

4 July 2023		ITEM: 6
Planning, Transport and Regeneration Overview and Scrutiny Committee		
Call-in to Cabinet Decision 110643: Thurrock Supported Bus Services		
Wards and communities affected: All	Key Decision: Key	
Report of: Asmat Hussain, Interim Director of Legal and Governance		
Accountable Assistant Director N/A		
Accountable Director: Dr Dave Smith, Chief Executive		
This report is Public		

Executive Summary

This report provides advice to the Committee on the call-in process, and in particular the decision taken by Cabinet on 15 March 2023 in relation to Thurrock Supported bus services, highlighting the reasons why the call-in was made and the alternative proposals being put forward.

1. Recommendation(s)

That Committee can either:

- 1.1 Having considered the call-ins, refer the decision (Decision 110643 Thurrock Supported Bus Services) back to Cabinet for reconsideration, setting out in writing the nature of its concerns and alternative recommendations.**
- 1.2 If it considers the decision is contrary to the Budget or Policy Framework, refer the matter to the Council after considering the advice of the Monitoring Officer and / the Chief Finance Officer.**
- 1.3 Decide to take no further action.**

2. Introduction and Background

- 2.1 The Scrutiny Procedure Rules (the Rules) appear at Chapter 4, Part 3, paragraph 10 of the Constitution, and are reproduced at **Appendix 1** to this report.
- 2.2 The Rules prescribe that requests for Call-In may be made by either: (a) An individual Member where a decision has particular significance for that Member's ward (b) The Chair of the relevant Overview and Scrutiny Committee (c) Any two Members of the relevant Overview and Scrutiny Committee (d) Any three non-executive Members of the Council (e) A voluntary group with an interest in the area (f) A local business situated in the area (except in relation to decisions relating to procurement of goods and services) (g) 10 members of the public living, working or studying within Thurrock Council area.
- 2.3 Once a valid call-in is submitted the Monitoring Officer will ensure that any valid Call-In is reported to the next available meeting of the relevant Overview and Scrutiny Committee or will convene an extraordinary meeting. In the meantime, all action to implement the original decision is suspended.
- 2.4 There are a number of principles that an Overview and Scrutiny Committee can consider call-ins. These are set out in the Constitution and are as follows:
- a) Due regard for the individuals and communities served by Thurrock Borough Council
 - b) Proportionality – that is, the action must be proportionate to the desired outcome
 - c) Due consultation
 - d) Respect for human rights
 - e) A presumption in favour of openness, and
 - f) Clarity of aims and desired outcomes – that is, link between strategy and implementation
 - g) Consistent with the Council's Budget and Policy Framework

Having considered a Call-in and the reasons for its submission, the Committee has three options:

- i. To not take any further action, in which case the original decision is implemented immediately.
- ii. To refer the original decision back to Cabinet as the original decision-maker, setting out in writing the nature of the Overview and Scrutiny Committee concerns and any alternative recommendations. If this option is followed, the Cabinet must reconsider their decision in the light of the views expressed by Overview and Scrutiny Committee normally at its next scheduled meeting, and take a final decision.
- iii. If it considers that the decision is outside the Council's Budget and Policy Framework to refer the original decision on to full Council. If this

option is followed, full Council must consider the call-in. Full Council can decide too either:

- Take no further action and allow the decision to be implemented immediately, or
- To refer the decision back to the Cabinet for reconsideration, the decision is final

2.5 If an Overview and Scrutiny Committee determines option ii) above then Cabinet would have two options:

- i. To amend the decision taking into account any concerns and recommendations of the Overview and Scrutiny Committee in which case the.
- ii. To re-affirm the original decision,

2.6 On 15 March 2023, in relation to an item on supported bus services, the Cabinet agreed:

1. Approve the withdrawal of funding provision of the three supported services the 11, 265 and 374.
2. Approve the procurement of off-peak day-time provision three days a week to the community of Fobbing. This would involve re-routing some existing commercial bus routes through Fobbing, providing a link between Stanford-le-Hope and Basildon. This would be for an initial 12-month period with a review of usage to be undertaken before any extension.
3. Note the net saving of £427,000 delivered by these decisions.
4. Note that the following communities will have no or limited public transport provision linking them to the rest of the borough – Bulphan, East Tilbury Village, Horndon-on-the-Hill, North Stifford, West Tilbury, and western parts of Aveley. East Tilbury and Linford would also lose all bus provision. While Members will be mindful of the ongoing review being undertaken by the Planning, Transport and Regeneration Overview and Scrutiny Committee, Cabinet directs Transportation Services to keep the public transport needs of these communities under review and consider future options which could address any unmet need, within the context of the council's financial situation.

2.7 As per the call-in rules surrounding a key decision, 44 separate call-ins were submitted to the Council between 20 and 22 March 2023 for consideration. The call-ins were divided into groups as follows:

- 1 Call-in received from Cllr Lee Watson (as a ward member)
- 42 call-ins from residents, or those working or studying within the Thurrock Council Area.

- 1 call-in from the Welcom Forum in their capacity as a voluntary group with interest in the Thurrock Council area.

2.8 In accordance with the call-in procedure rules in Chapter 4, Part 3 of the Constitution, the Chief Executive validated all call-ins for progression onwards to the relevant Overview and Scrutiny Committee.

2.9 Due to limitations on the time available at this evening's meeting, Councillor Massey has agreed to represent the 42 resident call-ins. Those residents who submitted these call-ins have been informed of this approach and no objections were raised.

Councillor Watson Call-in (Received Monday 20th March 2023):

2.10 The reason for making the call in (in accordance with Chapter 4, Part 3, Rule 10.4 of the Constitution) has been cited as a failure of the decision maker to take the decision in accordance with the following decision-making principles:

- a) *Due regard for individuals and communities served by Thurrock.*
- c) *Due consultation in line with the council's consultation strategy.*

2.11 The alternative proposal stated on the call-in form is:

- *Cabinet to find alternative savings across all council budgets.*
- *Carry out a full resident's consultation especially in the villages along with South Stifford, West Thurrock and Purfleet on Thames who so far have not been consulted.*

Resident Call-ins (Received Wednesday 22nd March 2023):

2.12 The reason for making the call-in (in accordance with Chapter 4, Part 3, Rule 10.4 of the Constitution) has been cited as a failure of the decision maker to take the decision in accordance with the following decision-making principles:

- a) *Due regard for individuals and communities served by Thurrock.*

2.13 The alternative proposal stated on the call in form is:

- *For Cabinet to look at previous alternatives discussed at the time the decision was made and to re-instate the bus service.*

Welcom Forum Call-in(Received Wednesday 22nd March 2023):

2.14 The reason for making the call in (in accordance with Chapter 4, Part 3, Rule 10.4 of the Constitution) has been cited as a failure of the decision maker to take the decision in accordance with the following decision-making principles:

- a) *Due regard for individuals and communities served by Thurrock.*

2.15 The alternative proposal stated on the call in form is:

- *Use of 106 monies to preserve the bus route as this is needed now not in the future and the money is available*

3. Issues, Options and Analysis of Options

3.1 When considering the call-in, the Committee is recommended to adhere to the following schedule:

- The person who made the call-in to briefly introduce the reasons for the call-in and their alternative proposal(s). For this decision, the Committee is advised to receive representations from:
 - Councillor Lee Watson
 - Councillor Fraser Massey (on behalf of resident call-ins)
 - Mr D Bowling (on behalf of the Welcom Forum)
- The portfolio holder and officers to respond to the call-in and advise the Committee of any points that may be relevant.
- The call-in representatives to provide any brief summary they wish to make.
- The Committee should then weigh up evidence and ask any relevant questions to those in attendance.
- The Committee should decide to do one of the following:
 - a) if it is concerned about the original decision in light of the call-in, refer it to the decision maker (Cabinet) for reconsideration, setting out in writing the nature of its concerns;
 - b) if it considers the decision is contrary to the Budget or Policy Framework, refer the matter to the Council.
 - c) reject the call-in stating the reasons why.

3.2 The Committee are able to accept some of the call-ins and reject others dependent on the findings of the meeting.

4. Reasons for Recommendation

4.1 The Committee is expected to consider the call-in in accordance with the provisions set out in Chapter 4, Part 3 of the Constitution. The Committee is expected to take its own decision with regard to whether a called-in decision was not taken in accordance with the principles of decision making in relation to (a) due regard for the individuals and communities served by Thurrock Borough Council, and (c) due consultation.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Not applicable.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The call-in has a positive impact on corporate policies as it allows for the proper exercise of the democratic function, namely for Members and residents to call-in a Cabinet decision based on valid arguments.

6.2 The role of Overview and Scrutiny in this function will allow for issues to be discussed in a public arena with cross party involvement and will give the opportunity for interested parties to join the debate and make representations

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant

The Council faces significant financial difficulties in both the current year and the remainder of the medium-term financial strategy. The approach is to bring forward savings at the earliest opportunity although ensuring that all required consultation takes place. Any delays to the approval of budget proposals puts their timely delivery at risk adding further pressure to 2024/2025.

7.2 Legal

Implications verified by: **Gina Clarke**
Governance Lawyer and Deputy Monitoring Officer

There are no specific legal implications directly arising from the recommendations beyond the procedural matters set out in the report. The Council Constitution provides for Call-In of Cabinet decisions in Chapter 4, Part 3, Rule 10.

The process for setting the budget as outlined in Chapter 3, Part 3 of the Council Constitution.

Cabinet shall prepare a draft Budget for the authority and shall submit it to the Chief Executive for report to Council for approval. Cabinet shall refer the draft Budget to the relevant Overview and Scrutiny Committee for Members to consider and prepare a recommendation to Cabinet.

The Council is required to set a balanced budget at the February Council meeting.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Lee**
Team Manager, Community Development and Equalities

There are no direct equality implications arising from this call in. Any alternative proposals would need to be reviewed and any equality implications arising from them would be stated as part of the proposals.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, or Impact on Looked After Children)

- None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- Appendix 1: Scrutiny Procedure Rules
- Appendix 2 Report from Cabinet 15 March 2023
- Appendix 3: Excerpt from the minutes of the Cabinet meeting 15 March 2023
- Appendix 4: Call-In form Councillor L Watson
- Appendix 5: Call-in forms from Residents
- Appendix 6: Call-in Form from Welcom Forum

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