



Report of the Head of Scrutiny and Member Development

Scrutiny Board (City Development)

Date: 18th September 2007

Subject: Request for Scrutiny – A65 Quality Bus Initiative Environmental Assessment

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Introduction

- 1.1 A request for Scrutiny has been made by Councillor J Illingworth concerning the officer delegated decision not to undertake an Environmental Assessment with regard to the A65 Quality Bus Initiative.
- 1.2 Councillor Illingworth suggests that (a) the size of the scheme prevented it from being included within the category of General Permitted Development (b) officers did not have the power under the Council's officer delegation scheme to decide not to undertake an environmental assessment of this scheme and (c) that by definition the decision to dispense with an environmental assessment should have been a "Key Decision" and has therefore not been properly notified and published as the law requires.
- 1.3 Attached is a copy of the legal advice provided to Councillor Illingworth. It should be noted that the view of the Assistant Chief Executive (Corporate Governance) is that the decisions were properly taken in accordance with the Constitution. It is not the role of this Board to define whether or not decisions are Key Decisions. However this Board could consider more generally, rather than with regard to this specific case, whether it considers any amendments need to be made to any of the definitions of Key, Major or Significant Operational decisions as currently defined in the Constitution and if so make recommendations to the Leader accordingly.
- 1.4 Councillor Illingworth has been invited to attend today's meeting to detail to the Board the reasons for his request for Scrutiny.

2.0 Options for Investigations and Inquiries

2.1 When considering the request for Scrutiny, the Scrutiny Board (City Development) shall determine;

- how further scrutiny meets criteria approved from time to time by the Overview and Scrutiny Committee?
- consider the current workload and whether a formal Inquiry can be adequately resourced?
- whether a formal Inquiry should be undertaken?

3.0 Recommendations

3.1 The Scrutiny Board is requested to consider:

- (i) the request for scrutiny by Councillor J Illingworth and the letter of the Assistance Chief Executive (Corporate Governance) and Monitoring officer setting out the legal position with regard to this issue.
- (ii) what further information, if any, is required in order to determine whether further investigation by Scrutiny is justified and what form this will take.