

At a meeting of the Overview and Scrutiny Committee held in Council Chamber, Allerdale House on Friday 3 March 2023 at 10.00 am

Members

Councillor Michael Heaslip (Co-Chair)

Councillor Carni McCarron-Holmes (Co-Chair)

Councillor John Cook

Councillor Allan Daniels

Councillor Patrick Gorrill

Councillor Sally Lansbury

Councillor Andrew Semple (Sub)

Apologies for absence were received from Councillor Carole Armstrong, Councillor Malcolm Grainger and Councillor Paul Scott

Staff Present

K Kerrigan, G Roach and P Wood

Also Present

Councillor M Campbell-Savours, Councillor B Cannon, Councillor M Fitzgerald (Deputy Leader and Executive Member: Policy, Governance and People Resources) and Councillor M Johnson (Leader of the Council; Executive Member: Economic Growth, Community Development and Placemaking)

360. Declaration of Interests

None declared.

361. Call-in Executive Minute No. 247. Approval to Dispose of Council owned land in central Workington

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.

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.

The Monitoring Officer, after consultation with the Co-Chairs of Overview and Scrutiny, accepted the call-in request. This meeting of the Overview and Scrutiny Committee was to consider that call-in.

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.

The Programme Director and Chief Executive were present to support members and a representative from the North Cumbria Integrated Care NHS Foundation Trust was in attendance.

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 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 couldn't a new Centre 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.

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.

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.

The representative from North Cumbria Integrated Care NHS Foundation Trust then had an opportunity to address the committee around the background to, and demand for, the development and to respond to some of the points raised. The facility was to look at addressing an already extremely high demand for diagnostics and to help ease the pressure from the other local NHS centres and would certainly not replace any existing services. Other locations and buildings that had been considered were not appropriate. It would not be possible to build on the Workington Community Hospital as the whole site would have to close for around eighteen months whilst building works were carried out and the hospital was already busy and full and the site wasn't large enough to extend outwards.

In her right of reply Councillor M Fitzgerald thanked the NHS representative for attending the meeting and providing very clear explanations to the proposed project.

The Chair then adjourned the meeting at 11.07am to allow the call-in signatories to reflect on the discussion and consider their proposal.

At 11.12am the Chair reconvened the meeting.

The Call-in 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'.

The motion was proposed and seconded.

Councillor C McCarron-Holmes said she had concerns, on behalf of the council tax payers and stakeholders that she represented, around the methodology

surrounding some financial aspects of the decision and therefore moved an amendment to the motion as follows;

'That the Executive consider a public interest report be instigated to show the transparency in the valuation and disposal of the land and that the proposal to include a restrictive covenant be discussed further in depth'

This was seconded by Councillor A Semple.

Councillor A Daniels was opposed to the amendment as he felt it would add additional cost and slow down the process.

Councillor P Gorrill said that the value of the land for a community facility of this nature was worth more to the community than as a car park therefore the Council should move forward and not waste any further money.

A vote was taken on the amended motion proposed by Councillor C McCarron-Holmes; 2 in favour, 4 against and 1 abstention. The motion was lost.

A vote was taken on the call-in signatories proposal, it was unanimous in favour. The motion was carried.

Resolved

That the decision of the Executive made on 23 November 2022, 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'.

The meeting closed at 11.30 am