

ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 23

Brighton & Hove City Council

Subject:	Request for Call-in of the 17 September 2009 Cabinet Decision on the Pedestrian Network: Phase 2		
Date of Meeting:	6 October 2009		
Report of:	The Director of Strategy and Governance		
Contact Officer:	Name: Tom Hook	Tel: 29-1110	
	E-mail: Tom.hook@brighton-hove.gov.uk		
Wards Affected:	Regency		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To determine whether to ask the Cabinet to reconsider its decision in relation to the extension of the Pedestrian Network initiative, which was taken at the 17 September 2009 Cabinet meeting.
- 1.2 The following information is contained in the appendices to this report:
 - (a) **Appendix 1** to the report contains the Call-In request;
 - (b) **Appendix 2** to the report contains an extract from the draft minutes from the Cabinet meeting of 17 September 2009;
 - (b) **Appendix 3** to the report contains the official record of the Cabinet's decision on this matter;
 - (c) **Appendix 4** to the report contains the report from the Director of Environment which was agreed at the 17 September 2009 Cabinet meeting (including the appendices published alongside the original report);
 - (d) **Appendix 5** to the report contains further information on this issue supplied by the Director of Environment (to follow).

2. RECOMMENDATIONS:

- 2.1 (a) To note the decision taken by the Cabinet on September 17 2009 in relation to Phase 2 of the Pedestrian Network initiative;
 - (b) To note the subsequent Call-In request;
 - (c) To note the additional information supplied by the Director of Environment.
- 2.2 Having regard to the grounds for Call-In, to determine whether to refer the decision back to the Cabinet for reconsideration.

3. BACKGROUND INFORMATION

- 3.1 On September 17 2009, the Cabinet agreed a report on plans for the extension of the Pedestrian Network scheme. (This report is reprinted in **Appendix 4**. An extract from the draft minutes is printed as **Appendix 2** to this report, and the official record of the Cabinet's decision is printed as **Appendix 3**).
- 3.2 Further information relating to this matter has been provided by the Director of Environment (this is contained in **Appendix 5** to this report – to follow).
- 3.3 On 23 September 2009, Councillors Jason Kitcat, Ben Duncan, Amy Kennedy and Pete West, wrote to the Chief Executive, requesting that the Cabinet Decision be called in. (The Call-In request is reprinted as **Appendix 1** to this report.)
- 3.4 The Chief Executive accepted the Call-In request on 25 September 2009 and asked for a Call-in Meeting of the Overview & Scrutiny Commission to be called within seven working days.
- 3.5 Call-In is the process by which Overview & Scrutiny Committees can recommend that a decision made (in connection with Executive functions) but not yet implemented be reconsidered by the body which originally took the decision.
- 3.6 Call-In should only be used in exceptional circumstances, for instance where there is evidence that an important decision was not taken in accordance with the Council's constitution.

- 3.7 An Overview & Scrutiny Committee examining a decision which has been Called-In does not have the option of substituting its own decision for that of the original decision. The Overview & Scrutiny Committee may only determine whether or not to refer the matter back to the original decision making body for reconsideration.
- 3.8 In determining whether to refer a decision back to its originating body for reconsideration, the Overview & Scrutiny Committee should have regard to the criteria for Scrutiny reviews, as set out in the Council's constitution (Part 6.4: paragraph 2). In addition, the Committee should take into account:
- Any further information which may have become available since the decision was made
 - The implications of any delay; and
 - Whether reconsideration is likely to result in a different decision.
- 3.9 More information about the Call-In process is contained in the Council's constitution (Part 6.1: paragraph 16).

4. CONSULTATION

- 4.1 No formal consultation has been undertaken in regard to this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Financial implications remain as detailed in the initial report to Cabinet (17.09.09)

Legal Implications:

- 5.2 If, having scrutinised the Environment Cabinet Member's decision, ECSOSC is still concerned about, it may refer the decision back to the Cabinet Member for reconsideration, setting out the nature of its concerns. Were this to happen, the Cabinet Member is required to reconsider, either at his next programmed Cabinet Member meeting or at a special meeting called for the purpose, whether to amend the decision or not before reaching a final decision and implementing it.

Lawyer consulted: Oliver Dixon Date: 1 October 2009

Equalities Implications:

- 5.3 There are no direct equalities implications to this report, although the 17 September 2009 Cabinet decision was made with regard to the equalities implications contained within the original report of the Director of Environment (see **appendix 4**).

Sustainability Implications:

- 5.4 There are no direct sustainability implications to this report, although the 17 September 2009 Cabinet decision was made with regard to the sustainability implications contained within the original report of the Director of Environment (see **appendix 4**).

Crime & Disorder Implications:

- 5.5 There are no direct crime & disorder implications to this report, although the 17 September 2009 Cabinet decision was made with regard to the crime & disorder implications contained within the original report of the Director of Environment (see **appendix 4**).

Risk and Opportunity Management Implications:

- 5.6 The Call-In procedure seeks to provide a system via which important decisions can be re-examined in a timely fashion, so as to ensure that the Council is not unnecessarily exposed to risk associated with taking decisions contrary to established procedure, whilst also minimising risk inherent in unduly delaying the decision making process.

Corporate / Citywide Implications:

- 5.7 The decision on extending the Pedestrian Network scheme is a significant one as the redesign of East Street is intended to better manage pedestrian traffic between the Royal Pavilion, the Lanes and the Seafront: three of Brighton & Hove's principal tourist attractions. An effective re-design is likely to improve visitors' experience of the city and may increase trade for some city businesses.

SUPPORTING DOCUMENTATION

Appendices:

1. The request for Call-In;
2. An extract from the draft minutes of the 17 September 2009 Cabinet meeting;
3. The official record of the Cabinet decision in relation to this report;

4. The Director of Environment's report to the 17 September 2009 Cabinet meeting: Pedestrian Network: Phase 2;
5. Additional information on this matter from the Director of Environment.

Documents in Members' Rooms:

There are none.

Background Documents:

1. The Council's constitution (May 2008).