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

14 June 2010

Report of the Head of Civic, Democratic and Legal Services

Called-in Item: Water End Cycle Scheme Evaluation

Summary

1. This report sets out the reasons for the call-in of the decisions made by the Executive Member for City Strategy on 1 June 2010 in relation to a report which advised of the outcome of the monitoring of the Water End cycle scheme and considered the effectiveness of the scheme in encouraging increases in cycling levels. 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 1 to this report. This sets out the decisions taken by the Executive Member on the called-in item. The original report to the Executive Member is attached as Annex 2.
3. Councillors Douglas, King and Scott have called in the Executive Member's decisions 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:

“The Executive Member misdirected himself

- *He failed to approach the report objectively and to make proper enquiries of the Officers*
- *He failed to consider the definition of a "success" of the cycling scheme*
- *He failed to consider whether the traffic implications of the cycling scheme are proportionate and legitimate consequence of the scheme*

- *He failed to take any positive action to alleviate the problems identified by residents of Westminster Road and the Avenue*
- *He failed to honour his commitment to re-instate the left hand turn lane at the Clifton Green Junction as promised at the City Strategy EMAP of October 2008*
- *He failed to consider the reputational issues identified in the report to the City Strategy EMAP of October 2008 and to take steps to resolve them.*

The Executive Member has pre-determined his response to the Scrutiny Committee report before it has been before the Executive Committee.

The Executive Member has reached a decision that no reasonable Executive Member could have reached.”

Consultation

4. In accordance with the requirements of the Constitution, the Calling-In Members will be invited to attend and/or speak at the Calling-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 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 re-considered at a meeting of the Executive (Calling-In) to be held on 15 June 2010.

Analysis

6. Members need to consider the reasons for call-in and the basis of the decisions made by the Executive Member and form a view on whether there are grounds for reconsideration of those decisions.

Corporate Priorities

7. An indication of the Corporate Priorities to which the Executive Member's decisions are expected to contribute is provided in paragraph 91 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 decisions made by the Executive Member or refer the matter back for re-consideration at the scheduled Executive Calling-In meeting.

Reason:

11. 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**

Specialist Implications Officer(s) None

Wards Affected: Clifton

All

For further information please contact the author of the report

Annexes

Annex 1 – decisions of the Executive Member on the called-in item
(extract from decision list published on 2/6/10)

Annex 2 – report to Executive Member Decision Session held on
1/6/10

Background Papers

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