

Report to:	Special Meeting of Overview and Scrutiny Committee (Regeneration and Skills)	Date of Meeting:	Thursday 7 September 2017
Subject:	Item Called In - Proposed Temporary Closure of Lord Street, Southport		
Report of:	Head of Regulation and Compliance	Wards Affected:	Dukes;
Portfolio:	Cabinet Member – Locality Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

- (1) To advise the Overview and Scrutiny Committee of the relevant aspects of the Constitution and the reasons for the call-in of the decision of the Cabinet Member on the above item, as set out in paragraph 2.3 to this report.
- (2) To seek the views of the Overview and Scrutiny Committee.
- (3) In the event of the Committee being concerned about the decision, the Overview and Scrutiny Committee must decide which of the following courses of action is to be taken in relation to this matter:-
 - a) referral of the matter to the Cabinet Member for re-consideration, setting out the nature of the Overview and Scrutiny Committee's concerns; or
 - b) referral of the matter to Council for the Council to decide whether it wishes to object to the decision (subject to the guidance set out in paragraph 2.5).
- (4) In the event of the Committee being satisfied with the decision, the decision can proceed for implementation immediately following the meeting.

Recommendation(s):

- (1) That the Committee considers the reasons set out in the extract of the Constitution (see paragraph 2.3) and the requisition for call-in (see paragraph 2.2) and determines its jurisdiction accordingly.
- (2) That the Committee determines whether it is concerned about the decision made by the Cabinet Member - Locality Services.
- (3) If the Committee is concerned about the decision, that the Committee indicates

which of the two options set out in paragraph (3) of the summary set out above, it wishes to pursue

Reasons for the Recommendations:

The decision of the Cabinet Member Locality Services has been called in. The Overview and Scrutiny Committee is required to consider the concerns raised by Councillors.

Alternative Options Considered and Rejected: (including any Risk Implications)

N/A. The Council's Constitution requires the Overview and Scrutiny Committee to consider called in items.

What will it cost and how will it be financed?

The associated costs are set out within the attached Cabinet Member report, as follows:-

(A) Revenue Costs

The Council has the power to make temporary Traffic Regulation Orders under Section 14(1) (a) of the Road Traffic Regulation Act 1984. The cost of all legal and administrative procedures in the processing of the temporary road closure, amounting to approximately £500 will be funded from within the Highways Maintenance revenue budget for 2017/2018.

(B) Capital Costs

None

Implications of the Proposals:

The Implications of the Proposals are set out within the attached Cabinet Member report, as follows:-

Resource Implications (Financial, IT, Staffing and Assets):
Legal Implications: The Council has the power under Section 14[1][a] of the Road Traffic Regulation Act 1984 to make an order that traffic on a road should be restricted or prohibited because works are proposed to be executed on or near the road.
Equality Implications: There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: N/A

Facilitate confident and resilient communities: N/A
Commission, broker and provide core services: The Council's Constitution requires the Overview and Scrutiny Committee to consider called in items.
Place – leadership and influencer: N/A
Drivers of change and reform: N/A
Facilitate sustainable economic prosperity: N/A
Greater income for social investment: N/A
Cleaner Greener N/A

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources has been consulted and has no comments on this report. (FD 4824)

The Head of Regulation and Compliance has been consulted and any comments have been incorporated into the report. (LD 4108)

(B) External Consultations

N/A

Implementation Date for the Decision

To be determined by the decision of the Overview and Scrutiny Committee.

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Appendices:

The following appendix is attached to this report:-

- Report to: Cabinet Member – Locality Services, dated: 9 August 2017.

Background Papers:

All relevant papers in relation to the Cabinet Member decision are attached to the report.

1. Introduction/Background

1.1 Cabinet Member Decision (Cabinet Member Portfolio - Locality Services)

1.2 The report attached as an **Appendix** to this report was considered by the Cabinet Member and confirmed on 23 August 2017, subject to call-in.

1.3 The decision of the Cabinet Member is set out below:

Decision:

That:

- (1) The temporary closure of Lord Street, Southport be approved;
- (2) The necessary legal procedures, including those of public consultation and advertising the Council's intention to implement the Order, be approved.

Reason for Decision:

The Council has the power to make temporary Traffic Regulation Orders under Section 14 of the Road Traffic Regulation Act 1984. It is necessary to temporarily close Lord Street, Southport for reasons of health and safety to enable carriageway resurfacing works to be completed.

Alternative Options Considered:

None

2. Details of the Call-In of the Cabinet Member Decision

2.1 The following Members of the Council (who are not Members of the Cabinet) signed the requisition for the **call-in**, in relation to the Temporary Closure of Lord Street, Southport, in accordance with the provisions of the Overview and Scrutiny Committee Procedure Rules in Chapter 6 of the Council's Constitution:-

- Councillor Hands
- Councillor Keith
- Councillor McGuire

2.2 In the requisition for the call-in, the following reasons were given:-

1. Insufficient consultation with the BID and business in Lord street
2. No proper consultation with Southport people through the Public engagement panel Not consulting with the area committee

3. Not looking after the heritage of the conservation area
4. Harming the trade of Lord Street when trading is starting to get into its peak time.

2.3 The Constitution sets out the following requirements with respect to call-in:-

“All requisitions for call-in shall refer to a specific decision and provide a reason. A decision may only be the subject of one call-in. A decision may only be called-in for the following purposes:

- a) to seek more understanding of the decision and its implications;
- b) to question the soundness of the decision based on facts taken or not taken into account;
- c) to identify the need for Council policies to guide decisions;
- d) to make recommendations to the Cabinet and/or Council;
- e) to question whether the decision conforms with agreed policies.”

2.4 Members are asked to consider the requisition cited above (in paragraph 2.2) and determine which ground or grounds apply to the requisitions, if any. If the Committee determines that the requisitions fall within one of the grounds, then it can proceed to consider whether it is concerned with the decision.

2.5 The Secretary of State in his guidance recommends that the Overview and Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary or not wholly in accordance with the budget.