

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

10 January 2024

Report of the Scrutiny Officer

Part 1- Public

1 CALL IN – DECISION NOTICE – D230106CAB – FUTURE OF THE ANGEL CENTRE, TONBRIDGE

The above decision (attached at Annex 1) has been called in. In accordance with “Call In” procedure, five members of the Overview and Scrutiny Committee have raised a valid “Call In” in respect of this decision.

1.1 Background

1.1.1 On 5 December 2023 Cabinet Decision Notice D230106CAB was published in relation to the future of the Angel Centre, Tonbridge.

1.1.2 In accordance with Overview and Scrutiny – Cabinet Protocol, requests for call in can be made by any five Members of the Overview and Scrutiny Committee. In this case, Councillors Hood, Hines, Cope, Hoskins and Thornewell, have made this request. The grounds for the call-in request (dated 15 December 2023) are set out below:

“We disagree with the principle of demolishing the Angel Centre until a specific or shortlist of locations for its replacement has been agreed and call on the Cabinet to reconsider their decision.”

1.1.3 Pending further consideration by the Overview and Scrutiny Committee at this meeting, the decision at Annex 1 stands deferred.

1.1.4 If having considered the decision, the Overview and Scrutiny Committee wishes to make recommendations to the Cabinet, then it may refer back to the Cabinet for reconsideration, setting out in writing the nature of those recommendations. If referred to the Cabinet they shall then reconsider it, amending the decision or not, before adopting a final decision.

1.1.5 If following a call in of the decision, the Overview and Scrutiny Committee does not refer the matter back to Cabinet, the decision shall take effect on the date of this Overview and Scrutiny Committee i.e. 10 January 2024.

- 1.1.6 In accordance with paragraph 15(h) of the Overview and Scrutiny Procedure Rules, Cabinet can be required to reconsider any particular decision only once. No further call-ins are permitted of that particular decision.

1.2 Legal Implications

- 1.2.1 In compliance with Overview and Scrutiny Procedure rules, 15 (c) states:

During that period the Chief Executive shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by any five members of the Overview and Scrutiny Committee.

Such a request must be made in writing and must state the reason the members believe call-in to be necessary. On receipt of such a request, within five working days of publication, the Chief Executive shall notify the decision taker of the call in and a meeting of Overview and Scrutiny Committee shall be called to take place where practicable within 10 working days of receipt of a valid call in. Pending that meeting the decision shall stand deferred and not be implemented.

- 1.2.2 The appropriate legal references relating to the future of the Angel Centre are set out in the initial Report to Cabinet (Annex 2).
- 1.2.3 Members are asked to note that Annex 1 to the original report to the Finance, Regeneration and Scrutiny Committee was exempt from publication under paragraph 3 of Part 1 to Schedule 12A of the Local Government Act 1972. Should members of the Overview & Scrutiny Committee wish to consider any matter arising in respect of Annex 1 to the original report then it will be necessary for the Committee to consider excluding the press and public from that part of the meeting.

1.3 Financial and Value for Money Considerations

- 1.3.1 As set out in Annex 2

1.4 Risk Assessment

- 1.4.1 As set out in Annex 2

1.5 Equality Impact Assessment

- 1.5.1 As set out in Annex 2

1.6 Policy Considerations

- 1.6.1 As set out in Annex 2

1.7 Recommendations

1.7.1 Members to **CONSIDER** the decision set out in Decision Notice D230106CAB regarding the Future of the Angel Centre, Tonbridge, and the request for call in, and;

1.7.2 Following further consideration, if Members remain concerned about any aspects of the decision **REFER** the decision back to Cabinet for reconsideration.

Background papers:

Nil

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