

Internal Scrutiny Committee

Meeting to be held on Tuesday, 21 August 2018

Part I

Electoral Division affected:
All

Call In Request: Update on Preston Youth Zone Operator (Annexes 'A and 'B' refer)

Contact for further information:

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Executive Summary

On 9 August 2018, Cabinet received and approved recommendations contained in a report (as at Annex 'A') on the update on Preston Youth Zone Operator. Cabinet approved an additional recommendation for officers to explore with stakeholders alternative options that might work in the current climate.

Following requests from nine County Councillors in accordance with the "Call In" procedures, the Chair of the Internal Scrutiny Committee has called a meeting to consider calling in the decision.

Recommendation

In accordance with the Call In procedures contained in Overview and Scrutiny Procedural Standing Orders E1-2, the Committee is asked to consider:

1. Whether or not to request Cabinet reconsider the decision made on 9 August 2018 to approve the recommendations as set out in the report below.
2. If so, to determine the grounds on which the request is to be based.

Background and Advice

On 9 August 2018, Cabinet received a report on the update of the Preston Youth Zone Operator. Cabinet resolved that:

- i. The council withdraw from the delivery of a Preston Youth Zone on the Preston Bus Station site and extend the public realm treatment associated with the Bus Station redevelopment across the whole western apron.
- ii. The additional public realm works estimated at £1.25m be funded from the £5.925m currently allocated to the Preston Youth Zone.

- iii. The £3.431m capital funding remaining following reductions of £1.244m abortive costs and £1.25m additional Public Realm costs be repurposed..
- iv. The £150,000 revenue allocation previously committed to the operation of the Preston Youth Zone be released.
- v. Officers explore with stakeholders alternative options that might work in the current environment.

On Tuesday 14 August 2018, the Chief Executive received a request, signed by nine County Councillors representing more than one single political group, for the Internal Scrutiny Committee to consider whether that decision should be the subject of a Call In.

The request was received in accordance with Overview and Scrutiny Procedural Standing Orders E1-2 from County Councillors Azhar Ali, Kevin Ellard, John Fillis, David Howarth, Erica Lewis, Jennifer Mein, Gillian Oliver, Liz Oades and John Potter. The decision cannot now be implemented until the call-in procedure is completed.

Standing Order E2(5) requires those requesting the special meeting to specify how the decision has breached one or more of the Principles of Decision Making set out at Standing Order A4. These are that all decisions of the council, including Cabinet and Committees, will be:

- (a) proportionate in all ways, including financially, to the issues under consideration and to the desired outcome;
- (b) based on appropriate consultation and professional officer advice;
- (c) In line with our duties around Human Rights and equality and diversity;
- (d) clear in terms of aims and outcomes;
- (e) in line with the legal test of reasonableness; and
- (f) made with all relevant information being available to the decision makers, and, where appropriate, other councillors and the public.

The reasons for this request as submitted by the above members are as follows:

"At Cabinet a last minute 5th recommendation was suddenly submitted by Cllr Driver to be considered. This came as a surprise to backbench Councillors, the public, the press and interested parties within the room. This caused confusion as to the exact meaning of "what models might work in the current environment". We believe that this decision should be called in because it failed to be 'clear in terms of aims and outcomes'.

Furthermore there was a heated discussion regarding the advice on whether the proposed Youth Zone would be in breach of State Aid rules and how being tied to Preston bus station should limit a 125 year lease given that the bus station is now a listed building and will be around longer than the 25 years suggested. Based on the

discussion in Cabinet it is far from clear that the decision was 'based on appropriate consultation and professional officer advice'.

Concerns have also been raised that the decision may not be in-line with 'our duties around Human Rights and equality and diversity' particularly around people with disability and the lack of consultation with the disabled and other affected groups and the potential impact on them.

Finally we believe the recommendations, especially as a last minute addition was put in, may have been in breach of principle (f) in LCC constitution regarding decision making. This states that 'all relevant information being available to the decision makers, and where appropriate, other Councillors and the public.' We believe that 'not' all the relevant information was put before the cabinet or made available to Councillors and affected third parties particularly local partners and stakeholders.

In summary I believe the decision taken at cabinet does not meet B, C, D and F of Standing Order A4 of the constitution for the reasons cited above".

To assist the Committee, the Call In procedures contained in Overview and Scrutiny Procedural Standing Orders E1-2 are attached as at Annex 'B'.

Of particular relevance in attached provisions (as at Annex 'B') are the requirements that the Committee must determine at the meeting whether or not to request that the decision be reconsidered, and if so to determine the grounds upon which the request is based.

The Committee is required to meet within seven clear working days of the request to consider the Call In being received, and a special meeting has therefore been scheduled for Tuesday 21 August 2018.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no significant risk management implications arising from this item. However, the risk management and other implications associated with the decision are set out in Annex 'A' to this report.

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Directorate/Tel
N/A	N/A	N/A

Reason for inclusion in Part II, if appropriate

N/A