests of the external partners involved. Councillor Fitzgerald commented that the decision had been published on the Councils Forward Plan for quite some time therefore members would have had opportunities to ask questions if they wished to and information could have been shared.

- 4.3 Questions were put to members of the Executive. It was asked could it have been made clearer where the land was that was to be sold and could a set of redacted documents not have been made available to tell people what was going on. The Executive felt that opportunities for questions by councillors had been there if they had wished to take them.

Executive were asked whether, if both planned facilities for the area were to go ahead, were they confident there would be ample parking, to which they answered yes.

It was also asked who would own the site after the disposal of the land, and should the NHS decide in perhaps 30 years' time to dispose, who would own it then. It was explained that the ownership would lay with the NCIC NHS Foundation Trust, and one option could be to include a restricted covenant within the agreement to restrict the use of that site for the same purposes if that should arise.

- 4.4 The representative from the North Cumbria Integrated Care NHS Foundation Trust was then provided an opportunity to address the committee around the background to, and demand for, the development and to respond to some of the points raised.
- 4.5 At the end of the Call-in procedures the signatories responded to the meeting, they acknowledged that the transparency during the meeting had been appropriate and necessary and confirmed they were in support of the disposal of the land and welcomed the provision of a Community Diagnostic Centre.

They noted the comments made earlier in the discussion regarding the potential use of restrictive covenants to safeguard the facility for health use in the future and with that in mind it was proposed that the Executive decision made on 23 November 2022 be referred back to the Executive and requested they approve the following recommendation;

'That the Executive consider and agree to include the use of restrictive covenants in a disposal agreement to safeguard the facility for health and medical purposes in the future as part of their final decision making process'.

- 4.6 A vote was taken by the Overview and Scrutiny Committee on the proposal, 7 in favour, 0 against and 0 abstentions. The motion was unanimously carried.

5.0 Implications and Impact

5.1 Contribution to Council Strategy Priorities, Outputs and Outcomes

The planned outcome of the disposal was aligned to the following key priorities set out in the Council Strategy; Invest to grow; Outstanding local services; Thriving towns and villages and Resilient communities.

5.2 Finance/Resource implications

The finance and resource implications are as set out in the report considered by Executive on 23 November 2022.

5.3 Legal and governance implications

The legal and governance implications are as set out in the report considered by Executive on 23 November 2022.

5.4 Increasing satisfaction and service

The increasing satisfaction and service implications are as set out in the report considered by Executive on 23 November 2022.

5.5 Equality impacts

None arising from this report

5.6 Health and Safety impacts

None arising from this report

5.7 Health, wellbeing and community safety impacts

The health, wellbeing and community safety implications are as set out in the report considered by Executive on 23 November 2022.

5.8 Environmental/sustainability impacts

The environmental and sustainability implications are as set out in the report considered by Executive on 23 November 2022.

5.9 Other significant implications

None

Appendices attached to this report

Appendix number	Title of appendix
N/A	

Background documents available

Name of background document	Where it is available
Executive Report – Approval to dispose of Council owned land in central Workington	Executive meeting 23 November 2023

Call-in request form	Overview & Scrutiny Call-in meeting 3 March 2023
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