

SUSTAINABLE GROWTH SCRUTINY COMMITTEE	Agenda Item No. 3
3 DECEMBER 2009	Public Report

Report of the Solicitor to the Council

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REQUEST FOR CALL-IN OF AN EXECUTIVE DECISION: EAST OF ENGLAND PLAN TO 2031: SCENARIOS FOR HOUSING AND ECONOMIC GROWTH CONSULTATION

1. PURPOSE

- 1.1 To consider a request to call-in an executive decision made by the Cabinet Member for Strategic Planning, Growth and Human Resources.

2. RECOMMENDATIONS

- 2.1 That the Sustainable Growth Scrutiny Committee considers a request to call-in a decision taken by the Cabinet Member for Strategic Planning, Growth and Human Resources in respect of the East of England Plan.

3. BACKGROUND

- 3.1 On 19 November 2009, the Cabinet Member for Strategic Planning, Growth and Human Resources made an executive decision relating to the East of England Plan to 2031. In accordance with the Constitution this decision was published on 20 November 2009.
- 3.2 On 24 November 2009, Councillors Sandford, Fower and Trueman submitted a request to call-in this decision on the following grounds:
- (i) The decision is Key but it has not been dealt with in accordance with the Council's Constitution.
 - (ii) The decision does not follow the principles of good decision making set out in Article 12 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;
 - (b) understand and keep to the legal requirements regulating their power to make decisions; and
 - (c) follow procedures correctly and be fair.
- 3.3 A copy of the request to call-in is attached at Appendix 1 and a copy of the decision notice is attached at Appendix 2.
- 3.4 After considering the request to call-in and all relevant advice, the Committee may either:
- a) not agree to the request to call-in, when the decision shall take effect;
 - b) refer the decision back to the decision maker for reconsideration, setting out its concerns; or
 - c) refer the matter to full Council.

4. IMPLICATIONS

4.1 Any implications are contained within the decision notice at Appendix 2.

5. BACKGROUND DOCUMENTS

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

None

6. APPENDICES

Appendix 1 – Request to Call-In Decision

Appendix 2 – Decision Notice