

Cabinet (Calling – In) Meeting

3 March 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 decisions 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.
2. The report also sets out the decision of the Corporate and Scrutiny Management (Calling-In) Committee (CSMC) which considered the call-in of the Cabinet's decisions, at their meeting held on 23 February 2015 and asks Cabinet to re-consider its original decision based on the reasons for the call-in and the comments made at the CSMC (Calling-In) meeting.

Background

3. 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 on the called-in item is attached as Annex B to this report.
4. The Cabinet's decision had firstly been called in 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.

5. The Cabinet's decision was secondly 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 reasons were 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.
6. Consideration was given to the reasons for call-in of the Cabinet decisions at the CSMC (Calling-In) meeting on 23 February 2015. Having heard from two of the Calling-In members, a representative of the Cyclists' Touring Club, the Cabinet Member for Transport, Planning and Economic Development and the Director for City and Environmental Services, the following decision was made:

Resolved: That Option B be approved and that the decision of the Cabinet be referred back with a recommendation that Cabinet defers any consideration of the setting up of a Congestion Commission until after the local election in May 2015.

Consultation

7. Councillor Galvin, as Chair of CSMC has been invited to attend the meeting to present the recommendations of CSMC (Calling In) and to answer any questions in relation to the decision made by the Committee.

Options

8. The following options are available to Cabinet (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 reconsider the original decisions of the Cabinet, on the Congestion Commission for York, from their meeting held on 10 February 2015, to take account of the recommendations of the CSMC Calling-In meeting held on 23 February 2015 or any other further considerations ; or
 - b. To reaffirm the original decisions of the Cabinet at their meeting held on 10 February 2015.

Analysis

9. Cabinet will no doubt wish to give careful consideration to the reasons for call-in of the decision together with the recommendations of CSMC (Calling-In). Cabinet will wish to balance these factors against those arguments set out in the original Cabinet report which underpinned the decision which was called in.

Council Plan

10. 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

11. The original report draws Members' attention to relevant implications and in particular the financial, equalities and legal implications.

Risk Management

12. There are no significant risk management implications associated with the referral back of this matter.

Recommendations:

13. Members are asked to consider all the reasons put forward for calling in this decision together with the views of the Corporate and Scrutiny Management (Calling-In) Committee, from their meeting held on 23 February 2015, in relation to the decisions taken by the Cabinet on 10 February 2015.

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 23 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, 10 February 2015.

Background Papers

None