

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

**23 February 2015**

Report of the Assistant Director, Governance and ICT

**Called-in Item: A Congestion Commission for York**

**Summary**

1. This report sets out the reasons for the call-in of the decision made by the Cabinet on 10 February 2015 in relation to the establishment of a Congestion Commission for York. This included proposals for a city-wide conversation building on known expertise in the field to bring forward strategic recommendations for the Council to consider.

This cover report sets out the powers and role of the Corporate and Scrutiny Management Committee in relation to dealing with the call-in.

**Background**

2. An extract from the Decision Sheet issued after the Cabinet meeting is attached as Annex A to this report. This sets out the decision taken by the Cabinet on the called-in item. The original report to the Cabinet meeting on the called-in item is attached as Annex B to this report.
3. Cabinet's decision has been called in, firstly, by Councillors Richardson, Healey and Doughty for review by the Corporate and Scrutiny Management Committee (CSMC) (Calling-In), in accordance with the constitutional requirements for call-in. The following are the reasons given for the call-in:
  - It is difficult to see how such a large new look at congestion can be embarked upon given the refusal of the cabinet to look into lessons learned from the Lendal Bridge trial;
  - It is wrong for the council to commit to fund a major committee, select its members, including paid independent experts, and set out the committee's operating criteria and timeline three

months prior to local council elections, which may well result in a change in the priorities of the council;

- There is an issue of democratic accountability and it lessens the chance of having an outcome which will realistically be implemented, that the panel will have more non-elected than elected members;
- It is naive to suggest that such decisions could possibly be made without taking into account the political calculations of all members of the council, which this close to an election would not necessarily be conducive to creating an independent committee seeking long-term solutions;
- The costs of the proposed committee are well beyond the budget set for internal scrutiny committees and too high given the other pressures on council funds.

The decision has then subsequently also been called in by Councillors Aspden, King and Watson for review by the Corporate and Scrutiny Management Committee (CSMC) (Calling-In), in accordance with the constitutional requirements for call-in. The following are the reasons given for the call-in:

- These proposals involve spending £135,000 - mostly on expensive external consultants – but fail to demonstrate that this expenditure offers value-for-money for residents.
- The report says that “officers have reviewed a range of such bodies” but these options on the size/structure/cost of the committee have not been presented to opposition members.
- Appointments (including the Chair) and various approaches have been made without any reference to the views of opposition members.
- The report does not specify direct resident and business involvement on the committee only the creation of a vague sounding Citizen’s Jury.
- The report does not properly show how existing council staff/resources/previous studies will be properly utilised.

- The report fails to give a clear commitment to an achievable timeframe or tangible, realistic and cost-effective outcomes.

## **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 CSMC (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 decide that there are no grounds to make specific recommendations to the Cabinet in respect of the report. If this option is chosen, the original decision taken on the item by the Cabinet on 10 February 2015 will be confirmed and will take effect from the date of the CSMC (Calling-In) meeting; or
  - b. To make specific recommendations to the Cabinet on the report, in light of the reasons given for the call-in. If this option is chosen, the matter will be reconsidered by Cabinet at a meeting of Cabinet (Calling-In) to be held on 3 March 2015.

## **Analysis**

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

## **Council Plan**

7. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2011-15.

## **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 all the reasons for calling in this decision and decide whether they wish to confirm the decisions made by the Cabinet or refer the matter back for reconsideration and make specific recommendations on the report to Cabinet.

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

### Contact details:

**Author:**

Dawn Steel  
Head of Civic &  
Democratic Services  
01904 551030

**Chief Officer Responsible for the report:**

Andrew Docherty  
Assistant Director, Governance and ICT

**Report  
Approved**



**Date** 13 February 2015

**Specialist Implications Officer(s)** None

**Wards Affected:**

**All**



**For further information please contact the author of the report**

### Annexes

Annex A – Extract from the Decision Sheet produced following the Cabinet meeting on the called-in item.

Annex B – Report of the Director of City and Environmental Services to Cabinet, 10 February 2015.

### Background Papers

None