

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Scrutiny and Overview Committee 28 March 2011
AUTHOR/S: Executive Director – Corporate Services / Senior Democratic Services Officer
Portfolio Holder: Councillor Nick Wright – Planning Portfolio Holder

CALL IN OF PLANNING PORTFOLIO HOLDER'S DECISION TO ENDORSE THE CAMBRIDGESHIRE LOCAL TRANSPORT PLAN 3

Purpose

1. To advise Members of the procedure to hear the call-in of the decision taken by the Planning Portfolio Holder on 8 March 2011 to support the Cambridgeshire Local Transport Plan 3 and to endorse the District Statement within the Plan.
2. The matter under scrutiny was a key decision because:
 - it is likely to be significant in terms of its effects on communities living or working in an area of the District comprising two or more wards (affecting all wards).
 - it raises new issues of policy, or is made in the course of developing proposals to amend the policy framework, or is a decision taken under powers delegated by the Council to amend an aspect of the policy framework.and it was first published in the December 2010 Forward Plan.

Options

3. Realistically the Committee has two options, which are listed in paragraph 12.9 of the Constitution and are:
 - (A) refer the decision back to the Portfolio Holder for re-consideration, setting out in writing the nature of its concerns. If referred back, the executive decision taker shall then re-consider within five working days, amending the decision or not, before adopting a final decision. If the decision had been made before call-in, it may be implemented immediately;
 - (B) not refer the matter back, in which case the decision may be implemented immediately following the Scrutiny and Overview Committee meeting.
4. The County Council will be discussing the Cambridgeshire Local Transport Plan on 29 March and so this authority needs to take a decision on 28 March in order to ensure that its views are taken into account. This means that the option of referring the matter to Council is not realistic. It also means that if the decision is referred back to the Portfolio Holder, he will have to take a decision following the Scrutiny and Overview Committee in order to meet the deadline.

Background

5. The report which went to the Planning Portfolio Holder on 8 March 2011 is at Appendix A. The text of the decision is at Appendix B.
6. This decision was called-in by the Chairman of the Scrutiny and Overview Committee, Councillor James Hockney, on the grounds that the decision was not made in accordance with the following three principles (which are listed amongst the six principles for decision making listed under Article 13 of the Constitution):
 - (b) due consultation and the taking of professional advice from officers;

- (d) presumption in favour of openness, helpfulness and consistency; and
 (f) consideration of available options and giving reasons for decisions.
7. Please note that Councillors Mason, Riley, Bear, de Lacey and Stonham also supported the call-in of this decision.

Implications

8. Financial	No direct financial implications for the Council
Legal	None
Staffing	Within existing staff resources
Risk Management	The lower level of funding present challenges to the deliver of the strategies and programmes.
Equal and diversity	The County Council have done an Equality Impact Assessment, which showed that the Plan has a neutral and/or positive impact on Equal Opportunities.
Climate Change	The Plan is important for the delivery of sustainable transport, with resultant climate change benefits.

Consultations (copied from paragraphs 24 and 25 of the original report)

9. Cambridgeshire County Council undertook stakeholder and public consultation in Spring 2010 prior to the preparation of the Strategy document. The Strategy has also been developed in partnership with the District Councils.
10. Internal officer consultation has been undertaken on the draft Strategy and in the preparation of the District Statement. An early draft of LTP3 and District Statement has also been shared with the New Communities and Planning Portfolio Holders and the Member Champion for Children and Young People.

Conclusions / Summary

11. The Committee needs to agree to option A or B as detailed in paragraph 3 above. If the Committee refers the decision back to Planning Portfolio Holder then it might wish to make an alternative recommendation.

Background Papers: the following background papers were used in the preparation of this report: The Council's Constitution

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