

Call-In of Cabinet Decisions - Multi Storey Car Park, Refurbishment Project

Report of the Director of Transformation and Resources

Date:	1 st April 2019
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Key Decision?	NO
Local Ward Members	N/A

**Economic Growth,
Environment &
Development
(Overview &
Scrutiny) Committee**

1. Executive Summary

- 1.1 At its meeting on the 12 March 2019, Cabinet approved recommendations relating to the procurement of works to the multi- storey car park, Birmingham Road, Lichfield.
- 1.2 The Cabinet report is at **Appendix A**.
- 1.3 The Decision Notice was published and circulated to all Members with the view that the Decisions would take effect after 5 working days unless the decision was 'called-in' during that period.
- 1.4 On the 18 March 2019, Councillor Mrs Woodward, as Leader of the Opposition Group, Called-In the Cabinet Decisions in line with Part 4 (Rules of Procedure) of the Council's Constitution.
- 1.5 Councillor Mrs Woodward's reasons for the Call-In are as follows: :

"This decision was not presented for pre-decision scrutiny and should have been, in my view. Calling in the decision will give the opportunity for all Members to discuss all of the implications of and background to the proposed expenditure.

The specific areas that I would like to see scrutinised are as follows:

- Reference was made at Cabinet to it (a) being a consequence of the failure of the former Friarsgate project and (b) the length of time it had taken to bring the proposals forward. These need to be examined in a public forum and shared with Members, especially why this was not followed through at the time (ie early summer 2018).
- References were made at Cabinet to the proposals being "at no cost" and "doing this for nothing". This is patently not the case and needs further examination.
- In the Cabinet report, the breakeven period for the proposed lighting works is stated to be "five years after a change over", yet the discussion at Cabinet revealed that the longevity of the car park is unknown and may be as little as two years. This would far outweigh the income from parking and would not provide value for public money and there should be a full assessment of the financial risks is needed.
- The safety concerns raised in the report (ie "replacing the failing upper deck covering, repairs to various areas of damaged concrete, anti-corrosion treatment to structural steelwork, replacement of the damaged Birmingham Road height limiters, replacement of fire doors and frames" etc) could and perhaps should have been addressed before now. The call in will allow Councillors to understand the reasons for the delay and the relative urgency of each of these measures.
- One Cabinet Member asserted that the current lighting does not meet "the required standards" but that LED lighting "will help" (only). The required standards, as referred to, need to be presented to members along with the reasons why they have not been met up to now and how far the current proposals will enable the Council to meet its obligations.

- The proposed cosmetic measures, including the lighting, should be judged against the safety concerns and a full business plan for all of the proposals presented for scrutiny.”

1.6 The remit for items relating to car parks is with the Economic Growth, Environment & Development (Overview & Scrutiny) Committee and so consideration of the Call-In of the Decisions is for this Committee.

2. Recommendations

- 2.1 The Committee is being asked to consider the Decisions taken by Cabinet.
- 2.2 Committee may either accept the Decisions made by Cabinet, which will then come into effect on the date of this meeting, or to refer it back to Cabinet for reconsideration. If the Committee is minded to refer the Decisions back to Cabinet, it must provide its reasons for doing so, in accordance with paragraph 17.4 of Part 4, Section 5 of the Constitution.
- 2.3 If Committee asks Cabinet to reconsider its Decisions, Cabinet can choose to maintain, amend or rescind the Decisions. Members will be advised on Cabinet’s Decisions and, in accordance with paragraphs 17.1 and 17.2 of Part 4, Section 5 of the Constitution, the decision shall not be subject to further Call-In.

3. The Call-In Procedure

- 3.1 The Centre for Public Scrutiny of Birmingham University – who the Council uses to provide scrutiny training - says “Call-in provides a mechanism for councillors to intervene when they feel that a decision being made by the executive needs to be revisited (or possibly changed). It provides a key check and balance in the leader/cabinet system of governance – a long-stop that, in theory, prevents the overweening exercise of power by Cabinet. It should, however, be regarded as a measure that is only needed in exceptional circumstances, rather than day-to-day. It sits in the context of a range of other tools at scrutiny’s disposal to influence decision making.”
- 3.2 The Council’s rules for Call-In can be found in Part 4 of the Constitution.

Alternative Options	Committee can choose to either accept the Cabinet Decisions or refer the Decisions back to Cabinet for further consideration.
Consultation	None directly relating to this report
Financial Implications	None directly relating to this report.
Contribution to the Delivery of the Strategic Plan	None directly relating to this report
Equality, Diversity and Human Rights Implications	None directly relating to this report
Crime & Safety Issues	None directly relating to this report

GDPR/Privacy Impact Assessment	None directly relating to this report
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Do not comply with the rules for Call-In	Follow process in the Constitution	Green

Background documents
Cabinet report 12 March 2019 attached at Appendix A

Relevant web links
None