

# **Overview, Scrutiny & Policy Development Committee**

**22 May 2018**

Present: Councillor J Allan  
Councillors B Burdis, K Clark, N Huscroft, S Graham,  
M Green, P Oliver, J O'Shea and M Thirlaway

Church Representative  
Rev M Vine

Also in attendance  
Councillor A Austin – Call-in signatory  
Councillor C Johnson – Cabinet Member Environment &  
Transport  
Colin McDonald - Senior Manager Technical &  
Regulatory Services  
Andy Flynn - Integrated Transport Manager  
Garry Hoyle - Parking & Regulation Manager

## **OV01/05/18 Apologies**

Apologies for absence were received from Councillors N Craven, Janet Hunter, A Newman, A McMullen and M Rankin

Parent Governor Representative - Mrs M Ord

## **OV02/05/18 Substitute Members**

There were no substitute members

## **OV03/05/18 Declarations of Interest**

There were no Declarations of Interest

## **OV04/05/18 Call – in of Delegated Decision – Parking Permit Changes**

At the commencement of the meeting Councillors S Graham & J O'Shea stated that they were Ward Councillors for the ward mentioned within the call-in document. Councillor Graham stated that she had passed the Chairing of the meeting to Councillor J Allan for the meeting for this reason.

The Committee gave consideration to a call-in that was in relation to a Delegated Decision by the Cabinet Member for Housing and Transport to changes to the Parking Permits.

The decision had been called in for consideration by the Committee in accordance with Part 4.9 of the Council's Constitution.

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It was reported that the request for the call-in had complied with the requirements of the constitution in that it had been signed by three non-executive members and it had been received within 5 working days of the publication of the Delegated Executive decision in question.

The Chief Executive validated the call-in following determining that the request identified the decision concerned and where the decision did not comply to the principles of decision making set out in Article 13 of the Constitution relating to;

- (i) due consultation,
- (ii) a presumption in favour of openness; and
- (iii) consideration of financial implications

The Committee had received the associated documents in relation to:

- the appropriate Delegated Cabinet Member report regarding the proposed Parking Permit Changes;
- the Record of Delegated Executive Decision by Cabinet Member Record on the matter
- the Call-in form; and
- a guidance note that explained the procedure to be undertaken.

Councillor A Austin, one of the three signatories of the call-in was in attendance to present the reasons for calling in the decision.

The request was presented to the committee on the grounds that the Cabinet Member decision did not comply with Article 13 (4);

- (c) Due consultation;
- (d) Consideration of the legal and financial implications; and
- (e) A presumption in favour of openness of the Councils constitution.

The request for the call-in stated (i) 'all elected members were not advised of the changes, even those in wards effected were not notified or consulted; (ii) the justification for the proposed increases was the need to raise money to pay for the permit schemes; now such money will not be raised, no explanation has been provided of where the funding will come from'.

In presenting the call-in Councillor Austin referred to a local election campaign leaflet(dated 30 April 2018) from the Labour candidate in Whitley Bay Ward, which stated her promise was 'there should be no charge for the first Resident Permit' and 'the proposed charge for the visitor permit should be halved from £50 to £25'.

The call-in stated that the candidates promise accorded to the changes made by the Cabinet Member in the decision made on the 1 May 2018.

It was the view of the signatories that the decision to make changes to the parking permits was undertaken as a knee jerk reaction to public opinion and the changes were implemented in haste to appease concerns and proffer support for the election candidate. It was also the view that there was not a full consideration to the financial implications the changes would have and consideration should be taken, not to implement charges for parking permits.

Members of the committee were then afforded the opportunity to ask questions of Councillor Austin. A member questioned if Councillor Austin was aware of the extensive work undertaken by scrutiny in relation to Parking Permits in North Tyneside during 2016, stating that during this review it was evident that the parking permit schemes in place in North Tyneside was confusing to the public, expensive to administer and was being subsidised through other council budgets. The scrutiny report concluded with a number of recommendations for consideration by Cabinet to ensure the administration and cost for parking permits was simplified, self-financing and included recommended tariffs.

Members of the committee asked further questions to clarify the reasons why it was considered there was no due consultation with the implementation of the changes to parking permits. It was reported that all resident/businesses received letters outlining proposed changes and the Council received responses of 7.4% of all letters sent.

It was indicated that there was a 51% trigger point for any scheme to be removed.

Councillor Austin stated the first consultation was conducted correctly in the view of the three signatories of the call-in, however, it was felt there was a lack of transparency and openness with the decision of the Cabinet Member made 1 May 2018.

Councillor Austin questioned why residents received a letter detailing the proposals and why the Cabinet Member then made amendments.

The new Cabinet Member for Environment & Transport was in attendance accompanied by technical officers to explain the process of how the delegated decision was conducted.

The Senior Manager Technical & Regulatory Services informed the committee of the consultation process from the outset with associated information to the number of letters and responses received from the initial consultation.

It was stated as part of the initial consultation, analysis was undertaken to the locations where residents had expressed their wish to withdraw from the parking permit scheme. It was stated that where similar changes were proposed in neighbouring authority's withdrawal from parking schemes had been up to 30%. The consultation analysis data showed no locations had passed the threshold wishing to withdraw from any of the parking permit schemes that were in place.

To implement changes to the parking permit system the Authority was subject to a statutory legal process as set out in the Road Traffic Regulations Act 1984 and the Regulations that flow from the Act, namely, the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996. All schemes are required to formally be advertised and include a 21 day period for objections before the making of a Traffic Regulation Order.

The Authority must consider all objections made and can decide whether to make the Order unchanged, to make the Order with modifications or not to proceed with the Order.

All persons who sent correspondence raising concerns were responded to with the rationale and informed that they should raise their concerns formally by responding to the legal notice.

A number of objections were received and proposed amendments to the original proposal were detailed in the report for consideration by the Cabinet Member.

Members of the Committee were then afforded the opportunity to ask questions of the Cabinet Member and officers.

Clarification was sought to, if the financial cost of the initial proposal had been made to gauge any resistance with an alternative proposal ready with reduced cost if the resistance to the initial proposal was too high.

In response it was stated that there was no preconceived model and that the setting of parking fees and charges was delegated to the Head of Environment, Housing and Leisure who managed the scheme of change having regard to the scrutiny review into Parking Permits in North Tyneside recommendations.

Both Councillor Austin and the Cabinet Member for Environment & Transport were given the opportunity to make final summaries of their views.

In her summing up Councillor Austin raised that in a local election leaflet the election candidate pre-empted a decision that would be taken where not all elected members had been consulted, that the Cabinet Member did not give full consideration to the financial implications the changes would have and requested that consideration be taken not to implement charges for parking permits.

In his summation the Cabinet Member of Environment and Transport stated that the call-in was submitted on the grounds that the Cabinet Member decision did not comply with Article 13 (4)

(c) Due consultation;

It was stated that the Parking Permit scheme and changes had undergone;

- Informal consultation where all permit holders were contacted by letter and views received and considered.
- A formal consultation was undertaken through the legal process of Traffic Regulation Orders where objections were received and considered.

(d) Consideration of the legal and financial implications;

It was stated that following the consultation and analysis of the resistance factor. No permit holder locations triggered the 51% threshold to withdraw from the scheme; and

(e) A presumption in favour of openness;

It was believed promises made in an election leaflet by the election candidate was not relevant to the call-in. It was the view of a candidate who did not have the delegated responsibility of the decision.

That the proposal to change Parking Permits had been ongoing for a number of years and was in line with the scrutiny review into Parking Permits in North Tyneside recommendations of 2016.

That the Access to information Rules of Procedure for delegated decision made by a Cabinet Member were adhered to.

Having heard a summing up from the signatories, the Cabinet Member for Environment & Transport and officers, the committee went on to consider the call-in.

The Committee were required to consider whether the Cabinet Member had failed to comply with the principles of decision making in Article 13 (4) (c) Due consultation;

(d) Consideration of the legal and financial implications; and (e) A presumption in favour of openness of the Councils constitution.

The Committee dismissed the call-in as it viewed no criteria of Article(13)of the North Tyneside Constitution detailed in the call-in was contravened.

**RESOLVED** that the alleged failure to comply with the principles of decision making as set out in Article 13 of the North Tyneside Constitution had not been proven and therefore the call-in was rejected.