

FORM S & PP 3

 Walsall Council	REPORT OF THE ECONOMY AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE	DATE: REF.NO:
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<p>TITLE OF THE MATTER CALLED-IN: Grant of Lease – Recreational Centre on Hall Street, Darlaston.</p> <p>DATE CONSIDERED BY CABINET: 20 March 2019</p> <p>CABINET PORTFOLIO HOLDER: Councillor A. Andrew</p> <p>DATE OF OVERVIEW AND SCRUTINY MEETING: 11 April 2019</p>
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<p>Grounds under which the matter was called in for scrutiny:</p> <p>The Cabinet should take more weighted consideration on the intensity of use of the facility rather than just monetary values. Closer examination for the wider community interest.</p> <p>As part of the 'call-in' request, the following parties were invited to the meeting to take part in discussions:</p> <p>FC Darlaston Lane Head FC Willenhall Harriers</p>

<p>Record here the Overview and Scrutiny Committee conclusions and proposals:</p> <p>As part of their considerations, the Vice-Chair as Lead Call-in Member, informed the Committee about the reasons for the 'call in' and heard representations from the Leader of the Council, Deputy Leader of the Council and Portfolio Holder for Community, Leisure and Culture.</p> <p>The Chair sought clarification from the Vice-Chair on the whether the reason for the 'call-in' was a matter of scrutinising the process of awarding the lease rather than scrutinising the Cabinet decision. The Vice-Chair confirmed that the matter was about process .He noted that the Cabinet had approved a Community Asset Transfer Policy on 5 September 2018. He sought clarification if community benefit had been taken into account when issuing the lease?</p> <p>The Leader of the Council and Deputy Leader of the Council confirmed that Cabinet considered Best Consideration which did not take into account wider</p>
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community aspects. Local authorities have a statutory duty, under s.123(2) of the Local Government Act 1972, to achieve the best price (best consideration). Case law has clearly established that in assessing what is 'best consideration', a local authority can only take into account those matters which have a commercial or monetary value.

The Portfolio Holder for Community, Leisure and Culture reported that that the Community Asset Transfer Policy allowed the Council to dispose of land or assets to the community and voluntary sector where there was a demand.

Following a debate, the Committee resolved to recommend to Cabinet that, following a review of the process taken to issue the lease on Darlaston Recreational Centre on Hall Street, Darlaston, the Committee noted the process to use best consideration but encouraged Cabinet to consider rerunning the disposal process using the Community Asset Transfer Policy.

Record here the specific recommendations of the Overview and Scrutiny Committee:

That, following a review of the process taken to issue the lease on Darlaston Recreational Centre on Hall Street, Darlaston, the Committee note the process to use best consideration but encourage the Cabinet to consider rerunning the disposal process using the Community Asset Transfer Policy.

Explain here how the proposals/recommendations of the Overview and Scrutiny Committee differ from those of Cabinet:

The Committee considered the use of the Community Transfer Policy as an alternative means for disposal which considers the social value benefits rather than purely commercial value.

This form provides an accurate record of the meeting of the above named Overview and Scrutiny Committee.

Chair of Economy and Environment Overview and Scrutiny Committee



Signature: **Date:** ...12 April 2019.....