

By: Denise Fitch – Democratic Services Manager (Council)

To: Scrutiny Committee – 21<sup>st</sup> October 2014

Subject: Lorry Park Network (Phase 1) discussion item

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Summary: This report introduces the post-decision discussion item, outlining the background and raising to the Scrutiny Committee agenda. The responses from the Environment & Transport directorate to questions raised in relation to the decision to endorse the Lorry Park Network (Phase 1) project are covered in Appendices 1 – 3.

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## **1. Background**

- 1.1 The proposed decision has been published on the list of Forthcoming Executive Decisions since May 2014.
- 1.2 The proposed decision for the Lorry Park Network was taken to Environment and Transport Cabinet Committee on 17 September with a detailed report (appendix 1) that was discussed at length.
- 1.3 The Cabinet Committee resolved to endorse the proposed decision to be taken by the Cabinet Member for Environment and Transport.
- 1.4 David Brazier, as Cabinet Member for Environment and Transport, took the formal decision on 3 October 2014.

## **2. Scrutiny Interest**

- 2.1 Questions were raised via the Scrutiny Research Officer on Thursday 9<sup>th</sup> October in relation to the financial processes outlined in the Cabinet Committee Paper.
- 2.2 Requests were made by the Scrutiny Committee Spokespeople for more detail and the background documents supporting the decision to allow for an in-depth discussion on the subject.
- 2.3 Two formal requests to call-in this decision were received by Democratic Services but were not deemed by the Head of Democratic Services to meet the criteria for call in as set out in Paragraphs 7.14 - 7.15 of Appendix 4 Part 7 of the Constitution.
  - Neither request provided evidence that the decision was not in line with the council's Policy Framework or Budget. The decision is referenced in in the Kent

and Medway Plan 'Unlocking the Potential' and page 32, line 4 of the 2014-15 KCC Budget Book.

- Neither request provided evidence that the decision was not in accordance with the principles of decision-making set out in Article 12 – The decision had been subject to detailed reporting and substantial debate and questions at the Environment and Transport Cabinet Committee, which was held in public. The Record of Decision and discussion considered alternatives and gave reasons why previous options had not been pursued and explained why the proposed site had been preferred over others after extensive options analysis.
- Neither request provided evidence that the decision was not taken in accordance with the arrangements set out in Appendix 4 Parts 6 & 7 – The decision was first published as part of the Forthcoming Executive Decisions list in May 2014, the proposed decision was considered by the Cabinet Committee with a full report, several appendices, detailed background papers and a comprehensive proposed record of decision. Relevant Officers were present to answer questions through a session that lasted more than an hour and a half. The main issues raised by those now requesting call-in were discussed at the Cabinet Committee meeting and addressed by the Officers at the meeting.

2.4 At the Scrutiny Committee agenda setting meeting on 13 October, the Chairman and Spokesmen agreed that an item would be placed on the agenda for this meeting to discuss concerns raised by Members. These concerns are:

- The appropriateness of the finance process used to fund the project – Public Works Fund
- The sustainability of the project and its capacity to provide return on investment.
- Evidence of comprehensive options analysis for the preferred site.
- The project not featuring in the relevant District's Core Strategy Local Plan.

2.5 Cabinet Member David Brazier has been invited to attend the Scrutiny Committee, supported by Ann Carruthers (Head of Policy and Planning) and Kevin Tilson (Finance Business Partner – Growth, Environment & Transport)

### **3. Recommendation**

3.1 The Committee must decide whether to express comments on the proposal to Leader, Cabinet, Cabinet Member, the relevant officer or the Council.