

Scrutiny Committee

Meeting to be held on Friday 13 May 2016

Electoral Division affected:
Burnley Central East;
Burnley Central West;
Burnley South West;
Clitheroe; Padiham and
Burnley West; and Ribble
Valley North East

Bus Service Replacement Proposal for Sabden

(Appendix 'A' refers)

Contact for further information:

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Executive Summary

On 11 May 2016, the Cabinet Member for Highways and Transport considered a report on a bus service replacement proposal for Sabden. The Cabinet Member made a decision to refuse the recommendation in the report.

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

Recommendation

In accordance with the Call In procedures contained in Procedural Standing Orders (Standing Order 23 and Appendix 3) the Committee is asked to consider:

- (i) Whether or not to request the Cabinet Member for Highways and Transport to reconsider the decision made on 11 May 2016 to refuse the recommendations set out in the report;
- (ii) If so, to determine the grounds on which the request is to be based.

Background and Advice

On 11 May 2016, the Cabinet Member for Highways and Transport considered a report on a bus service replacement proposal for Sabden. The Cabinet Member made a decision to refuse the recommendations in the report which were to:

Approve the bus service replacement proposal put forward by the Cabinet Working Group on Bus Services set out at Appendix 'A' and request that officers undertake the necessary procurement process to allow services to be put in place from 3 May 2016.

The reasons given by the Cabinet Member for the refusal were as follows:

- County Councillor John Fillis, the Cabinet Member for Highways and Transport, is unable to support the proposals as they stand within the decision making papers at the present time as this is not a subsidised service;
- County Councillor Fillis has asked officers to develop a fixed financial policy that would consider the Council's response to the cessation of commercial bus operations, which cannot be fully operated by an alternative bus operator.

The report to the Cabinet Member is attached at Appendix 'A'.

A request has been received, signed by five County Councillors, for the Scrutiny Committee to consider whether that decision should be the subject of a Call In.

The request was received in accordance with Procedural Standing Orders from County Councillors Atkinson, Dowding, Driver, Schofield and Shedwick. The decision cannot now be implemented until the call-in procedure is completed.

The reason for this request as submitted by the above Members is:

'The adverse impact that the decision would have on the residents'.

To assist the Committee, the Call In procedures contained in Procedural Standing Orders (Standing Order 23 and Appendix 3) are summarised below:

- Any five county councillors may, within three days of an executive decision being published, request that a special meeting of the relevant O&S committee is convened to consider that decision.
- That executive decision shall not be implemented until the Call In procedure is completed.
- An O&S Committee may request that an executive decision made but not yet implemented be reconsidered by the Decision Maker, or request that the Full Council decide whether to ask the Decision Maker to reconsider.
- The Committee must decide at the meeting whether or not to exercise its Call In powers.
- Any such request for reconsideration shall include the grounds upon which the request is based.
- Once the Committee has determined to make such a request, the request and the grounds upon which it is based must be registered with the Chief Executive in writing within three clear working days of the O&S Committee meeting.

- If a request is made the Decision Maker must then reconsider the decision having regard to the grounds upon which it is based. The Decision Maker can affirm, amend or rescind their decision.
- The Decision Maker shall publish their response to a request for reconsideration and the reasons for their decision by writing as soon as is reasonably practicable to the Chair of the relevant Overview and Scrutiny Committee.
- The Decision Maker can only be required to reconsider the same decision once.
- An Overview and Scrutiny Committee shall not exercise its functions;
 - (1) where the decision has been designated by the Decision Maker as being urgent in that any delay in its implementation could adversely affect the efficient execution of the County Council's responsibilities; or
 - (2) in respect of day-to-day management and operational decisions taken by officers.

Of particular relevance in the above provisions 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 7 working days of the request to consider the call in being received, and a special meeting has therefore been scheduled for Friday 13 May 2016 at 12noon

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

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

List of Background Papers

Paper	Date	Contact/Directorate/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A