



**AGENDA ITEM: 9(b)**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
2 February 2012**

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**Report of: Borough Solicitor**

**Relevant Managing Director: Managing Directors**

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**SUBJECT: CALL IN ITEM – SKELMERSDALE & UP HOLLAND DEMAND  
RESPONSIVE TRANSPORT SYSTEM**

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Wards affected: Borough wide.

**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. 104 of the meeting of Cabinet held on 17 January 2012.

**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 5.1 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 a meeting of Cabinet on 17 January 2012.

3.2 The decision of Cabinet reads as follows:

“104. Skelmersdale & UpHolland Demand Responsive Transport System

Councillor Forshaw introduced the report of the Borough Planner which advised Members of the progress made regarding provision of a demand responsive transport

system linking residential and employment areas in Skelmersdale and Up Holland, and sought approval for a pilot scheme funded through S106 commuted sums.

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 authority be given to the Borough Planner to:-

- (i) pilot a scheme to provide a demand responsive transport system to operate initially for 9 months with a review after 6 months linking residential and employment areas in Skelmersdale and Up Holland utilising S106 funds and to take all action necessary in relation to the scheme and
  - (ii) enter into a Service Level Agreement (SLA) with Lancashire County Council to ensure that formal agreement is in place regarding LCC's role in operating this service including how S106 money will be transferred to LCC to operate this service.
- B. That the results of the pilot scheme be subject of a further report to Cabinet after the 6 month review."

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

*"That the service should not be restricted to just Pimbo and Up Holland"*

3.4 The requisition also provided a different decision which was:

*"That the pilot scheme be extended to cover the whole of Skelmersdale, including other industrial estates."*

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 Fillis  
Councillor Gagen  
Councillor Nolan  
Councillor Moran  
Councillor R.A. Pendleton

#### **4.0 COMMENTS OF THE BOROUGH PLANNER**

4.1 The proposal is to run the scheme to the Pimbo industrial estate, for people within Skelmersdale and Up Holland, as a pilot scheme for 9 months only and this will be reviewed after 6 months. This will enable consideration to be given as to whether the scheme should be extended to run to other employment areas in Skelmersdale and the area in which people will be able to use the service. It will also allow time to consider which Section 106 agreements should be used and for any legal discussions to take place if these needed to be varied.

4.2 The Section 106 agreement being used for the pilot scheme can only be used for a scheme serving the Pimbo Estate. For it to be used for other areas in the town a deed of variation to the agreement would be required and this would delay the project. In terms of other Section 106 agreements relating to transport improvements in Skelmersdale, it might be possible to use one of these to run such a demand responsive service to White Moss Business Park, but this would delay the starting of the service, and it is my view that this should be looked at as part of the review process. The Stanley or Gillibrands employment areas would need deeds of variation to current Section 106 agreements in order to run a service to these areas and this would cause significant delay to starting the pilot scheme.

4.3 A limited operating area for the pilot will also allow for a more targeted marketing exercise to be undertaken and by promoting it in a more focussed way help with its establishment, which can then hopefully rolled out if this proves to be a success.

## **5.0 CONCLUSION**

5.1 Following consideration of the decision of Cabinet, the requisition for call in and the comments of the Borough Planner, 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.

5.2 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.

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### **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**

An Equality Impact Assessment has been considered as part of the attached report.

### **Appendices**

## Report of the Borough Planner