

# Report to Overview & Scrutiny Committee



**Date of meeting: 27 August 2013**

**Portfolio:** Asset Management & Economic Development

**Subject:** Call in – Review of North weald Airfield

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**Committee Secretary:** Adrian Hendry – Ext 4246

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## Recommendations/Decisions Required:

**To consider the call-in of Portfolio Holders decision C-018-2013/14 regarding the option to be considered for North Weald Airfield as part of the Local Plan Process.**

### Report:

1. In accordance with rule 20 of the Overview and Scrutiny Rules, 6 members have called in the Cabinet's decision, taken on 22 July 2013 and published on 30 July 2013. The part of the decision (see decision sheet extract attached) being called-in is:

*“(2) That the following options not be given further consideration as part of the Local Plan process:*

*(a) the intensification of aviation based solution; and*

*(b) the non aviation based solution with a focus on residential development; and*

*(c) the non aviation based solution with a focus on commercial development.*

*And*

*(3) That, for the mixed aviation/development based option, a further high level master planning exercise focusing on feasibility, deliverability and incorporating the option in the Local Plan be undertaken as part of the assessment process leading to the Local Plan Preferred Options consultation in May 2014.”*

2. The Call-in was based on the following premises, that:

- 1. Insufficient weight given to the discount rate reflecting risk;*
- 2. No analysis of revenue implications vs. Capital;*
- 3. No district wide consultation on change to Issues and Options prior to preferred Options stage;*
- 4. No options available without massive development with no aviation.*

3. The Chairman of the Overview and Scrutiny Committee determined that consideration of the call-in should be referred to this extraordinary meeting of the Overview and Scrutiny Committee.

4. Attached to this report are:
  - (a) Copy of the report;
  - (b) An extract from the decision list;
  - (c) A copy of the notification of the call in including the names of the relevant Councillors who requested the call in and their grounds for so doing; and
  - (d) A copy of an extract of the Council's procedures for dealing with call-ins.

#### **Consideration of the Call – in**

5. In accordance with the Council's Protocol (attached) the consideration of call-ins by the Committee should be considered in the following manner:
  - (a) the representative of the Councillors calling in the decision shall describe their concerns;
  - (b) the Portfolio Holder shall then respond;
  - (c) the Overview and Scrutiny Committee or delegated Panel will then debate the issues involved. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate but shall seek a response from the initiating Councillor(s) and the Portfolio Holder before formulating its recommendations;
  - (d) The Overview and Scrutiny Committee or delegated Panel has the following options:
    - (i) confirm the decision, which may then be implemented immediately; or
    - (ii) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns; or
    - (iii) refer the matter to full Council in the event that the Committee or Panel considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.
  - (e) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Committee or Panel may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee/Panel shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;
  - (f) The Chairman of the Overview and Scrutiny Committee or delegated Panel shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in full in the Minutes or report of the meeting;
  - (g) In cases where the Overview and Scrutiny Committee or delegated Panel determines that a review of the decision is not justified or that, having reviewed the decision of the Executive, it has no adverse comment to make, the Committee or Panel shall ensure that its decision is published in the Members' Bulletin;
  - (h) In the circumstances outlined in (g) above, the decision of the Executive or

Decision Taker may be implemented with effect from the date of that meeting;

(i) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee or delegated Panel shall be reported to the Decision Taker

(j) In presenting the recommendations of the Overview and Scrutiny Committee or delegated Panel, the Chairman may make general comments on the Committee's / Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting; and

(k) The report of the Overview and Scrutiny Committee or delegated Panel shall be sent in draft to all its Members for approval prior to their submission to the Decision Taker.

(l) Minority reports may be made by members of Overview and Scrutiny Committee or delegated Panel in accordance with the Protocol for that purpose.

6. If, having considered the decision, the Overview and Scrutiny Committee or delegated Panel is still concerned about it, then it may, subject to the procedures outlined in Rule 16(a) or (b) in attached, refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 5 working days, or in the case of a Cabinet decision, as soon as practically possible amending the decision or not, before adopting a final decision.

7. If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no power to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider within 14 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 14 working days of the Council request.

8. If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

9. The Committee are asked to consider the decision taken by the Portfolio Holder and report accordingly.