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## **CALL IN OF DECISION - MARGATE HARBOUR SLUICE GATE**

To: **Overview and Scrutiny Panel – 19 August 2014**

By: **Democratic Services Manager**

Classification: **Unrestricted**

Ward: **Margate Central**

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**Summary:** This report sets out the reasons for call in from the Chairman of the Overview and Scrutiny Panel, together with the report that was considered by the Cabinet at its meeting on 31 July 2014.

### **For Decision**

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#### **1.0 Introduction and Background**

1.1 The Chairman of the Overview and Scrutiny Panel on behalf of Councillor Mrs Tomlinson requested that the Democratic Services Manager call in the Cabinet decision regarding the Petition to Council – Margate Harbour, made at its meeting on 31 July 2014.

1.2 The Cabinet decision was as follows:

“THAT Cabinet agrees Option 1 as described in section 6.1 of the report and rejects the request to reopen the sluice gates”.

1.3 The Chairman has on behalf of the Panel invited the Cabinet Member for Operational Services and the Director of Operational Services to attend and give evidence at the meeting.

#### **2.0 Reasons for Call In**

2.1 The reasons for the call in given by the Chairman of the Overview and Scrutiny Panel on behalf of Councillor Mrs Tomlinson are that:

- 1) There are many local residents that hoped the Council would take the petition seriously and were very disappointed that the item was only discussed for two minutes.
- 2) The Sluice gate always used to work and I (Mrs Tomlinson) and many others believe that there needs to be more vigorous checks undertaken as to the reasons why the Cabinet feel that it would not in the future.
- 3) There are several local residents who work within the environment (including Lifeboat) who would like their input considered.

2.2 The report to Cabinet on 31 July 2014, together with the two annexes thereto, are attached at Annexes 1, 2 and 3.

#### **3.0 Options**

3.1 Under the call-in procedure as outlined in the Overview and Scrutiny Procedure Rule 15.0:

- 3.1.1 If, having considered the decision of Cabinet, the Panel is still concerned about it, it may refer it back to Cabinet for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council.
  - 3.1.2 If referred to Cabinet, Cabinet shall then reconsider within a further 15 working days from the date of this meeting, amending the decision or not, before adopting a final decision.
  - 3.1.3 If the Panel does not refer the matter back to Cabinet, the decision shall take effect on the date of this meeting.
- 3.2 The Overview and Scrutiny Procedure Rule 15.0 also provides for a referral of the decision by the Panel to full Council. If that is the case, Council should meet within 15 working days of referral and if it objects to the decision, it will refer it back to Cabinet, together with its views on the decision. Cabinet would then have to convene to reconsider within 15 working days of the Council meeting.

#### **4.0 Corporate Implications**

##### **4.1 Financial**

- 4.1.1 The financial implications of the Cabinet decision are as outlined in the Cabinet report attached.

##### **4.2 Legal**

- 4.2.1 The legal implications of the cabinet decision are as outlined in the Cabinet report attached.
- 4.2.2 The procedure for calling in Cabinet decisions is as prescribed by Overview & Scrutiny Procedure Rule 15.0.

##### **4.3 Corporate**

- 4.3.1 The corporate implications of the Cabinet decision are as outlined in the Cabinet report attached.

##### **4.4 Equity and Equalities**

- 4.4.1 The equity and equalities implications of the Cabinet decision are as outlined in the Cabinet report attached.

#### **5.0 Recommendations**

- 5.1 The Panel is invited to decide whether it wishes to:
  - a) Take no further action
  - b) Refer the issue back to Cabinet or Council.

#### **6.0 Decision Making Process**

- 6.1 If the Panel refers the decision to Cabinet it may be possible to include it in the agenda for the Cabinet meeting of the 11 September 2014. If the decision is referred to Council for reconsideration it would be necessary to organise an extraordinary meeting to discuss the matter.

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| Contact Officer: | Glenn Back, Democratic Services and Scrutiny Manager                                |
| Reporting to:    | Paul Cook, Interim Director of Corporate & Regulatory Services & Deputy 151 Officer |

### Annex List

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|---------|--|
| Annex 1 | Cabinet Report – Petition to Council – Margate Harbour               |
| Annex 2 | Photographs to support petition ( <i>annex 1 to Cabinet report</i> ) |
| Annex 3 | Petition letter ( <i>annex 2 to Cabinet report</i> )                 |

### Background Papers

| Title       | Details of where to access copy |
|-------------|---------------------------------|
| <i>None</i> |                                 |

### Corporate Consultation Undertaken

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| Finance | <i>Matthew Sanham, Finance Manager (Service Support)</i> |
| Legal   | <i>N/A</i>   |