

CORPORATE PERFORMANCE PANEL REPORT

Wards Affected: All	Type of Report: Call-in
Author Name: Sam Winter	Consultations:
Tel: 01553 616327	
Email: sam.winter@west-norfolk.gov.uk	
OPEN	Portfolio: Development

Committee: Corporate Performance Panel

Date: 2 March 2020

Subject: Call-in of Cabinet Decision

King's Lynn Transport Study

Summary

This report deals with the Cabinet Decision made on 4 February 2020.

The decision has been called-in and the Chief Executive has determined that the call-in is valid.

The report outlines to Members how the call-in process may be used in this case and what the issues are relating to the matter.

1 Introduction

- 1.1 A decision was taken by Cabinet on 4 February 2020 setting out approval of the King's Lynn Transport Strategy. A copy of the report is attached at Appendix 1.

2 Grounds for Call-In

- 2.1 Standing Order 12.3 (d) requires grounds to be given for calling-in an executive decision, reasons given are set out below.

3 Call-in Requisition

- 3.1 The Call in was made by the Councillor Moriarty supported by the Councillors Bone, Kemp, Lawton, Parish, Ryves and de Whalley.

Call in reasons:

“Firstly, I am confused as the report says the decision is within the Cabinet’s powers but also says it is a Recommendation to Full Council.

The thrust of my argument is that we are doing things in the wrong order, agreeing actions so that a policy might be taken forward, but there has been no agreement to the policy itself.

At the Local Plan Task Group we are taking many months to painstakingly examine and revise policies, which have been consulted upon, before submitting a plan once more to consultation before then submitting it for inspection (along with any responses to a further consultation). This is in stark contrast to here, where we are here being asked to agree a series of actions when we have not been asked if we actually agree the policies expressed in the Transport Strategy.

Furthermore, I can see no evidence presented to either Cabinet or the Resources and Performance panel that responses to consultation have been recognised in the report. Recognised by whom ? Where is the detailed commentary on the consultations and where might we find the Cabinet’s and the Panel’s views on those consultations ? It is my view that do not contract-out democracy on issues as important as the future of transport in our Borough.

I also do not think it appropriate for an Officer Report to be commissioned to effectively negate the views expressed by a Scrutiny Panel. Non-executive councillors are denied the opportunity to ask questions at Cabinet and therefore the additional report has not been scrutinised and therefore the views of members have not been properly taken into account when the decision was made (simply saying ‘they have’ does not make it so). Where lies scrutiny at this council if, following any panel meeting, its conclusions are countered by a freshly-commissioned officer report ?

‘Transport’ is a fast moving subject (sorry), government announcements come along like busses (again, sorry) and we are simply not addressing the issues of built-in car dependency, loneliness and future access to transportation. There is a Transport hierarchy in the document but no evidence that the series of actions proposed are structured to follow this path.

I would suggest that the cabinet decision fails on Standing Orders 12.4 b, c, d, e and possibly h (in principle).”

4 Validity of Call-in

4.1 The Chief Executive has made the following ruling:

The call-in is valid in respect of Standing Order 12.4(d):

Recommendations 2 and 3 to Cabinet 4 February 2020 from the Regeneration and Development Panel meeting held on 28 January 2020 as published as the supplementary item to the Cabinet agenda were not taken into account in making the decision.

5 Call-in Process

- 5.1 Standing Orders 15.33 and 15.34 sets out the call-in debating procedure, as follows:
- (a) The Proposer of the call-in and his supporters address the Corporate Performance Panel about the call-in and why it should be upheld;
 - (b) The Panel Members receive a submission from the relevant Portfolio Holder;
 - (c) The Panel Members receive submissions from Officers;
 - (d) The Panel Members receive submissions from Members and, at the discretion of the Chairman, other interested parties;
 - (e) The Panel debates the call-in (in accordance with Standing Order 15.33) during which they may question or seek further information from any of the four parties referred to in (a), (b), (c) and (d) above;
 - (f) The proposer shall exercise a right of reply after the debate.
- 5.2 Following the debate, the Panel will decide (in accordance with Standing Order 12) either to support the Cabinet's decision, or to uphold the call-in.
- 5.3 If the Panel upholds the call-in it may then take one of three courses of action:
- (a) report to Council, Cabinet or the relevant Portfolio Holder requesting that they amend or substitute the recommendations or decision; or
 - (b) if the issue is considered urgent or straightforward, formulate a counter-recommendation or amendment; or
 - (c) investigate the matter further at another meeting within thirty working days beginning with the day after the issue of the notification of the call-in and then follow the same process as set out in paragraphs 5.2 and 5.3 above.
- 5.4 If the Corporate Performance Panel:
- (a) does not end the call-in within 30 days from the date of the decision which has been called in (and the decision remains in dispute); or

(b) refers the call-in directly to Council,

the Council shall determine whether to approve the recommendation that has been called-in or to revoke, vary, amend and/or remit it back to Cabinet for further consideration.