



OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM No:
23 MARCH 2020	PUBLIC REPORT

**REQUEST FOR CALL IN OF ITEM 12 ON THE TRANSPORT AND
INFRASTRUCTURE COMMITTEE AGENDA FOR ITS MEETING ON 6 MARCH
2020 - LOCAL TRANSPORT PLAN AND THE CAMBRIDGESHIRE
AUTONOMOUS METRO**

1.0 PURPOSE

- 1.1 The purpose of the report is to consider a request to call-in decisions made by the Transport and Infrastructure Committee at its meeting on 6 March 2020 in relation to Item 12 on that agenda which was a report on the Local Transport Plan and Cambridgeshire Autonomous Metro.

<u>DECISION REQUIRED</u>	
FROM:	
Lead Officer:	Dermot Pearson, Interim Monitoring Officer
<p>The Committee is recommended to:</p> <p>1. Consider whether the decisions taken by the Transport & Infrastructure Committee regarding Item 12 on the agenda for its meeting on 6 March 2020 relating to Local Transport Plan and the Cambridgeshire Autonomous Metro and subject to the request for call-in are Key Decisions and subject to the call-in procedure set out in the Combined Authority's Constitution, and if the Committee decides that they are subject to the call-in procedure to:</p> <p>(a) Consider the request to call-in the decisions and either:</p> <p>(i) If Committee accept the call in, to refer the decision back to the Transport and Infrastructure Committee for reconsideration, setting out Committee's concerns and to consider whether to exercise the Committee's power to direct that the decisions are not to be implemented while under review by the Committee for a period not exceeding 14 days from the date the direction is issued; or</p> <p>(j) If Committee do not accept the call-in, to endorse the decisions of the Transport and Infrastructure Committee.</p>	

2.0 BACKGROUND

- 2.1 At its meeting on 6 March 2020 the Transport and Infrastructure Committee received a report on the Local Transport Plan and Cambridgeshire Autonomous Metro at Item 12 on its agenda and it resolved to:

- a) *Commission the preparation of a LTP sub-strategy setting out the vision for the CAM Metro as a whole, against which schemes contributing to the CAM can be considered; and*
- b) *Authorise officers to propose short term public transport improvements between Cambourne and key employment sites in Cambridge.*

The officer report for the item forms Appendix 1 to this report.

- 2.2 Following the publication of the decision statement for the meeting the Interim Monitoring Officer received a request from five members of the Overview & Scrutiny Committee under the Call-in procedures set out in Chapter 13 [Overview and Scrutiny Committee] of the Combined Authority's Constitution. The request for Call-in forms Appendix 2 to this report. The five members were Councillors Dupre, Price, Scutt, Heylings and Murphy. The reasons given for the request were:

The report for this item did not enable the Transport and Infrastructure Committee to make a fully informed decision. In particular

1. the powers of the Mayor and Combined Authority to take over the Greater Cambridge Partnership's Cambourne to Cambridge segregated public transport scheme were unclear;

2. the implications for other pieces of work such as the local housing trajectory of South Cambridgeshire District Council, including at Bourn Airfield, were not taken into account;

3. it is not clear that the Transport and Infrastructure Committee considered the stage that development of the Greater Cambridge Partnership public transport schemes have reached;

4. it is not clear that the Transport and Infrastructure Committee considered the reasonableness of making a decision that deviates without justification from the cooperation with the Greater Cambridge Partnership envisaged in the Devolution Deal;

5. the Transport and Infrastructure Committee did not properly take into account the policy position laid out in the Combined Authority's

Cambridgeshire and Peterborough Local Transport Plan as approved on 29 January 2020;

The decision of the Transport and Infrastructure Committee is therefore unreasonable.

- 2.3 Following the meeting of the Transport and Infrastructure Committee Councillor Van De Weyer, the Deputy Leader of South Cambridgeshire District Council and the Chair of the Greater Cambridge Partnership, wrote to the Interim Monitoring Officer seeking clarification of various legal issues arising from the decisions made by the Committee. The letter from Councillor Van De Weyer forms Appendix 3 to this report and the response from the Interim Monitoring Officer forms Appendix 4.
- 2.4 The officer report at Appendix 1 is marked as a Key Decision. At the meeting of the Transport and Infrastructure Committee the meeting the Interim Monitoring Officer confirmed that the report had been marked as a Key Decision in error and that the decisions recommended in the report were not capable of being key decisions, although any subsequent decision-making on alterations to the Local Transport Plan or on short term transport improvements was likely to involve Key Decisions.
- 2.5 This advice was based on both the recommendations in the report consisting of the Committee instructing officers to do work and to bring back further reports. Alterations to the Local Transport Plan are a matter reserved to the Combined Authority Board by the Combined Authority's Constitution and would be beyond the remit of the Transport and Infrastructure Committee.
- 2.6 The Overview and Scrutiny Committee's power of call in, as set out in Chapter 13 [Overview and Scrutiny Committee] of the Constitution at paragraph 13 is limited to the call in of Key Decisions:

13. Call-in of Combined Authority and Mayoral Decisions

13.1. The power of the Overview and Scrutiny Committee to review or scrutinise a key decision made but not implemented includes:

- (a) the power to direct that the decision is not to be implemented while it is under review by the Committee for a period not exceeding 14 days from the date the direction is issued; and*
- (b) the power to recommend that the decision be reconsidered.*

- 2.7 The definition of a Key Decision set out in Chapter 6 [Transparency Rules, Forward Plan and Key Decisions] of the Constitution is:

11. Key Decisions and Forward Plan

11.1. A “key decision” means a decision, which in the view of the Overview and Scrutiny Committee is likely to:

- (a) result in the Combined Authority spending or saving a significant amount, compared with the budget for the service or function the decision relates to; or*
- (b) have a significant effect on communities living or working in an area made up of two or more wards or electoral divisions in the area.*

The wording “in the view of the Overview and Scrutiny Committee” comes from the definition of a “Key Decision” in the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

2.8 The Committee will therefore have to consider whether the decisions made by the Transport and Infrastructure Committee are Key Decisions, in order to establish whether they fall within the remit of the Committee to call in Key Decisions, before proceeding to consider whether the request for call-in should be accepted.

2.9 If the Committee consider that the decisions are Key Decisions, and after considering the request for call-in and all relevant advice, the Committee may either:

- (a) not agree to the request to call-in and endorse the decisions of the Transport and Infrastructure Committee, in which case the decisions shall take immediate effect;
- (b) accept the call in and refer the decisions back to the Transport and Infrastructure Committee for reconsideration, setting out the Committee’s concerns and consider whether to exercise the Committee’s power to direct that the decisions are not to be implemented while under review by the Committee for a period not exceeding 14 days from the date the direction is issued.

If the decisions are referred back to the Transport and Infrastructure Committee that Committee would have to meet to reconsider the decisions no later than ten days after the date on which the recommendations of the Overview and Scrutiny Committee were received by the Combined Authority, unless it is dealt with under the urgency provisions within the Constitution, where the matter becomes urgent. At such a meeting the Transport and Infrastructure Committee would then have the power to confirm, amend or rescind the decisions and the Chair of the Overview & Scrutiny Committee or their nominee would have the right to attend a meeting at which the decisions were being reconsidered to present the report or recommendations of the Overview and Scrutiny Committee.

3.0 APPENDICES

Appendix 1 – Officer Report – Transport and Infrastructure Committee – 6 March 2020 – Local Transport Plan and Cambridgeshire Autonomous Metro

Appendix 2 – Request for Call-in Form

Appendix 3 – Letter from Councillor Van De Weyer to the Interim Monitoring Officer dated 11 March 2020

Appendix 4 – Letter from the Interim Monitoring Officer to Councillor Van De Weyer dated 13 March 2020

<u>Source Documents</u>	<u>Location</u>
Cambridgeshire and Peterborough Local Transport Plan [adopted January 2020]	Local Transport Plan [January 2020]
Report to Transport & Infrastructure Committee – January 2020 – Local Transport Plan	Report to Transport & Infrastructure Committee January 2020 - LTP