



**Committee: OVERVIEW AND SCRUTINY COMMITTEE**

**Date: WEDNESDAY, 7<sup>TH</sup> FEBRUARY 2018**

**Venue: MORECAMBE TOWN HALL**

**Time: 6.00 P.M.**

Councillors are reminded that as Members of overview and scrutiny they may not be subjected to the Party Whip, which is prohibited under the Lancaster City Council Constitution.

## **A G E N D A**

- 1. Apologies for Absence**
- 2. Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

- 3. Exclusion of the Press and Public**

The Call-in Notice refers to the due diligence exercised and information relating to the contractor selected to undertake works.

The Overview and Scrutiny Committee is recommended to pass the following recommendation in relation to the following item if it is necessary to refer to exempt information:-

"That, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act."

**4. Request to Call-in Key Officer Decision - Appointment of Constructor Team for Lancaster Lower Lune (Phase 3) Flood Risk Management Scheme ODD21 (Pages 1 - 4)**

The Officer delegated decision on the “Appointment of Constructor Team for Lancaster Lower Lune (Phase 3) Flood Risk Management Scheme” taken on 17<sup>th</sup> January 2018 has been requested to be called in by Councillors Caroline Jackson and Nigel Goodrich (Overview and Scrutiny Members) and by Councillors Roger Mace, Abi Mills and Tim Hamilton-Cox.

This request was subsequently agreed by the Chief Executive. The decision has been called-in in accordance with Part 4 Section 5, Paragraph 16 of the City Council's Constitution.

Andrew Dobson, Chief Officer (Regeneration and Planning), Gary Bowker (Project Engineer) and Susan Parsonage (Chief Executive) as the decision maker, have been invited to attend the meeting to outline the basis on which the decision was made.

Included on the agenda: -

- Call-in Procedure
- Call-in Notice
- Notice of Decision

**ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors June Ashworth (Chairman), Nigel Goodrich (Vice-Chairman), Alan Biddulph, Tracy Brown, Brett Cooper, Rob Devey, Charlie Edwards, Caroline Jackson and David Whitaker

**(ii) Substitute Membership**

Councillors Lucy Atkinson, Mel Guilding, Janet Hall, Tim Hamilton-Cox, Geoff Knight, Abi Mills and Phillippa Williamson

**(iii) Queries regarding this Agenda**

Please contact Jenny Kay, Democratic Services - telephone (01524) 582065 or email [jkay@lancaster.gov.uk](mailto:jkay@lancaster.gov.uk).

**(iv) Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone (01524) 582170, or alternatively email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

SUSAN PARSONAGE,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on Tuesday, 30<sup>th</sup> January, 2018.

**EXTRACT FROM THE CONSTITUTION**

**Part 4 – Rules of Procedure,  
Section 5 – Overview and Scrutiny Procedure rules,  
Sub-section 18 – Call-in Procedure.**

**Call-in Procedure**

In considering a Call-in decision the following procedure will be followed:

- The Councillors who have made the Call-in request (who shall be seated together) will outline the reasons for the Call-in;
- The relevant decision-maker(s), with support from the appropriate officer(s) (who shall be seated together), will outline the reasons for their decision and the issues that they took into account;
- Councillors who are signatories to the Call-in request will have the opportunity to question the decision-maker;
- Other Members of the Overview and Scrutiny Committee will have the opportunity to question the decision-maker;
- At the discretion of the Chairman, other Members present may have the opportunity to question the decision-maker;
- Before forming a decision, the Chairman may decide to adjourn the meeting in order to allow the Call-in signatories to reflect on the evidence received and to consider any recommendations they wish the Committee to consider.
- The meeting then moves to forming a decision in accordance with the Council Procedure Rules.

<b>REQUEST FOR CALL-IN</b>
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This form is to be used when calling in a decision taken by the Cabinet, an Individual Member of the Cabinet or a committee of the Cabinet, or a key decision made by an officer with delegated authority from the Cabinet, or under joint arrangements. The full procedure is set out in paragraph 16, Part 4, Section 5 of the Constitution and page 7 of the Handbook.

<b>ITEM TO BE CALLED IN: Lune Phase 3 flood protection</b>	
<b>DATE DECISION TAKEN: 17-01-2018</b>	
<b>DECISION TAKEN BY:</b>	<b>Tick</b>
Cabinet	
Individual Member of Cabinet (please state)	
Councillor	
Committee of Cabinet (please state)	
Key Decision by Officer with delegated authority (please state)	x
Joint Arrangements (please state)	
<b>REASONS FOR CALL-IN: (please indicate your reasons below)</b>	<b>Tick</b>
(a) Proportionality (i.e. the decision is not proportionate to the desired outcome).	
(b) Lack of, or insufficient consultation and the taking of professional advice from Officers.	
(c) Lack of, or insufficient respect for human rights.	
(d) Lack of openness.	
(e) The aims and desired outcomes of the decision are not clearly expressed.	
(f) Insufficient information about the options that were considered or the reasons for arriving at the decision.	x
(g) Other (please give your reason(s) in full below).	x

REASONS AND (IF APPROPRIATE) PROPOSED ALTERNATIVE COURSE OF ACTION:

**THERE ARE QUESTIONS TO BE ANSWERED ABOUT THE DEGREE OF DUE DILIGENCE EXERCISED IN SELECTING THE CONTRACTOR. THERE ARE CONCERNS ABOUT THE FINANCIAL STRENGTH OF THE SELECTED CONTRACTOR AND THE NEW OWNERSHIP OF ONE OF THE MINORITY PARTNERS IN THE JOINT VENTURE. WHILST ACCEPTING THAT THE CONTRACTOR IS PRE-QUALIFIED VIA AN EA FRAMEWORK AGREEMENT, WE WOULD WANT TO KNOW THAT HOW RECENTLY THE FRAMEWORK WAS ESTABLISHED/REVIEWED.**

**WE WOULD ALSO WISH TO BE ASSURED THAT THE SPECIFICATION OF THE WORKS IS APPROPRIATE TO 'UNPRECEDENTED' RAINFALL.**

**PROPOSED OUTCOME:**

**ASSURANCE THAT DUE DILIGENCE OF CONTRACTORS IS ADEQUATE TO THE SCALE OF THE SCHEME BEING CONTRACTED.**

**SIGNED:**

Members of Overview & Scrutiny Committee

Cllr C Jackson

Cllr N Goodrich

Three Further Councillors

Cllr R Mace

Cllr Abi Mills

Cllr T Hamilton-Cox

*(Note: A valid request for call in must be signed by a total of 5 Members of the Council, including 2 or more Members of the Overview & Scrutiny Committee, and all 5 Councillors must not be from the same political group.)*

**DATE:24.01.2018**

This request for call in must be submitted to the Chief Executive (by post, fax or e-mail) within 5 working days of the date of publication of the decision.

## EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER OR DELEGATED OFFICER NOTICE OF DECISION

*THIS SECTION TO BE COMPLETED BY THE PORTFOLIO HOLDER AND CONTACT OFFICER*

<b>TITLE OF DECISION:</b> <b>Appointment of Constructor Team for Lancaster Lower Lune (Phase 3) Flood Risk Management Scheme</b>			
<b>NAME OF DECISION TAKER:</b>		<b>SUSAN PARSONAGE</b>	
<b>POSITION AND RESPONSIBILITY HELD:</b>		<b>CHIEF EXECUTIVE</b>	
<b>CONTACT OFFICER:</b>		<b>GARY BOWKER – PROJECT ENGINEER</b>	
<b>TELEPHONE:</b>		01524 582629	
<b>E-MAIL:</b>		<a href="mailto:gbowker@lancaster.gov.uk">gbowker@lancaster.gov.uk</a>	
<b>Details of Decision:</b>  Acceptance of tender submission to provide Constructor Team for Lancaster Lower Lune (Phase 3) Flood Risk Management Scheme to VBA Joint Venture Ltd.			
<b>Reasons for the decision:</b>  The tender submitted by VBA Joint Venture Ltd. scored highest in the tender appraisal process and represents value for money for the City Council.			
<b>IS THE DECISION URGENT</b> <b>No</b> <b>PLEASE DELETE AS APPROPRIATE AND GIVE REASONS FOR URGENCY BELOW:</b> <b>N/A</b>			
<b>I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW &amp; SCRUTINY PROCEDURE RULES)</b> <b>SIGNATURE OF THE OVERVIEW &amp; SCRUTINY CHAIRMAN: N/A</b>			
<b>SIGNATURE OF DECISION TAKER:</b>		Susan Parsonage	
<b>DATE:</b>		17.01.18	
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			<b>REF NO.</b> ODD21
<b>DATE DECISION TAKEN:</b>	17.01.18	<b>DATE RECEIVED BY DEMOCRATIC SERVICES:</b>	17.01.18
<b>DATE DECISION PUBLISHED:</b>	17.01.18	<b>IMPLEMENTATION DATE (publication day + 5 working days):</b>	25.01.18