



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

Agenda Item No: 5.1

Call-in of decision by the Transport and Infrastructure Committee: Demand Responsive Transport

- To: Cambridgeshire and Peterborough Combined Authority Board
- Meeting Date: 30th November 2022
- Public report: Yes
- Lead Member: Deputy Mayor Councillor Anna Smith
- From: Steve Cox, Associate Director
Edwina Adefehinti, Chief Officer - Legal and Governance & Monitoring Officer (Interim)
- Key decision: No
- Forward Plan ref: n/a
- Recommendations: The Combined Authority Board is recommended to:
- a) Confirm the decisions made by the Transport and Infrastructure Committee in relation to Demand Responsive Transport on 16 November 2022.

or

 - b) Amend the decisions made by the Transport and Infrastructure Committee in relation to Demand Responsive Transport on 16 November 2022.

or

 - c) Rescind the decisions made by the Transport and Infrastructure Committee on 16 November 2022 and either:
 - i. send the issue back to the Transport and Infrastructure Committee to make a new decision or decisions.

- ii. replace the decisions made by the Transport and Infrastructure Committee with a new decision or decisions.

Voting arrangements:

A vote in favour by at least two thirds of all Members (or their Substitute Members) appointed by the Constituent Councils who are present and voting, to include the Members appointed by Cambridgeshire County Council and Peterborough City Council, or their Substitute Members or

To be carried, the vote must include the vote of the Mayor, or the Deputy Mayor when acting in place of the Mayor.

1. Purpose

- 1.1 The Board needs to consider a call-in of decisions made by the Transport and Infrastructure Committee on 16 November 2022 in relation to Demand Responsive Transport.

2. Background

- 2.1 The Transport and Infrastructure Committee (TIC) considered a report on Demand Responsive Transport at its meeting on 16 November 2022.
- 2.2 The [published report](#) invited the Committee to retrospectively authorise the expenditure to continue to procure the Ting service for the period 17 July to 16 October 2022, and to retrospectively authorise the tender and award of a new Ting DRT bus service contract in West Huntingdonshire starting 27 November 2022 for up to three years (1 year + 1 year + 1 year) at a cost of £424,950 per annum.
- 2.3 These recommendations were amended at the meeting by officers to seek authorisation of Year 1 only of the new Ting contract. There is a pre-approved envelope that funds the contract, which put this decision within TIC's remit and procurement had already taken place with the contract awarded. Without TIC approval, the CPCA would have been exposed as the contract was due to start three days before the Combined Authority Board would meet on 30 November 2022. The Committee noted that approval for funding for Years 2 and 3 of the contract would be sought at a later date from the CA Board.
- 2.4 The revised recommendations were approved unanimously by TIC.
- 2.5 The Constitution states that:

Three Members of the Board may call-in a decision of the committee by notifying the Monitoring Officer. The power to call in an executive decision should only be used in exceptional circumstances. The decision will not be implemented and will be referred to the Combined Authority Board for review and decision.

On receipt of a call-in request, the Monitoring Officer shall:

- (a) notify the Mayor, Members of the Combined Authority Board, Members of the Committee and Members of the Overview and Scrutiny Committee, of the call-in; and
- (b) either call a meeting of the Board or refer the matter to the next scheduled Board meeting.

- 2.6 Notice of a call-in of TIC's decision by Councillor Bailey as the lead signatory and Cllrs Fitzgerald and Boden as the additional signatories was received by the Monitoring Officer on 21 November 2022. Implementation of the decisions has been suspended pending the Board's decision in accordance with the Constitution.
- 2.7 The Board has three options open to it:
 1. Confirm the decisions of TIC, in which case the decisions stand
 2. Amend the decisions
 3. Rescind the decisions, which can either then either be sent back to TIC to make a

new decision, or replaced with a new decision or decisions.

Significant Implications

3. Financial Implications

- 3.1 The cost of the Ting service in year 1 was £479,500 which was funded out of the Bus Trial Services budget line. The annual cost of Ting on the new contract from 28th November 2022 will be £424,950, a saving of around £55,000 per annum. It is funded by the Bus Trial Services budget to end of this financial year.
- 3.2 In 2023/24 onwards the Ting service will be part of the Bus Service Support Budget within the MTFP. The funds to operate the service for the initial 12 months to November 2023 are confirmed to be available.
- 3.3 It is intended to release £260,000 of Section 106 money for operating Ting around St Neots as the DRT format meets all the local service requirements in a single package. When this happens, it will reduce the cost-of-service provision over three years.

4. Legal Implications

- 4.1 From time to time, an executive committee or the CA Board may take a decision that causes concern to some councillors to such an extent that they believe the decision should be changed.
- 4.2 The Local Government Act 2000 requires every local authority to establish a mechanism which allows for executive decisions made but not yet implemented to be 'called in' for consideration by scrutiny. This includes decisions taken by committees and the Board (collective or individual) or decisions delegated to Chief Officers.
- 4.3 Call-in is intended to be used in exceptional circumstances for decisions believed to be contrary to the authority's decision-making principles. By its nature it acts as a delaying mechanism. The process is essentially a power to delay a decision and make the executive 'think again' about the decision.
- 4.4 It was proposed that a new contract with Vectare will be entered into from 27th November 2022 for a period of up to 3 years to deliver the TING service. In light of the call-in of this decision, the service will have to be suspended pending a decision of the board. This may have legal implication for the CPCA.
- 4.5 The contractor has relied on the award of the contract and would have grounds in law to sue the CPCA for breach of contract and/or loss of earnings. Furthermore, the new contractor may decide not to go ahead with the contract and sue the CPCA for fundamentally breaching the contract.
- 4.6 If the Board decides to rescind or amend the decision, the earliest the contract can be implemented will be five days after 30 November. However, if the decision of TIC is confirmed the contract can start immediately.

5. Public Health Implications

5.1 None.

6. Environmental and Climate Change Implications

6.1 The CPCA is considering the opportunity to agree to two of the new Ting fleet being small zero emission electric minibuses

7. Appendices

7.1 None.

8. Background Papers

8.1 [Combined Authority reports 20 November 2020](#)

8.2 [Report to the Transport and Infrastructure Committee 16.11.22 - Demand Responsive Transport](#)

8.3 [Transport and Infrastructure Committee 16.11.22 - Decision Statement - Item 2.5](#)