

12 November 2014		ITEM: 5
Planning, Transport and Regeneration Overview and Scrutiny Committee		
Call-in to Cabinet Decision 01104315 Investment in Highways Lighting		
Wards and communities affected: All	Key Decision: Key	
Report of: Fiona Taylor, Head of Legal & Democratic Services		
Accountable Head of Service: Ann Osola, Head of Service Transportation & Highways		
Accountable Director: David Bull, Director of Planning & Transportation		
This report is Public		

Executive Summary

This report outlines the call-in made to the above Cabinet decision, highlighting the reasons why the call-in was made and the alternative proposals being put forward.

This report offers advice to the committee on how to manage the call-in through the committee process and should be used as a summary document to help understand the overview of this particular call-in.

1. Recommendation(s)

That Committee can either:

- 1.1 If it is concerned about the original decision in light of the call-in, refer the recommendation (Decision: 01104315 Investment in Highways Lighting) to Cabinet for reconsideration, setting out in writing the nature of its concerns.**
- 1.2 If it considers the decision is contrary to the Budget or Policy Framework, refer the matter to the Council.**
- 1.3 Reject the call-in stating the reasons why.**

2. Introduction and Background

- 2.1 On Friday 5 September 2014, Councillors Sue Little, seconded by Councillor Robert Gledhill and Brian Little called in Cabinet Decision 01104315, in their capacity as three non-executive Members.
- 2.2 The reason for making the call in (in accordance with Chapter 4, Part 3, Rule 10.4 of the Constitution) has been 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*

For clarification there was no "b." listed on the call in form.

- 2.3 The call-in was agreed as a valid call-in in accordance with the rules set out within Chapter 4, Part 3 of the Councils Constitution
- 2.4 The alternative proposal stated on the call in form is:
- 1.1 *Officers present details of a project to change all street lighting to L.E.D or other low energy solutions to the relevant overview and scrutiny committee for discussion to ensure value for money and maximising benefits for Thurrock.*
 - 1.2 *Officers borrow sufficient monies to enable the implementation of the project once agreed.*

3. Issues, Options and Analysis of Options

- 3.1 When considering the call-in, the Committee is recommended to adhere to the following schedule:
- The person who made the call-in to briefly introduce the reasons for the call-in and their alternative proposal(s).
 - The portfolio holder and officers to respond to the call-in and advise the Committee of any points that may be relevant.
 - If applicable, the Committee should receive comments from third parties that may be directly involved in the original cabinet decision.
 - The person who made the call-in to summarise.
 - The Committee should then weigh up evidence and ask any relevant questions to those in attendance.
 - The Committee should decide to do one of the following:

- a) if it is concerned about the original decision in light of the call-in, refer it to the decision maker (Cabinet) for reconsideration, setting out in writing the nature of its concerns; or
- b) reject the call-in stating the reasons why.

4. Reasons for Recommendation

- 4.1 The Committee are requested to manage the call-in in accordance with the provisions set out in Chapter 4, Part 3 of the Constitution.

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 to call-in a Cabinet decision based on valid arguments.
- 6.2 The role of Overview and Scrutiny in this function will 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: **Mike Jones**
Management Accountant

The Council faces significant financial difficulties in both the current year and the remainder of the medium term financial strategy – 2015/16-2017/18. The approach is to bring forward savings at the earliest opportunity although ensuring that all required consultation takes place. Any delays to the approval of budget proposals puts their timely delivery at risk adding further pressure to 2015/16.

7.2 Legal

Implications verified by: **Alison Stuart**
Principal Solicitor, Housing & Regeneration

There are no specific legal implications directly arising from the recommendations beyond the procedural matters cited at the start of this 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.

Cabinet shall prepare a draft Budget for the authority and shall submit it to the Chief Executive for report to Council for approval.

Cabinet shall refer the draft Budget to the relevant Overview and Scrutiny Committee for Members to consider and prepare a recommendation to Cabinet.

The Council is required to set a balanced budget at the February Council meeting.

7.3 Diversity and Equality

Implications verified by: **Becky Price**
Community Development Officer

There are no direct equality implications arising from this call in. Any alternative proposals would need to be reviewed and any equality implications arising from them would be stated as part of the proposals.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

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):

- None

9. Appendices to the report

- Appendix 1: Report from Cabinet August 2014

- Appendix 2: Excerpt from the minutes of the Cabinet meeting 13 August 2014 (reconvened on 27 August 2014)
- Appendix 3: Call-In from Councillor S Little

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