



AGENDA ITEM: 7(1)

**EXECUTIVE OVERVIEW AND
SCRUTINY COMMITTEE:
3 July 2008**

Report of: Council Secretary and Solicitor

Portfolio Holder: Councillor Forshaw

Contact for further information: Mrs Jacky Denning (Extn. 5384)

**SUBJECT: CALL IN ITEM – USE OF COMMUTED SUMS FOR ENHANCED
TRANSPORT PROVISION IN SKELMERSDALE/UP HOLLAND**

District Wide Interest

1.0 PURPOSE OF THE REPORT

1.1 To advise the Executive Overview & Scrutiny Committee of the reason for the call in of the decision on the above item, as set out in Minute No. 9 of the meeting of Cabinet held on 17 June 2008.

2.0 RECOMMENDATIONS

2.1 That the Committee determines whether it wishes to ask for a different decision.

2.2 That if the Committee does wish to ask for a different decision, the Committee indicates which of the options set out at paragraph 4.1 below, it wishes to pursue.

3.0 DETAILS RELATING TO THE CALL IN

3.1 The report attached as an Appendix to this report was considered at Cabinet held on 17 June 2008.

3.2 The following decision of Cabinet is contained at minute no. 9 :-

“9 USE OF COMMUTED SUMS FOR ENHANCED TRANSPORT PROVISION IN SKELMERSDALE/UP HOLLAND

Councillor Forshaw introduced the report of the Council Secretary and Solicitor which advised of the outcome of the Planning Committee’s consideration, at its meeting held on 22 May 2008, of a report of the Executive Manager Planning and Development Services on the use of commuted sums for enhanced transport provision in Skelmersdale/Up Holland.

The report of the Executive Manager Planning and Development Services, attached as an Appendix, considered how the commuted sums received or due to be received from Section 106 Agreements for accessing sites by alternative means of transport to the car should be used.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A That the decision whether to use the commuted sums of £51,550 from the Metier Site Phase 1, £25,000 from Proctor Gamble and £5000 from KRM, Pimbo Lane to create the three cycle/pedestrian routes referred to in paragraphs 7.1 and 7.2 of the report attached as an appendix, be delegated to the Executive Manager Planning and Development Services in consultation with the relevant Portfolio Holder, subject to the views of Planning Committee being taken into account.
- B That delegated authority be given to the Executive Manager Planning and Development Services in consultation with the relevant Portfolio Holder to agree the final designs and appoint contractors for the three schemes referred to in paragraphs 7.1 and 7.2 of the report attached as an appendix, subject to the views of Planning Committee being taken into account in relation to the final designs.
- C That a further report be brought back to Cabinet in respect of the demand responsive bus service when more details are available. “

3.3 The following reason for call was given in the requisition:

“That the current arrangements set out in the Cabinet report around spend of Commuted Transport Sums (including the information contained at Appendix 1) and are not as conducive as they might be to an overall transport ‘solutions’ in West Lancs. ”

3.4 The requisition also provided an alternative decision which was:

“That a Working Group of Officers and Members be set up to examine options for the optimum use of currently available and future commuted sums. ”

- 3.5 The following Members of the Executive Overview & Scrutiny Committee signed the requisition for call-in in accordance with the provisions of Overview & Scrutiny Committee Procedure Rule 15:

Councillor Nolan
Councillor Mawdsley
Councillor McKay
Councillor Rice
Councillor Furey

4.0 CONCLUSION

- 4.1 Following consideration of the decision of Cabinet and the requisition for call in, the Executive Overview & Scrutiny Committee can decide if it wishes to ask for a different decision. If the Committee does not wish to ask for a different decision then the decision of Cabinet takes immediate effect. If the Committee does wish to ask for a different decision, it may:
- a. refer the decision back to Cabinet (as the decision making body) for reconsideration, setting out the different decision; or
 - b. refer the matter to Council. If the matter is referred to Council and Council does not object then the decision of Cabinet will take effect immediately from that Council meeting date. If the Council does object, then the decision and the objection will be referred back to Cabinet (as the decision making body) for reconsideration.
- 4.2 The Secretary of State in his Guidance recommends that Overview & Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

Report of the Council Secretary and Solicitor.