

GROWTH, ENVIRONMENT AND RESOURCES SCRUTINY COMMITTEE	AGENDA ITEM No. 3
29 AUGUST 2017	PUBLIC REPORT

Report of:	Director of Governance		
Cabinet Member(s) responsible:	Cabinet Member for Resources		
Contact Officer(s):	Paulina Ford, Senior Democratic Services Officer	Tel. 01733 452508	

REQUEST FOR CALL IN OF AN EXECUTIVE DECISION: APPROVAL FOR JUNCTION 18 (RHUBARB BRIDGE) HIGHWAY WORKS - AUG17/CMDN/30

R E C O M M E N D A T I O N S	
FROM: Director of Governance	Deadline date: N/A
<p>It is recommended that the Growth, Environment and Resources Scrutiny Committee:</p> <ol style="list-style-type: none"> 1. Consider a request to call-in a decision taken by the Cabinet Member for Growth, Planning, Housing and Economic Development in respect of the Approval for Junction 18 (Rhubarb Bridge) Highway Works. 	

1. ORIGIN OF REPORT

1.1 The report is presented to the Committee on behalf of the Director of Governance.

2. PURPOSE AND REASON FOR REPORT

2.1 The report is being presented to the Committee so that they may Consider a request to call-in a decision taken by the Cabinet Member for Growth, Planning, Housing and Economic Development in respect of the Approval for Junction 18 (Rhubarb Bridge) Highway Works.

2.2 This report is for the Growth, Environment and Resources Scrutiny Committee to consider under its Terms of Reference No. Part 3, Section 4 - Overview and Scrutiny Functions, paragraph 3, Scrutiny, sub paragraph 3.3 Hold the Executive to account for the discharge of functions in the following ways:

- (f) By exercising the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or key decisions which have been delegated to an officer;

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

- 4.1 On the 9 August 2017, the Cabinet Member for Growth, Planning, Housing and Economic Development made an executive decision relating to the approval for Junction 18 (Rhubarb Bridge) Highway Works. In accordance with the Constitution this decision was published on 9 August 2017.
- 4.2 On 11 August 2017, Councillor Ellis, Councillor Sandford and Councillor Fower submitted a request to call-in the decision on the following grounds:
- Criteria 3. Decision does not follow principles of good decision-making set out in Part 2, Article 11 (Decision Making) of the Council's Constitution, specifically that the decision maker did not:
- (a) Realistically consider all alternatives and, where reasonably possible, consider the views of the public.
 - (d) Act for a proper purpose and in the interests of the public.
 - (f) Follow procedures correctly and be fair.
- 4.3 A copy of the request to call-in is attached at Appendix 1, a copy of the report considered by the Cabinet Member and associated documents is attached at Appendix 2 and a copy of the decision notice is attached at Appendix 3.
- 4.4 After considering the request to call-in and all relevant advice, the Committee may either:
- (a) refer it back to the decision making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;
 - (b) if it considers that the decision is outside the Council's Budget and Policy Framework, refer the matter to the Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or
 - (c) decide to take no further action, in which case the original executive decision will be effective immediately.

If referred back to the decision taker they shall then reconsider, amending the decision or not, before adopting a final decision. Once a decision has been reconsidered by the decision taker it may not be the subject of further call-in.

5. CONSULTATION

- 5.1 Please refer to Appendices 2 and 3 of the report for details of any consultation that has taken place with regard to the Executive Decision taken.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 Possible outcomes: The Committee may either:
- a) refer it back to the decision making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;
 - b) if it considers that the decision is outside the Council's Budget and Policy Framework, refer the matter to the Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or

- c) decide to take no further action, in which case the original executive decision will be effective immediately.

7. REASON FOR THE RECOMMENDATION

- 7.1 Call-in is the exercise of a Scrutiny Committee's statutory powers under section 9F(2) and 9F (4) of the Local Government Act 2000 (as amended by the Localism Act 2011) to review an Executive Key Decision before it is implemented. Where a decision is called-in and the Scrutiny Committee decides to refer it back to the decision maker for reconsideration, it cannot be implemented until the call-in process is complete.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Please refer to Appendices 2 and 3 of the report for details of alternative options considered with regard to the Executive Decision taken.

9. IMPLICATIONS

Financial Implications

- 9.1 Please refer to Appendices 2 and 3 of the report for details of any financial implications with regard to the Executive Decision taken.

Legal Implications

- 9.2 Please refer to Appendices 2 and 3 of the report for details of any legal implications with regard to the Executive Decision taken.

Equalities Implications

- 9.3 Please refer to Appendix 2a of the report for details of any equalities implications regarding the Executive Decision taken.

Rural Implications

- 9.4 *N/A*

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 Executive Decision Notice AUG17/CMDN/30 published on 9 August 2017

11. APPENDICES

- 11.1 Appendix 1 – Request to Call-In Decision
Appendix 2 – Report Considered by the Cabinet Member for Growth, Planning, Housing and Economic Development
Appendix 2a – Equality Impact Assessment
Appendix 3 – Copy of Decision Notice - AUG17/CMDN/30

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