

<b>Report to</b>	<b>Communities Scrutiny Committee</b>
<b>Date of meeting</b>	<b>10 March 2022</b>
<b>Lead Member/Officers</b>	<b>Councillors Julian Thompson-Hill/Brian Jones/Tony Thomas and Alan Smith &amp; Steve Gadd</b>
<b>Report author</b>	<b>Rhian Evans, Scrutiny Co-ordinator</b>
<b>Title</b>	<b>Review of Cabinet Decision relating to the Proposed Scheme of Delegated Decision Making for Land Acquisition (Freehold and Leasehold) for Carbon Sequestration and Ecological Improvement Purposes</b>

## **1. What is the report about?**

- 1.1 A review under the Council's Scrutiny 'call-in' procedure of a decision taken by Cabinet, on 15<sup>th</sup> February 2022, on a 'Proposed Scheme of Delegated Decision Making for Land Acquisition (Freehold and Leasehold) for Carbon Sequestration and Ecological Improvement Purposes'.

## **2. What is the reason for making this report?**

- 2.1 A notice of a 'call-in' was submitted by 6 non-Cabinet councillors in accordance with the Council's Constitution. The notice (attached at Annex A) calls for a review by one of the Council's Scrutiny committees into a decision taken by Cabinet on 15<sup>th</sup> February 2022 in relation to a proposed scheme of delegated decision making for land acquisition for environmental and ecological purposes.

## **3. What are the Recommendations?**

That the Committee:

- 3.1 having considered the information in this report and its appendices, along with the representations made during the course of the discussion, determines whether to refer the decision on the 'Proposed Scheme of Delegated Decision

Making for Land Acquisition (Freehold and Leasehold) for Carbon Sequestration and Ecological Improvement Purposes', taken on the 15<sup>th</sup> February 2022, back to Cabinet for further consideration; and

- 3.2 if it requests Cabinet to reconsider its original decision clearly identifies the reasons its seeks the review and formulates recommendation(s) it would like Cabinet to consider.

## 4. Report details

- 4.1 On the 15<sup>th</sup> February 2022 Cabinet considered a report on a 'Proposed Scheme of Delegated Decision Making for Land Acquisition (Freehold and Leasehold) for Carbon Sequestration and Ecological Improvement Purposes' (copy attached at Annex B).
- 4.2 At the conclusion of its discussion Cabinet resolved to:
  - (a) *"approve the introduction of the new scheme of delegated decision making for land acquisition (freehold/leasehold) for carbon sequestration and ecological improvement purposes as proposed in Appendix 1 to the report,"*
  - (b) *confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2 to the report) as part of its consideration."*
  - (c)
- 4.3 The Council's 'call-in' procedure defines a process for Scrutiny to exercise its statutory powers to review or scrutinise executive decisions, and to request that the decision-maker reconsiders a decision that has been taken, prior to it being implemented.
- 4.4 Cabinet's decision was published on the 17<sup>th</sup> February 2022. The 'call-in' procedure allows non-Cabinet councillors 5 working days in which to submit a notice of 'call-in'. Councillor Merfyn Parry submitted a notice of 'call-in' electronically on 23 February. This request was supported (via individual e-mails) by five other non-Cabinet councillors, namely Councillors David G Williams, Melvyn Mile, Huw O Williams Rhys Thomas and Peter Evans.

4.5 The reason stated for 'calling-in' the decision is as follows:

"My Concerns are that the Council is in a position to land grab at an auction potentially out bidding any local farmers or landowner need. I understand that they are not after prime agricultural land however the decision needs to be discussed with the local Member and the local MAGs pre bidding on land without knowing local knowledge and need."

4.6 The Council's 'call-in' procedure does stipulate that a special meeting of a scrutiny committee should be convened within 5 working days of the receipt of the Notice of Call-In of Decision unless a scrutiny committee has a scheduled meeting within that period. The procedure also states that this timeline can be extended if both the decision-maker and the chair of the scrutiny committee agree to an extension. As the decision did not require urgent implementation an extension to the timeline was agreed to enable the decision to be considered at the next available scrutiny committee meeting. Hence its presentation to the Committee at the current meeting.

4.7 After considering the Cabinet's decision and all representations made at the current meeting, Communities Scrutiny Committee must decide whether the decision should be referred back to Cabinet. If it determines that the decision merits being referred back to Cabinet the Committee needs to provide its reasons for referring it back, along with clear information on what it wants Cabinet to consider. Cabinet will consider the referral and the reasons submitted in support of the referral at its next available meeting. At that meeting Cabinet will be expected to demonstrate that appropriate consideration is given to the Scrutiny Committee's recommendations.

4.8 Cabinet will have the options to change or re-affirm its original decision.

4.9 If Communities Scrutiny Committee decides that Cabinet's decision should not be referred back to Cabinet, then the original decision can be implemented immediately.

## **5. How does the decision contribute to the Corporate Priorities?**

5.1. See Section 5 of the Cabinet report dated 15<sup>th</sup> February 2022 (Annex B).

## **6. What will it cost and how will it affect other services?**

6.1. See Section 6 of the Cabinet report dated 15<sup>th</sup> February 2022 (Annex B).

## **7. What are the main conclusions of the Well-being Impact Assessment?**

7.1. See Section 7 and Appendix 2 of the Cabinet report dated 15<sup>th</sup> February 2022 (Annex B).

## **8. What consultations have been carried out with Scrutiny and others?**

N/A. This report has been prepared under the provisions and timescales of the Council's Constitution for a 'call-in' of a Cabinet decision

## **9. Chief Finance Officer Statement**

9.1. See Section 9 of the Cabinet report dated 15<sup>th</sup> February 2022 (Annex B)

## **10. What risks are there and is there anything we can do to reduce them?**

10.1. See Section 10 and Appendix 6 to the Cabinet report dated 15<sup>th</sup> February 2022 (Annex B)

## **11. Power to make the decision**

11.1. Section 21(2) and (3) of the Local Government Act 2000

11.2. Sections 7.2.1 and 7.25 of the Council's Constitution

## ANNEX A



### **NOTICE OF CALL IN OF DECISION**

**To: Head of Legal and Democratic Services**

We, the undersigned, wish to call in the following decision (*see note 1*).

**Decision taken by** (*see note 2*): Cabinet

**Date decision was taken:** 15 February 2022

**Report Title:** PROPOSED SCHEME OF DELEGATED DECISION MAKING FOR LAND ACQUISITION (FREEHOLD AND LEASEHOLD) FOR CARBON SEQUESTRATION AND ECOLOGICAL IMPROVEMENT PURPOSES

**Decision** (*see note 3*): \_\_\_\_\_

Decisions (a) & (b) for business item 7 on the agenda:

***“RESOLVED that Cabinet –***

- (a) approve the introduction of the new scheme of delegated decision making for land acquisition (freehold/leasehold) for carbon sequestration and ecological improvement purposes as proposed in Appendix 1 to the report,”***
- (b) confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2 to the report) as part of its consideration.”***

**Reason for Call In:**

My Concerns are that the Council is in a position to land grab at an auction potentially out bidding any local farmers or landowner need. I understand that they are not after prime agricultural land however the decision needs to be discussed with the local Member and the local MAGs pre bidding on land without knowing local knowledge and need.

We (*see note 4*) request that according to the Council's approved 'call-in' procedure rules (*see note 5*) a meeting of the most appropriate Overview and Scrutiny Committee be held within 5 working days (*see note 6*) of the date of your receipt of this notice.

1. MERFYN PARRY (print) by e-mail (signature)
2. DAVID G WILLIAMS (print) confirmatory e-mail (signature)
3. MELVYN MILE (print) confirmatory e-mail (signature)
4. HUW O WILLIAMS (print) confirmatory e-mail (signature)
5. RHYS THOMAS (print) confirmatory e-mail (signature)
6. PETER EVANS (print) confirmatory e-mail (signature)

**Dated:** 23/02/2022

## Guidance Notes

1. Five working days are allowed for a decision to be called-in following its publication on the Council's web-site and notification to Members of the Council. Urgent decisions may proceed despite a call-in if the decision-maker has the agreement of:
  - (i) the chair of the relevant scrutiny committee, or
  - (ii) if there is no such person or that person is unable to act, the Chair of the Council, or
  - (iii) if there is no chair of the relevant scrutiny committee or Chair of the Council, the Vice Chair of the Council.
2. Please state the name of the decision maker e.g. Cabinet or the Lead Member for.....
3. If the decision contains more than one part, please state which are to be called-in, e.g. parts (a), (b), and (d) of the Resolution.
4. Signatories must be non-executive members. Councillors with a prejudicial interest in the decision may not be a signatory to the Notice of Call-in.
5. The Denbighshire Call-in Procedure Rules appear in the Council's Constitution *Part 4.5 – Scrutiny Procedure Rules*.
6. Timescales may be extended in exceptional circumstances with the agreement of the decision-maker and the chair of the relevant scrutiny committee.

### **For Office use only**

Received by:     Rhian Evans     Date: 23/02/2022

Date decision was published: 17/02/2022

Notification sent to Leader and the Decision taker (date): 23/02/2022

Notification sent to Chief Executive (date): 23/02/2022

Relevant Scrutiny Committee:     **Communities Scrutiny Committee**      
(extension to time period agreed by the Decision-Maker and Chair of the Scrutiny Committee)

Date: 10 March 2022 Time: 10am Venue: via Video Conference