

CHICHESTER DISTRICT COUNCIL

REQUEST FORM TO CALL IN A CABINET DECISION

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| Cabinet meeting date: | 4/9/18 |
| Cabinet decision: | Item 6 The disposal of the Grange site in Midhurst |
| Date decision comes into effect: | Tuesday 11 th September 2018 |

1. For the call-in to be valid, the request must satisfy all of the following provisions (as set out in the Council's Constitution (Paragraph 29 of Part 4.5 Overview and Scrutiny Procedure Rules):-
- (i) Be in writing (on paper or e-mail).
 - (ii) Specify the relevant decision which is to be the subject of the call-in.
 - (iii) Be supported by at least five members of the council excluding members of the Executive.
 - (iv) Written confirmation that such Members have **each considered all of following matters** (at 2 below) before requesting a call-in of the decision.
 - (v) State the reason for the call in of the decision and specify the evidence which demonstrates the alleged breach of any of the criteria listed in 29 (iv) above.

2. **Please state the criteria for the call in:**

| Criteria for call in: | Tick all that apply |
|--|----------------------------|
| (a) Whether the decision is likely to cause distress, harm or significant concern to a local community, or to prejudice individuals within it. | X |
| (b) Whether the matter has been subject to consultation or debate with relevant interested parties. | X |
| (c) Whether the delay in implementing the decision is likely to cause significant harm to the Council or others. | |
| (d) Whether the decision is against an approved policy or budget provision of the Council. | |
| (e) Whether the decision was made against the advice of professional staff. | |
| (f) Whether the decision is contrary to a provision in the Community Strategy or the Corporate Plan. | |
| (g) Whether the decision-maker complied with the decision-making principles set out in Article 13 of the Constitution. | |
| (h) Whether the views of the Members requesting the call-in were taken into account in arriving at the original decision. | X |

3. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required):

The legal advice on S123 was not comprehensive and necessarily accurate, having been updated in 2006 and subject to a number of legal challenges and reviews, leading member to possible erroneous decisions.
The chairman was graceless and restricting in his handling of public questions. There was a complete lack of consultation with the local community along with a similar lack of consultation and briefing with the local members.

4. Desired outcome

Paragraphs 30 to 35, Part 4.5 of the Council's Constitution state the procedure to be followed when a call in has been received and the outcomes to be achieved – select one desired outcome:

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| 1) Refer the decision back to the decision maker for reconsideration, setting out in writing the nature of the committee's concerns. | |
| 2) Refer the matter to Council, setting out in writing the nature of the committee's concerns. | X |

5. Information and witnesses requested:

Please list any witnesses you intend to call or documentation you will rely on in presenting the evidence.

Local CDC councillors
Members of the local community and businesses
Members of Midhurst Town Council
Local county councillor

6. Members supporting this call in:

Members who may have a conflict of interest with the subject matter are not able to support and sign the call in. If in any doubt, please contact the Monitoring Officer to discuss the matter prior to call in.

| Councillor Name | Political Party | Other e.g. Chair/Vice-Chair, Ward etc. |
|---------------------|-----------------|--|
| 1. Gordon McAra | Independent | Midhurst |
| 2. Stephen Morley | Independent | Midhurst |
| 3. Caroline Neville | Conservative | Stedham |
| 4. Andrew Shaxson | Independent | Harting |

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| 5. | Kate O’Kelly | Lib Dem | Rogate |
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| Date Received: | |
| Name and Signature of receiving officer: | |

Revised 16 October 2017