



## Scrutiny Management Board Thursday 18 January 2023

Report Title	Call-In of Key Decision Relating to Travellers Temporary Stopping Site - Land at Junction 3 of the A14 Rothwell
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Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	N/A

### List of Appendices

Appendix A – Notice of Call-In of Key Decision

Appendix B – Extract from minutes of the Executive meeting held on 21 December 2023

Appendix C – Report to Executive of 21 December 2023 - Travellers Temporary Stopping Site - Land at Junction 3 of the A14 Rothwell

Appendix D – Elements of Call-In not considered by the Monitoring Officer as valid

### 1. Purpose of Report

- 1.1. To note the call-in by eight councillors of an Executive key decision of 21 December 2023 in respect of 'Travellers Temporary Stopping Site - Land at Junction 3 of the A14 Rothwell', and to consider the next steps that the Scrutiny Management Board may take in accordance with the Constitution's Scrutiny Procedure Rules relating to call-in.

## **2. Executive Summary**

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- 2.1. On 31 December 2023 a call-in request was received from Councillor Jim Hakewill, supported by Councillors Leanne Buckingham, Charlie Best, Dez Dell, Emily Fedorowycz, Martin Griffiths, Matt Keane, and Sarah Tubbs.
- 2.2. The call-in request was considered against the list of requirements set out in paragraph 18.1 of Part 7.1 of the Council Constitution's Scrutiny Procedure Rules and considered valid by the Monitoring Officer on 4 January 2024.

The effect of the call in is to prevent the decision detailed below of the Executive from being implemented whilst the Scrutiny Management Board considers any alternative course of action, or recommendations they wish to propose:.

- a) recommend to full Council the approval of the project being added to the 2024/25 Capital Programme to deliver the Travellers Temporary Stopping site and establish a budget of £1,300,000 to be funded through borrowing, and
- b) delegate authority to the Executive Member for Rural Communities and Localism in consultation with the Executive Director for Place and Economy to submit an application for planning permission for the project and procure the necessary works to provide the Travellers Temporary Stopping site, and undertake any other actions required to deliver the project within the approved financial envelope.

## **3. Recommendations**

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- 3.1. Following consideration of the call-in in respect of Travellers Temporary Stopping Site - Land at Junction 3 of the A14 Rothwell and the reasons given that have been deemed as valid, the Scrutiny Management Board is asked to either:-
  - a) Refer the decision back to the Executive for reconsideration, setting out in writing the nature of its concerns and any alternative recommendations;
  - b) Refer the matter to full Council after seeking the advice of the Monitoring Officer and/or Chief Finance Officer (Section 151 Officer) in accordance with the Budget and Policy Framework Procedure Rules if it considers that the decision is outside the Council's budget and policy framework; or
  - c) Decide to take no further action, and note accordingly the original Executive decision will be effective immediately.

- 3.2. *(Reason for Recommendations – To comply with good governance and the call-in procedure set out in paragraphs 15-18 of Part 7.1 of the Constitution’s Scrutiny Procedure Rules.)*
- 3.3. *(Alternative Options Considered – In responding to the call-in, the Scrutiny Management Board has three options to consider, to either refer back to the Executive, refer (in specific circumstances) to full Council, or to take no further action and allow the Executive decision to take effect.*

#### **4. Report Background**

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- 4.1. Call-in is the exercise of the Council's scrutiny committees' statutory power in section 21(3) of the Local Government Act 2000 to review an Executive decision that has been made but not yet implemented. Within the Council's Constitution's Scrutiny Procedure Rules, the Scrutiny Management Board has the responsibility to determine call in requests.
- 4.2. Once a decision is called in it cannot be implemented until the call-in procedure is complete.
- 4.3. A call-in was received by the Monitoring Officer on 31 December 2023 in relation to Travellers Temporary Stopping Site - Land at Junction 3 of the A14 Rothwell, a copy of which is attached to this report at Appendix A.
- 4.4. The call-in is in respect of a decision by the Executive on 21 December 2023 relating to the rationale, work required, methodology and estimated costs to provide a Travellers temporary stopping site on land in the ownership of North Northamptonshire Council (NNC) adjacent to Junction 3 of the A14 close to the town of Rothwell.
- 4.5. The Executive in making its decision has sought to satisfy a strategic need to make provision for temporary stopping places to serve the North Northamptonshire area, as demonstrated by the 2019 Gypsy and Traveller Accommodation Assessment (GTAA). Currently there are no temporary stopping places for transient travellers passing through the NNC area to use which would provide for safe and secure places to stop with suitable facilities.
- 4.6. An extract from the minutes and a copy of the Executive report setting out its reasoning is attached at Appendices B and C to this report respectively.

#### **5. Issues and Choices**

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- 5.1. The elements of the call in that the Monitoring Officer considers are valid, and should be considered as the focus of discussion, asserts that the following principles of decision making outlined in Part 1.1 of the Constitution have been breached by the making of the decision by the Executive in respect of:-

- i) Best Value/Transparency
    - Alternative sites were not considered by the Executive and the process of discounting alternative sites was not considered by the Executive.
  - ii) Best Value
    - Full borrowing costs are not set out within the Executive report
  - iii) Best Value
    - The Executive decision should have been considered as part of the Gypsy and Traveller Local Plan.
- 5.2. The detailed reasoning for these assertions, together with the other elements of the call-in that the Monitoring Officer does not consider are valid are set out in the Notice of Call-In at Appendix A.
- 5.3. The Monitoring Officer's reasoning for not considering the remaining elements of the notice of call-in, i.e. those not set out in 5.1 above, are at Appendix D to this report.
- 5.4. The call-in goes on to seek a proposed alternative course of action to that of the Executive decision, requesting instead that:-
- “The decision should be reversed and the issue of identifying Temporary Stopping Places placed into the NNC wide Gypsy and Traveller Local Plan policy development already approved by Full Council, commencing in March/April 2024.”*
- 5.5. In considering the call-in, the Scrutiny Management Board can choose to either:-
- a) Refer the decision back to the Executive for reconsideration, setting out in writing the nature of its concerns and any alternative recommendations;
  - b) If it considers that the decision is outside the Council's budget and policy framework, refer the matter to full Council after seeking the advice of the Monitoring Officer and/or Chief Finance Officer (Section 151 Officer) in accordance with the Budget and Policy Framework Procedure Rules; or
  - c) Decide to take no further action, in which case the original Executive decision will be effective immediately.

## 6. Next Steps

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- 6.1. Depending on the Scrutiny Management Board's decision, either the Executive will be requested to reconsider its decision, normally at its next meeting; the matter will be referred to full Council, or no further action will be taken and the decision will be effected immediately.

## 7. Implications (including financial implications)

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### 7.1. Resources and Financial

- 7.1.1. The current estimated project cost set out in the Executive report of 21 December to deliver the Travellers Temporary Stopping Site is £1,300,000 (£1.3 Million).
- 7.1.2. A detailed full breakdown of the projected costs, proposals for the repurposing of capital allocations, scheme delivery plan and revenue budget implications is set out at section 7.1 of the Executive report attached at Appendix C.

### 7.2. Legal and Governance

- 7.2.1. The legal and governance implications of the decision are set out in paragraph 7.2 of the Executive Report (Appendix C).
- 7.2.2. This report supports good governance by application of the procedure set out in the Council's constitution in respect of Call-in.

### 7.3. Relevant Policies and Plans

- 7.3.1. The proposals made by the Executive is considered to be in line with the Council's Corporate Plan, particularly the priorities of creating safe and thriving places, green and sustainable environment, and provision of good quality and efficient modern public services. Further details are set out in paragraph 7.3 of the Executive Report (Appendix C).

### 7.4. Risk

- 7.4.1. Significant and potential risks are both identified arising from the proposed recommendations in the report to the Executive which can be found at paragraph 7.4 (Appendix C).

### 7.5. Consultation

- 7.5.1. The Council conducted a focused engagement exercise undertaken as part of the capital bid that was made to the Traveller Site Fund, administered by DHLUC, for the provision of a Temporary Stopping Place at Junction 3 of the A14 in June 2022, which was based on the same proposal, further details of

which can be found in the report to the Executive at paragraph 7.5 (Appendix C).

#### **7.6. Consideration by Scrutiny**

- 7.6.1. The proposal considered by the Executive on 21 December has not been considered by the Place and Environment Scrutiny Committee.

#### **7.7. Consideration by the Executive**

- 7.7.1. At its meeting of 21 December 2023, the Executive approved a key decision 2023 in respect of 'Travellers Temporary Stopping Site - Land at Junction 3 of the A14 Rothwell', as set out at section 2.3 of this report. An extract from the minutes of the meeting, including the full decision can be found at Appendix B to this report.

#### **7.8. Equality Implications**

- 7.8.1. Romany Gypsies and Irish Travellers are legally recognised as distinct ethnic groups and protected by The Equality Act 2010 and the Human Rights Act 1998 from being discriminated against on the grounds of ethnicity.
- 7.8.2. An Equality Screening Assessment was completed for the Travellers Temporary Stopping Site Capital Project which considered the impact of the proposals on the identified equality groups, further details of which can be found in the report to the Executive at paragraph 7.8 (Appendix C).

#### **7.9. Climate and Environmental Impact**

- 7.9.1. The climate and environment impact of the proposals set out to the Executive can be found in the Executive report at paragraph 7.9 (Appendix C).

#### **7.10. Community Impact**

- 7.10.1. Potential impacts to the community can be found in the report to the Executive at paragraph 7.10 (Appendix C).

#### **7.11. Crime and Disorder Impact**

- 7.11.1. Crime and Disorder impacts raising potentially positive impacts and also concerns can be found in the report to the Executive at paragraph 7.11 (Appendix C).

### **8. Background Papers**

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- 8.1. Report and Decision in relation to 'Travellers Temporary Stopping Site - Land at Junction 3 of the A14, Rothwell' – considered by [Executive - 21 December 2023](#)