



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Call-in of Decision 469/22	To be marked with an 'X' by Democratic Services after report has been presented
Meeting of:	Corporate Management Team	
	Leader and Deputy Leaders	
	Leader's / Leader of the Opposition's Advisory Group / Independent Alliance Advisory Group	
	Cabinet / Council	
	Scrutiny Value for Money Council Services Committee 24 Nov 2022	



Is this an Executive Decision:	[NO]	Is this a Key Decision:	[NO]
Is this in the Forward Plan:	[NO]	Is the Report Confidential: If so, please state relevant paragraph from Schedule 12A LGA 1972:	[NO] []

Essential Signatories:

ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE

Monitoring Officer: **John Teasdale**

Date Signature

Chief Finance Officer: **Sal Khan**

Date Signature

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Scrutiny (Value for Money Council Services) Committee
Date: 24 Nov 2022

REPORT TITLE: Call-in of Decision 469/22

PORTFOLIO: Leader of the Council

HEAD OF SERVICE: Sal Khan

CONTACT OFFICER: James Abbott (Corporate and Commercial Manager)
Ext. No. x1244

WARD(S) AFFECTED: Burton

1. Purpose of the Report

- 1.1. To consider executive decision 469/22 “To approve the undertaking of the exchange and completion of contracts for the purchase of property at High Street, Burton upon Trent, from Molson Coors Beverage Company (MCBC) in order to facilitate the undertaking of the Towns Fund High Street project and to approve the decision to opt to tax the property (as outlined in Appendix 1) following acquisition in a submission to HMRC that covers the wider project site”.

2. Background

- 2.1. Call-in is provided for in Part 3 of the Council's Constitution.
- 2.2. The Leader of the Council and the Cabinet Member for Finance, Treasury Management and Communications made an executive decision as detailed in Executive Decision Record 469/22 which was a key decision and subject to call-in.
- 2.3. This decision has been called in by 11 Members.

3. Contribution to Corporate Priorities

- 3.1. The decision being considered contributes towards the Corporate Priorities “Value for Money Council” and “Community Regeneration”.

4. Call-in of Decision 469/22

- 4.1. On 27th October 2022, the Leader of the Council and the Cabinet Member for Finance, Treasury Management and Communications made an executive decision “To approve the undertaking of the exchange and completion of contracts for the purchase of property at High Street, Burton upon Trent, from Molson Coors Beverage Company (MCBC) in order to facilitate the undertaking of the Towns Fund High Street project and to approve the decision to opt to tax the property (as outlined in Appendix 1) following acquisition in a submission to HMRC that covers the wider project site”.
- 4.2. This decision is detailed in Executive Decision Record (EDR) 469/22. A copy of the EDR is attached at **Appendix 1** to this report.
- 4.3. As this was a key decision, notice of the decision was given to all Members of the Council on 27th October 2022.
- 4.4. A request to call the decision in was received via email by the Proper Officer on 28th October 2022.
- 4.5. The decision was called in by the following 11 Members of the Council:
 - 4.5.1. Councillor R G W Grosvenor;
 - 4.5.2. Councillor H Hall;
 - 4.5.3. Councillor S A Hussain;
 - 4.5.4. Councillor Ms A J Legg;
 - 4.5.5. Councillor D Florence-Jukes;
 - 4.5.6. Councillor M Shrive;
 - 4.5.7. Councillor L Walker;
 - 4.5.8. Councillor P Walker;
 - 4.5.9. Councillor G Lamb;
 - 4.5.10. Councillor C V Whittaker;
 - 4.5.11. Councillor T Hadley.
- 4.6. The Council’s Constitution (Part 3, Paragraph 6.4.4) states that a valid request to call in a decision shall:
 - 4.6.1 Be writing or by email;
 - 4.6.2 State the decision which the Councillors wish to call in;
 - 4.6.3 State the reason(s) why they wish to call in the decision.
- 4.7. The decision has been validly called in. In the view of the Proper Officer the only referenced principle identified which merits a deeper consideration is that in Article 11.2.10 (i.e. with due regard to any risks involved) of the Council’s Constitution. This now needs to be considered by the Scrutiny (Value for Money Council) Committee in accordance with the Constitution.
- 4.8. Copies of the requests to call the decision in are attached at **Appendix 2**.

4.9 The Risk Register referred to in EDR 469/22 has been attached at **Appendix 3**.

5. Financial Considerations

*This section has been approved by the following member of the Financial Management Unit: **Sal Khan***

5.1. There are no financial issues arising from this Report. The main financial issues arising from this decision are detailed in EDR 469/22.

6. Risk Assessment and Management

6.1. The main risks to this Report and the Council achieving its objectives are as set out in EDR 469/22.

7. Legal Considerations

*This section has been approved by the following member of the Legal Team: **John Teasdale***

7.1. There are no significant legal issues arising from this Report. The main legal issues arising from this decision are detailed in EDR 469/22.

8. Equalities and Health

8.1. **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

8.2. **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

9. Data Protection Implications – Data Protection Impact Assessment (DPIA)

9.1. A DPIA must be completed where there are plans to:

- use systematic and extensive profiling with significant effects;
- process special category or criminal offence data on a large scale; or
- systematically monitor publicly accessible places on a large scale
- use new technologies;
- use profiling or special category data to decide on access to services;
- profile individuals on a large scale;
- process biometric data;
- process genetic data;
- match data or combine datasets from different sources;
- collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
- track individuals' location or behaviour;

- profile children or target marketing or online services at them; or
- process data that might endanger the individual's physical health or safety in the event of a security breach

9.2 Following consideration of the above, there are no Data Protection implications arising from this report which would require a DPIA.

10. Human Rights

10.1. There are no Human Rights issues arising from this Report.

11. Sustainability (including climate change and change adaptation measures)

11.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

12. Recommendation(s)

12.1. To consider the decision "To approve the undertaking of the exchange and completion of contracts for the purchase of property at High Street, Burton upon Trent, from Molson Coors Beverage Company (MCBC) in order to facilitate the undertaking of the Towns Fund High Street project and to approve the decision to opt to tax the property (as outlined in Appendix 1) following acquisition in a submission to HMRC that covers the wider project site" dated 27th October 2022, and to decide whether to:

- 12.1.1. Do nothing and allow the decision to stand;
- 12.1.2. Refer the decision back to the decision taker with a request to reconsider, including the reasons in writing for so doing: or
- 12.1.3. Refer the matter directly to the full Council for debate (this will only usually be in exceptional circumstances such as when the decision is contrary to the Policy Framework or the Council's budget).

13. Background Papers

13.1. None.

14. Appendices

14.1. Appendix 1: Executive Decision Record 469/22

14.2. Appendix 2: Member Requests for Call-in

14.3. Appendix 3: High Street Project Risk Register