

**NORTH EAST LINCOLNSHIRE COUNCIL
LAW AND DEMOCRATIC SERVICES**

**Scrutiny call-in mechanism on Cabinet/Portfolio
Holder decisions**

Date	25 th October 2023
Cabinet Item (title)	PORTFOLIO HOLDER ENVIRONMENT AND TRANSPORT DECISION NOTICE Publication Date: 24th October 2023
Decision Notice No.	DNPH.EHE.18
Reason(s) for Call-in	<p>The decision was made with reference to a report considered at the Portfolio Holder Environment and Transport meeting of 23rd October 2023.</p> <p>One of the reasons given for the decision not to introduce a controlled pedestrian crossing(zebra crossing) was that ‘the number of pedestrians recorded crossing the road and hence who might benefit from a crossing being very low’. This statement is factually incorrect depending on the time of day, and is based on pedestrian surveys carried out between the hours of 0900 and 1500 only, which exclude the peak periods of weekdays when children are using the crossing. The surveys conducted were defective and did not comply with the basic requirements of the ‘Traffic Signs Manual Chapter 6, Section 2, 13.3 ‘Pedestrian Survey’:</p> <ul style="list-style-type: none"> • The traffic and vehicle surveys did not include peak periods • Types of user, including children were not identified • No account of school start and finish times considered <p>If a child was to be seriously injured in the near future and it transpired that a key decision had been made on the basis of seriously flawed data, which had been identified and flagged for concern, this could have a serious reputational impact for NELC. This is particularly so, given the fact that over 1,200 people signed a petition requesting that a crossing be installed.</p>
Desired outcome for Call-in	A decision on the introduction of a zebra crossing should be deferred until new pedestrian and traffic surveys have been conducted with fully comply with the requirements of the Traffic Signs Manual Chapter 6.
Intended Recommendation to Cabinet	A new report should be commissioned, and any decisions deferred until such time as that report can be considered.

Details of estimated/actual cost	£750 (estimated cost of 3 weekday surveys 0700 – 1900)
To be referred to which Scrutiny meeting?	Communities

SIGNATURES OF TWO MEMBERS OF THE COUNCIL

(signature)

(1)  _____

(2)  _____

(printed name)

_____ Steve Holland _____

_____ Lyndsey Downes _____

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Notes on Scrutiny call-in mechanism on Cabinet/Portfolio Holder decisions

- 1 A Decision Notice of a Cabinet/Portfolio Holder meeting or a key decision made by an officer with delegated authority from the Cabinet will be published within two working days of the meeting/decision and will be sent to all Members of the Council with a copy of this form. That notice will include the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless any two Members of the Council object to it and call it in.
- 2 The notice must be signed by any two Members of the Council (including co-opted members provided the Proposal relates to their area of responsibility) and must give reasons for the suspension and referral of the decision to Scrutiny.
- 3 The notice must be received by the Chief Executive no later than 4.00 p.m. on the fifth working day after publication of the Decision Notice, and must specify the item reference number in question and indicate which Scrutiny meeting the matter will go to with reasons for preference. The Chief Executive will adjudicate on allocation to the appropriate Scrutiny meeting and the decision-taker shall be notified of the call-in.
- 4 A maximum period of 28 days will be set for scrutiny to hear a call-in following receipt of notice. Having considered the decision in question, the Scrutiny Panel must resolve either to:
 - (i) free the decision for implementation (the decision shall take effect on the date of the relevant Panel meeting);
 - (ii) refer it back to the decision making person or body with a recommendation for amendment; or
 - (iii) refer the decision to the Council for approval.
- 5 If referred back to the decision making person or body, they shall reconsider within a further four weeks before adopting a final decision. If decision making person or body resolve to accept the recommendations of the Scrutiny Panel, the decision may be implemented as amended. Otherwise the decision must be referred either back to Cabinet or Council, together with the recommendation of the Scrutiny Panel for determination.
- 6 If the matter was referred to full Council and the Council does not object to the decision which has been made, then no further action is necessary and the decision shall take effect on the date of the Council meeting. However, if the Council does object it has no power to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where a decision was taken by the Cabinet as a whole, a meeting will be convened to reconsider within four weeks of the Council request. Where the decision was made by an individual, the individual will also reconsider within four weeks of the Council request.
- 7 The call-in procedure set out above shall not apply where the decision taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the community's best interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one and the reason for this, and therefore not subject to call-in. The Leader and Deputy Leader of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Leader and/or Deputy Leader, the head of paid service (Chief Executive) or his/her nominee's consent shall be required. In all cases, the Cabinet will be required to consult with the Chair of the relevant functional Scrutiny Panel to satisfy that person that urgency is justified. In the absence of the Chair of the relevant functional Panel, a Chair of another Panel shall be consulted. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 8 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.