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

5 January 2009

Report of the Head of Civic, Democratic and Legal Services

**Called-in Item: Holly Bank Area – Traffic Regulation
Order Objections**

Summary

1. This report sets out the reasons for the call-in of a decision made by the Executive Member for City Strategy on 8 December 2008 in relation to the proposed introduction of waiting restrictions in the Holly Bank Road area of Acomb, following consideration of the objections received to those proposals. The 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 meeting of the Executive Members for City Strategy and Advisory Panel (EMAP) is attached as Annex 1 to this report. This sets out the decision taken by the Executive Member. The original report to the EMAP meeting is attached as Annex 2.
3. Following publication of the Executive Member's decision, Councillors Alexander, Crisp and Bowgett called in the decision 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 as follows:-
 - *Ignoring most recent, recorded, tabulated and named will of residents as presented by ward Councillors. Almost 60% of local people do not support the proposed restrictions and just over 80% of residents of the roads affected by these restrictions also opposed*
 - *Inadequate Council consultation (mainly that deadline for consultation had wrong year on it and so people did not realise they could still be involved in consultation process, despite deadline being extended).*

- *Introducing traffic regulations for a bus route that First says will be unsafe for passengers to board and disembark from.*
- *Not allowing Clive Grove to be incorporated into regulations, thus leading to increased parking along and on the corners of Clive Grove (leading to obstructions and poor visibility).*
- *Ignoring need for a 20mph speed limit along bus route to ensure that shaking of people's houses and windows leading to damage is reduced. Not incorporating measures to slow the possible increased speed of traffic that could cause accidents.*

Consultation

4. 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

5. The following options are available to SMC (Calling-In) 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 decision 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 decision takes effect from the date of the SMC (Calling-In) meeting;
 - (b) to refer the decision back to the Executive Member, for them to reconsider or amend in part their decision. If this option is chosen, a meeting will be arranged for the decision to be re-considered.

Analysis

6. Members need to consider the reasons for call-in and the basis of the decision made by the Executive Member and form a view on whether there is a basis for reconsideration of that decision.

Corporate Priorities

7. An indication of the Corporate Priorities to which the Executive Member's decision is expected to contribute is provided in paragraph 10 of Annex 2 to this report.

Implications

8. 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

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

Recommendations

10. Members are asked to consider the call-in and reasons for it and decide whether they wish to confirm the decision made by the Executive Member or refer the matter back to the Executive Member for re-consideration.

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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Report Approved Date 15/12/08

Specialist Implications Officer(s) None

None

Wards Affected: Holgate

All

For further information please contact the author of the report

Annexes

Annex 1 – decision of the Executive Member (extract from decision list published 9/12/08)

Annex 2 – report to EMAP meeting on 8/12/08