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Meeting	Cabinet Resources Committee
Date	16 December 2013
<b>Subject</b>	<b>Reference back from Business Management Overview &amp; Scrutiny Committee:</b>
	<b>Pavilion Way HA8 Proposed Disposal</b>
Report of	Overview & Scrutiny Office
Summary	Cabinet Resources Committee took a decision on the above matter at the meeting held on 4 November 2013. The Business Management Overview and Scrutiny Committee have referred the decision back to Cabinet Resources Committee for reconsideration.

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Officer Contributors	Andrew Charlwood, Overview and Scrutiny Manager
Status (public or exempt)	Public
Wards Affected	Burnt Oak
Key Decision	Yes
Reason for urgency / exemption from call-in	N/A
Function of	Executive
Enclosures	Appendix A – Reasons and objectives for the call-in; Pavilion Way HA8 Proposed Disposal
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## **1. RECOMMENDATIONS**

- 1.1 That Cabinet Resources Committee indicate whether or not they wish to amend their decision taken at the meeting on 4 November 2013 on the proposed disposal of the Pavilion Way HA8 site.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 As detailed in the report to the Cabinet Resources Committee on 4 November 2013 in relation to the proposed disposal of the Pavilion Way HA8 site.
- 2.2 Cabinet Resources Committee, 4 November 2013, Decision Item 6, Pavilion Way HA8 Proposed Disposal (public) – the Committee RESOLVED:
1. That authority be given for the disposal of up to one acre of the southern end of the Pavilion Way site shown on drawing number 23839 to Taylor Wimpey UK Limited (“Taylor Wimpey”) for development as housing subject to receipt of a satisfactory planning permission.
  2. That following agreement of the consideration to be received from Taylor Wimpey the proposal is referred to a future meeting of the Council’s Cabinet Resources Committee.
  3. That the Council enters into an agreement for lease with the Department for Education (DfE) and The Marco Polo Academy for funding by the DfE for the development of the remainder of the site as a primary academy school with approximately 360 pupils together with a community sports facility. The agreement for lease will provide for the Council to grant a 125 year Academy Lease of the completed school and sports facility to The Marco Polo Academy based on the DfE model form of lease in accordance with the Academies Act 2010. The Academy Lease will provide for the Academy to maintain and run the sports facility for local people.
- 2.3 Cabinet Resources Committee, 4 November 2013, Decision Item 18, Pavilion Way HA8 Proposed Disposal (exempt) – the Committee RESOLVED that the exempt information be noted.
- 2.3 Business Management Overview and Scrutiny Committee, 18 November 2013, Decision Items 6-9 – the Committee referred the Pavilion Way HA8 Proposed Disposal decision back to the Cabinet Resources Committee for reconsideration (see section 9 below)

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 As detailed in the report to the Cabinet Resources Committee on 4 November 2013 in relation to the proposed disposal of the Pavilion Way HA8 site.

#### **4. RISK MANAGEMENT ISSUES**

- 4.1 As detailed in the report to the Cabinet Resources Committee on 4 November 2013 in relation to the proposed disposal of the Pavilion Way HA8 site.

#### **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 As detailed in the report to the Cabinet Resources Committee on 4 November 2013 in relation to the proposed disposal of the Pavilion Way HA8 site.

#### **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 6.1 As detailed in the report to the Cabinet Resources Committee on 4 November 2013 in relation to the proposed disposal of the Pavilion Way HA8 site.

#### **7. LEGAL ISSUES**

- 7.1 As detailed in the report to the Cabinet Resources Committee on 4 November 2013 in relation to the proposed disposal of the Pavilion Way HA8 site.

#### **8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)**

- 8.1 Council Constitution, Overview and Scrutiny Procedure Rule 15 – Any Member of the Business Management Overview and Scrutiny Committee is empowered to call-in key decisions taken by the Cabinet, Cabinet Resources Committee, individual Cabinet Members or Officers for consideration at the next meeting of the Committee. Members calling-in a decision must state the decision(s), reasons(s) and objective(s) for the call-in (Appendix A).
- 8.2 Council Constitution, Overview and Scrutiny Procedure Rule 15.9 – provides that, if, having considered a decision the Business Management Overview and Scrutiny Committee remain concerned about it then it may refer it back to the decision making body for reconsideration, setting out their concerns.
- 8.3 Council Constitution, Overview and Scrutiny Procedure Rule 15.10 – Where a decision is referred back to the original decision maker, he/she will reconsider the decision and decide whether or not to change it before adopting a final decision. Where the decision was taken by the Executive as a whole or a committee, the Head of Governance will refer shall place it on the agenda for the next regular meeting of the Executive or of the relevant committee.

## 9. BACKGROUND INFORMATION

- 9.1 Cabinet Resources Committee decision of 4 November 2013 on the Pavilion Way HA8 Proposed Disposal was called-in for consideration by Business Management Overview and Scrutiny Committee on 18 November 2013.
- 9.2 The Committee decided to refer the decision back to Cabinet Resources Committee for the following reasons:
- To request that the Cabinet Resources Committee address the risk of the restrictive covenant restricting progress of the free school scheme on the site.
  - To allow time for a community use only bid to be developed and considered.
- 9.3 In light of the reference back, the Committee are requested to reconsider the decision and decide whether or not to change it before adopting a final decision.

## 10. LIST OF BACKGROUND PAPERS

- 10.1 Cabinet Resources Committee, 4 November 2013, Pavilion Way HA8 Proposed Disposal: <http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=151&MId=7460>
- 10.2 Business Management Overview and Scrutiny Committee, 18 November 2013, Decision Items 6-9, Call-ins: <http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=119&MId=6584>

<b>Cleared by Finance (Officer's initials)</b>	<b>JH/AD</b>
<b>Cleared by Legal (Officer's initials)</b>	<b>MA</b>