
**Scrutiny Management Committee
(Calling – In)**

20 December 2010

Report of the Assistant Director, Legal, Governance and ITT.

Called-in Item: Water End/Clifton Green : Reinstatement of Left-Turn Traffic Lane and Chicane Trial

Summary

1. This report sets out the reasons for the call-in of the decisions made by the Executive Member for City Strategy on 7 December 2010 in relation to a report which discussed the possible reinstatement of a left-turn lane on the Water End approach to the Clifton Green Traffic signals, whilst retaining a dedicated cycle lane. The report also sets out details of the responses received to the proposal to take forward a chicane trial along Westminster Road and the Avenue. This covering report also explains the powers and role of the Scrutiny Management Committee in relation to dealing with the call-in.

Background

2. An extract from the decision list published after the relevant Executive Member Decision Session is attached as Annex A to this report. This sets out the decisions taken by the Executive Member on the called-in item. The original report and annexes to the Executive Member Decision Session are attached as Annex B.
3. The Executive Member's decisions have been called in firstly by Cllrs Watt, Gillies and Hudson for review by the Scrutiny Management Committee (SMC) (Calling-In), in accordance with the constitutional requirements for post-decision call-in. The reasons given for the call-in are that:
 - i) *It ignores the increased traffic levels and congestion caused by not having a left turn lane.*
 - ii) *The impact of extra traffic on Westminster Road.*
4. Secondly the decisions have been called in by Cllrs Scott, Douglas and King for review by the Scrutiny Management Committee (SMC) (Calling-In), in accordance with the constitutional requirements for post-decision call-in. The reasons given for the call-in are that:
 1. *The Executive Member misdirected himself in that:-*
 - a - *He failed to follow the recommendations of the Councillor Call for Action;*

b - He failed to consider whether the consultation was defective;

c - He failed to heed or otherwise take into account the representation made to him at yesterday's Decision Session meeting by Councillor King;

d - He failed to consider re-instating the left hand lane at Water End without a cycle lane, a solution that would have alleviated fears that had been raised in relation to safety at the junction;

e - He failed to honour the commitment he gave at the City Strategy EMAP in October 2008 to reinstate the left-hand filter lane;

f - He failed to consider the point closure of Westminster Road by use of a fixed, rising bollard as an alternative to chicanes;

g - He took into account erroneous information in relation to the A1237/A19 Rawcliffe roundabout and the alleged effects of traffic flow at the Water End/Clifton Green junction from improvements at the roundabout;

h - He failed to heed resident's views and representations.

2. The Executive Member made a decision on the information before him that no reasonable Executive Member would have made.

Calling in Councillors seek a referral back to the Executive with a recommendation that the left hand lane be re-instated with or without a cycle lane and that officers prepare a feasibility report on the introduction of a rising bollard so as to stop through traffic between The Avenue and Westminster Road.

Consultation

5. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

Options

6. The following options are available to SMC (Calling-In) members in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - a. To confirm the decisions of the Executive Member, on the grounds that the SMC (Calling-In) does not believe there is any basis for reconsideration. If this option is chosen, the original decisions will be confirmed and will take effect from the date of the SMC (Calling-In) meeting.
 - b. To refer the matter back to the Executive Member, for him to reconsider his original decisions. The reference back may include specific recommendations to the Executive Member. If this option is chosen, the matter will be reconsidered at a meeting of the Executive (Calling-In) to be held on 21 December 2010.

Analysis

7. Members need to consider the reasons for call-in and the report to the Executive Member and form a view on whether there is a basis to make specific recommendations to the Executive Member in respect of the report.

Corporate Priorities

8. An indication of the Corporate Priorities to which the Executive Member's decisions are expected to contribute is provided in paragraph 34 of Annex B to this report.

Implications

9. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in:

Risk Management

10. There are no risk management implications associated with the call in of this matter.

Recommendations:

11. Members are asked to consider the call-in and reasons for it and decide whether or not they wish to make specific recommendations on the report to the Executive Member for City Strategy.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

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ITT

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Specialist Implications Officer(s) None

Wards Affected: Clifton

All

For further information please contact the author of the report

Annexes

Annex A – Decisions of the Executive Member on the called-in item (extract from the decision list published on 8 December 2010).

Annex B – Report to the Decision Session of the Executive Member for City Strategy on 7 December 2010

Background Papers

Agenda relating to the above meeting (published on the Council's website)