

REPORT TO:	SCRUTINY AND OVERVIEW COMMITTEE 2 September 2019
SUBJECT:	CALL IN: Objections to Emission-Based Parking Charges and Diesel Surcharges for Permits
LEAD OFFICER:	Stephen Rowan, Head of Democratic Services and Scrutiny
CABINET MEMBERS:	Councillor Stuart King, Environment, Transport and Regeneration (Job Share)

ORIGIN OF ITEM:	This item has been triggered by the call-in of the decision by the Executive Director of Place taken in consultation with the Cabinet Member for Environment, Transport and Regeneration (Job Share) on 15 August 2019 on the Emission-Based Parking Charges and Diesel Surcharges for Permits by 15 members of the Council.
BRIEF FOR THE COMMITTEE:	To consider and respond to the Call-In in accordance with the procedure set out in the Council's constitution (set out in paragraph 2.3 below).

1. Executive Summary

1.1 The decision taken on the Emission-Based Parking Charges and Diesel Surcharges for Permits by the Executive Director of Place taken in consultation with the Cabinet Member for Environment, Transport and Regeneration (Job Share) on 15 August 2019 has been called-in by 15 members of the Council. The decision was made by the Leader to delegate this decision to the Executive Director and Cabinet Member following the 25 March 2019 meeting of the Cabinet.

1.2 Attached to this report are:

- **Appendix A** is the Emission-Based Parking Report
- **Appendix B** is the Emission-Based Parking Decision Notice
- **Appendix C** is the Responses to Consultation
- **Appendix D** is the Equality Analysis
- **Appendix E** is the completed call in form that was received by the Monitoring Officer (signatures have been redacted).

2. Call-In – Objections to Emission-Based Parking Charges and Diesel Surcharges for Permits

2.1 The decision taken by the Executive Director in consultation with the Cabinet Member for Environment, Transport and Regeneration (Job Share) , that is the subject of this call-in, was as follows:

RESOLVED :

- 1.1 *Consider the response receive to the formal consultation on the proposed introduction of emission-based parking permit charges.*
- 1.2 *Agree to introduce the emission-based parking permit charges and diesel surcharges for permits as detailed in Appendix 1 of the report.*
- 1.3 *Agree for officers to inform the objectors of the above decision and reasons.*

2.2 The call-in pro-forma is attached at Appendix E. The decision form was received on 19 August 2019 from Councillor Robert Ward and was signed by the following Councillors: Jason Cummings, Simon Brew, Vidhi Mohan, Richard Chatterjee, Simon Hoar, Ian Parker, Gareth Streeter, Scott Roche, Michael Neal, Jason Perry, Mario Creatura, Stuart Millson, Margaret Bird, Helen Pollard and Yvette Hopley.

The reasons stated for the Call-In are that:

“The decision is contrary to the Council’s responsibility to comply with Section 149 of the Equalities Act. The decision disproportionality impacts on vulnerable residents and those least able to fund a newer car.”

The outcomes desired from the Call-In are stated as:

“To rethink the permit charging structure.”

2.3 Call-In Procedures

The Council’s Constitution, Part 4E Scrutiny & Overview Procedure Rule, states:

“11.08 The referral shall be considered at the next scheduled meeting of the Scrutiny and Overview Committee unless, in the view of the Borough Solicitor, this would cause undue delay. In such cases the Borough Solicitor, will consult with the decision-taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny and Overview Committee may only consider a maximum of three referrals at any one meeting.

11.09 At the meeting, the referral will be considered by the Committee which shall determine how much time it will give to the call-in and how the

item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to the Cabinet for reconsideration, setting out in writing the nature of the concerns. The Cabinet shall then reconsider the decision, amending the decision or not, before making a final decision.

- 11.10 The Scrutiny and Overview Committee may refer the decision to the Council if it considers that the decision taken by the Leader or Cabinet is outside the Budget and Policy Framework of the Council. The Council may decide to take no further action in which case the decision may be implemented. If the Council objects to Cabinet's decision it can nullify the decision if it is outside the Policy Framework and/or inconsistent with the Budget.*
- 11.11 If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.*
- 11.12 If the Council determines that the decision was within the Policy Framework and consistent with the Budget, it will refer any decision to which it objects, together with its views on the decision, to the Cabinet. The Cabinet shall choose whether to either, amend, withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet after the referral from the Council.*
- 11.13 The responses of the decision-taker and the Council shall be notified to all Members of the Scrutiny and Overview Committee once the Cabinet or Council has considered the matter and made a determination.*
- 11.14 If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 11.08 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place."*

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APPENDIX A: Emission-Based Parking Report

APPENDIX B: Emission-Based Parking Decision Notice

APPENDIX C: Responses to Consultation

APPENDIX D: Equality Analysis

APPENDIX E: Call-In Proforma

BACKGROUND DOCUMENTS: None