

WILTSHIRE COUNCIL

ENVIRONMENT SELECT COMMITTEE

30 AUGUST 2012

Call-in of Delegated Decision by Cabinet Member - Proposed Application to Stop Up North Bradley Footpath One

Purpose

1. To consider a call-in request of the Delegated Decision on the proposed application to stop up North Bradley Footpath One.

Background

2. Cllr Dick Tonge, Cabinet Member for Highways and Transport, on 10 August 2012, published a Delegated Decision (HT-039-12) regarding the proposed application to stop up this footpath.
3. In accordance with normal procedure an intention to make a decision was published earlier during which the local member, Cllr Francis Morland, responded with comments.
4. The report document and appendices containing details, representations and responses to the decision, can be found at [Appendix A](#).

Call-In

5. The provision for a call-in of an executive decision is set out in the Overview and Scrutiny Procedure Rules in the Council's Constitution. It is designed to be used in exceptional circumstances where members of the relevant scrutiny committee have evidence which suggests that the Executive did not take the decision in accordance with the principles of decision making as set out in the Constitution.
6. Formal notice was given within the prescribed period by Cllr Jon Hubbard, Chairman of the Environment Select Committee, to call-in the decision following representation by Cllr Morland. The reasons given were that in this instance the Cabinet Member had not acted in a way:
 - To ensure open, fair and honest administration (*para 14.2 – Part 2 – Article 14 – Decision Making*).

Full details of the Call-in request can be found under [Appendix B](#).

7. A Call-in has to be considered by the relevant scrutiny committee within 5 working days. Arrangements were made, in consultation with the Chairman, to hold the meeting within the required timescale. However, due to the fact that a scheduled meeting of the Environment Select Committee was already in place shortly after the deadline, the Solicitor for the Council agreed, on the basis of the

efficient transaction of Council business but without setting a precedent, to allow the call-in to feature on the agenda of the scheduled meeting.

8. The revised Overview and Scrutiny arrangement agreed by Council in May 2012 gives overall responsibility for call-ins to the new Overview and Scrutiny Management Committee. The Chairman and Vice-Chairman of the Management Committee have been consulted over this call-in request and have agreed that the matter be dealt with by the Environment Select Committee.
9. At the meeting itself Cllr Hubbard, who called in the decision, will first be given the opportunity to explain the concerns he has. The Cabinet Member will then be invited to respond. Other members can then ask questions and debate the merits of the call-in.
10. The meeting is open to the public and therefore the provision for public participation applies. However questions and comment must relate to the particular issue of the call-in.

Matter for Decision

11. The Environment Select Committee, after hearing the concerns, evidence and response, has to decide either:
 - (1) that it is satisfied by the response, takes no further action and informs the decision-maker (Cabinet Member) accordingly. The decision will then be implemented immediately;
 - or
 - (2) if it remains concerned, to refer the matter back to the decision-maker setting out in writing the nature of its concerns. The decision-maker is then required to reconsider the matter within 5 working days, amending the decision or not, before adopting a final decision.

Paul Kelly
Scrutiny Manager (and Designated Scrutiny Officer)

Report Author: Kieran Elliott, Democratic Services Officer

Appendices

- Appendix A – Delegated Decision and associated appendices (Page 25)
 - App A0 – Decision Report (Page 27)
 - App A1 – Floor Plan (Page 33)
 - App A2 – Consent of North Bradley Parish Council (Page 35)
 - App A3 – Photograph of the site (Page 37)
 - App A4 – Consultation and responses (Page 39)
 - App A5 – Objection to the Proposal (Page 51)
 - App A6 – Email from Mr Francis Morland (Page 53)
 - App A7 – Map showing location of Boundatry Walk (Page 55)
 - App A8 – Representation from Mr Morland and Response (Page 57)
- Appendix B – Call-in Request (Page 61)