

12 July 2023		ITEM: 15
Cabinet		
Call-in to Cabinet Decision 110643 Thurrock Supported Bus Services		
Wards and communities affected: All	Key Decision: Non-Key	
Report of: Councillor Alex Anderson, Vice-Chair of the Planning Transport and Regeneration Overview and Scrutiny Committee		
Accountable Assistant Director: Leigh Nicholson, Assistant Director for Planning, Transport and Public Protection		
Accountable Director: Mark Bradbury, Director of Place		
This report is Public		

Executive Summary

This report outlines the Planning, Transport and Regeneration Committee's discussions and decisions, at its meeting on 4 July 2023, regarding 44 call-ins submitted to the Council between 20 and 22 March 2023 in relation to Cabinet Decision 110643: Thurrock Supported Bus Services.

1. Recommendation(s)

- 1.1 **Note the decision made by the Planning, Transport and Regeneration Overview and Scrutiny Committee to take no further action in relation to all call-ins submitted in relation to Cabinet Decision 110643: Thurrock Supported Bus Services. The original cabinet decision will be progressed.**
- 1.2 **Acknowledge and consider the public question submitted to the Planning, Transport and Regeneration Overview and Scrutiny Committee, as outlined in section 3.7 of this report, during its debate on this report.**

2. Introduction and Background

- 2.1 On 15 March 2023, in relation to an item on supported bus services, the Cabinet agreed:

1. Approve the withdrawal of funding provision of the three supported services the 11, 265 and 374.
 2. Approve the procurement of off-peak day-time provision three days a week to the community of Fobbing. This would involve re-routing some existing commercial bus routes through Fobbing, providing a link between Stanford-le-Hope and Basildon. This would be for an initial 12-month period with a review of usage to be undertaken before any extension.
 3. Note the net saving of £427,000 delivered by these decisions.
 4. Note that the following communities will have no or limited public transport provision linking them to the rest of the borough – Bulphan, East Tilbury Village, Horndon-on-the-Hill, North Stifford, West Tilbury, and western parts of Aveley. East Tilbury and Linford would also lose all bus provision. While Members will be mindful of the ongoing review being undertaken by the Planning, Transport and Regeneration Overview and Scrutiny Committee, Cabinet directs Transportation Services to keep the public transport needs of these communities under review and consider future options which could address any unmet need, within the context of the council's financial situation.
- 2.2 As per the call-in rules surrounding a key decision, 44 call-ins were submitted to the Council between 20 and 22 March 2023 for consideration. The call-ins were divided into groups as follows:
- 1 Call-in received from Cllr Lee Watson (as a ward member)
 - 42 call-ins from residents, or those working or studying with the Thurrock Council Area.
 - 1 call-in from the Welcom Forum in their capacity as a voluntary group with interest in the Thurrock Council area.
- 2.3 In accordance with the call-in procedure rules in Chapter 4, Part 3 of the Constitution, the Chief Executive validated all call-ins for progression to the relevant Overview and Scrutiny Committee.
- 2.4 Councillor Massey agreed to represent the 42 resident call-ins. The residents who submitted these call-ins were informed of this approach and no objections were raised.
- Councillor Watson Call-in:**
- 2.5 The reason for making the call in (in accordance with Chapter 4, Part 3, Rule 10.4 of the Constitution) was cited as a failure of the decision maker to take the decision in accordance with the following decision-making principles:
- a) *Due regard for individuals and communities served by Thurrock.*
 - c) *Due consultation in line with the council's consultation strategy.*

2.6 The alternative proposal stated on the call-in form was:

- *Cabinet to find alternative savings across all council budgets.*
- *Carry out a full resident's consultation especially in the villages along with South Stifford, West Thurrock and Purfleet on Thames who so far have not been consulted.*

Resident Call-ins:

2.7 The reason for making the call-in (in accordance with Chapter 4, Part 3, Rule 10.4 of the Constitution) was cited as a failure of the decision maker to take the decision in accordance with the following decision-making principles:

- a) *Due regard for individuals and communities served by Thurrock.*

2.8 The alternative proposal stated on the call in form was:

- *For Cabinet to look at previous alternatives discussed at the time the decision was made and to re-instate the bus service.*

Welcom Forum Call-in:

2.9 The reason for making the call in (in accordance with Chapter 4, Part 3, Rule 10.4 of the Constitution) was cited as a failure of the decision maker to take the decision in accordance with the following decision-making principles:

- a) *Due regard for individuals and communities served by Thurrock.*

2.10 The alternative proposal stated on the call in form was:

- *Use of 106 monies to preserve the bus route as this is needed now not in the future and the money is available*

3. Planning Transport and Regeneration Overview and Scrutiny Committee Deliberations on 4 July 2023

3.1 In accordance with the Call-in procedures contained in Chapter 4, Part 3 of the Constitution, The Planning, Transport and Regeneration Overview and Scrutiny Committee met on 4 July 2023 to consider the call-ins. The Vice-Chair of the Committee started by advising those present of the call-in procedure.

3.2 Each representative was given the opportunity to present their call-in, during which the below was highlighted:

- It was felt the consultation was not carried out appropriately missing several areas which would be affected by the withdrawal of the bus services, including Purfleet, South Stifford and West Thurrock.

- When the discussion of withdrawing funds for the bus services in Fobbing, it was raised that the Ward Member was able to secure a 12 month grace period. It was queried why the same was not offered for other bus services.
- The withdrawal of the bus services would cause a negative impact on local residents' lives, leaving many of them without access to health facilities and local amenities.
- It was felt funding was available through Section 106 funds, which had been used previously to maintain the bus service in East Tilbury.
- By withdrawing the services within areas such as East Tilbury, Horndon on the Hill, Bulphan and Purfleet, the borough's vulnerable residents would be put at risk.

3.3 The Portfolio Holder for Regeneration and Highways was given the opportunity to address the Committee, during which he advised:

- The decision to withdraw the bus services was not taken lightly and was a difficult decision to come to.
- The consultation was undertaken for 12 weeks, finishing in October 2022, Officers reviewed the data for several months before the Cabinet decision was reached in March 2023.
- The bus services offered were not statutory or council services, so the decision to withdraw the services was balanced against the interest of the local taxpayer.
- Looking at the results from the consultation it was evident the bus services were not being used to their full capacity.
- When the report was previously presented to the Planning, Transport and Regeneration Overview and Scrutiny Committee, Members of the Committee praised the consultation, which when undertaken went above and beyond standard practice by having paper copies available on the buses with pre-paid envelopes, as well as online and at key amenity sites.
- Section 106 funding was looked at as an option as were other funding streams, however it was noted that this type of funding had caveats attached to it which meant the council did not have a free hand to spend the funds on certain projects.

3.4 The Committee asked the Portfolio Holder to respond to the case that due regard for individuals and communities served by Thurrock were not considered when Cabinet made their decision. The Portfolio Holder stated the decision was not one taken lightly and the decision had considered not only the consultation responses but also the statistical analysis of service usage presented in the original report. An equality impact assessment had been completed and considered as part of the decision, which the portfolio holder felt was balanced, informed and appropriate.

3.5 While summarising their cases, the representatives of the call-ins asked that the decision be referred back to Cabinet and for the bus services to be reinstated.

3.6 Following the debate and questions on the call-ins, Members voted on the call-ins as follows:

- Councillor Watson's Call-in: No Further Action be taken on the basis of a) Due regard for individuals and communities served by Thurrock and c) Due consultation in line with the council's consultation strategy. (passed 3 votes against 2)
- Resident call-ins: No Further Action be taken on the basis of a) Due regard for individuals and communities served by Thurrock (passed 3 votes against 2)
- Welcom Forum Call-in: No Further Action be taken on the basis of a) Due regard for individuals and communities served by Thurrock (passed 3 votes against 2)

3.7 In accordance with Chapter 1, Part 2, Article 3 of the Constitution the Vice Chair accepted a question from a resident. The Question posed was:

Residents in outlying villages in Thurrock rely on buses to access health services, for shopping and to remain part of society. These services are essential, as was highlighted in the council's feedback following the bus users consultation. It is the council's responsibility to consider the needs of all their residents. If the decision to axe these buses is taken, how do councillors perceive their constituents will access vital services?

The Vice Chair agreed to include the question in this report for Cabinet to acknowledge and respond to through their debate.

4. Reasons for Recommendation

4.1 Cabinet are requested to manage the call-in in accordance with the provisions set out in Chapter 4, Part 3 of the Constitution. It is important for Cabinet to be aware of the deliberations and decisions of overview and scrutiny even if they are not required to reconsider their former decisions.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Not applicable.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The call-in has a positive impact on corporate policies as it allows for the proper exercise of the democratic function, namely for Members and residents to call-in a Cabinet decision based on valid arguments.

6.2 The role of Overview and Scrutiny in this function is to allow for issues to be discussed in a public arena with cross party involvement and will give the opportunity for interested parties to join the debate and make representations.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant

The financial implications supplied for the original Cabinet Decision 110643: Thurrock Supported Bus Services remain relevant and in place following this committee's decision to take no further action with the call-ins.

7.2 Legal

Implications verified by: **Asmat Hussain**
Director of Legal and Governance

There are no specific legal implications directly arising from the recommendations beyond the procedural matters cited throughout the report. The Council Constitution provides for Call-In of Cabinet decisions in Chapter 4, Part 3, Rule 10.

The process for setting the budget as outlined in Chapter 3, Part 3 of the Council Constitution.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer

There are no direct diversity and equality implications arising from this report. The diversity and equality implications from the original Cabinet Decision 110643: Thurrock Supported Bus Services would remain in place and relevant along with the Community Equality Impact Assessment that was considered during the decision making process.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, or Impact on Looked After Children)

- No direct implications arising from this report. Other implications set out in the original Cabinet Decision 110643: Thurrock Supported Bus Services would remain in place and relevant.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Minutes of the Planning, Transport and Regeneration Overview and Scrutiny Committee – 4th July 2023. (www.thurrock.gov.uk)

9. Appendices to the report

- None

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