

FAREHAM

BOROUGH COUNCIL

Report to the Health and Public Protection Scrutiny Panel

Date 18 August 2021

Report of: Head of Democratic Services

Subject: CALL IN – OF EXECUTIVE MEMBER DECISION No: 2291 – Portchester Car Parks Traffic Regulation Order – Consideration of consultation responses

SUMMARY

Call-in can be triggered by three non-Executive members giving due notice to the Chief Executive Officer before the end of the call-in period.

A call-in was received on 31 July 2021 relating to the decision made at the Individual Executive Member decision on 28 July 2021.

The call-in notice relates to a decision made under delegated powers by the Executive Member for Health and Public Protection regarding the Portchester Car Parks Traffic Regulation Order – Consideration of consultation responses.

RECOMMENDATION

This matter is now referred to the Health and Public Protection Scrutiny Panel to determine. The options open to the Scrutiny Panel are:-

- (a) to accept the decision made by the Executive Member for Health and Public Protection, in which case the decision can be implemented; or
- (b) to request that the Executive Member for Health and Public Protection reconsiders the decision, giving reasons for such a request.

INTRODUCTION

1. On Wednesday 18 July, the Executive Member for Health and Public Protection resolved to adopt the updated Off-Street Parking Places (Amendment 4) Order having reviewed representations made in response to the consultation for the Portchester Car Parks Traffic Regulation Orders.
2. On 31 July 2020, the Chief Executive Officer received a valid call-in request signed by Councillors R H Price and Mrs J Kelly along with an electronic signature from Councillor G Fazackarley. The reasons for the call-in, contained within the formal notice, are shown at paragraph 6 below. A copy of the call-in notice is included at Appendix A with the electronic signature at Appendix B.
3. As notices of call-in have been received, the implementation of the decision stands suspended at least until the matter has been reviewed by the Health and Public Protection Scrutiny Panel. If the matter requires further consideration by the Executive Member for Health and Public Protection, then the decision stands adjourned until that reconsideration.
4. The information contained within the call-in notification now needs to be considered by the Scrutiny Panel. This has been identified as information that is within the public arena.

MATTERS FOR CONSIDERATION

5. The reasons given within the first call-in notice are as follows:-
 - i. The Executive Member did not consider fully people's rights to attend his decision day.
 - ii. The effect of charging was not fully considered in how it would affect the continuance of the long-standing Portchester Gala which is when all the groups come together with residents annually.
 - iii. Did not consider higher charges for coaches so that car parking could be free.
 - iv. Did not explain how there was increased costs for issuing 3- or 6-month season tickets compared with 12 month season tickets.
 - v. Gave no consideration to volunteers who give their time freely for the church, sailing club and scouts and will now have to pay for that pleasure.
6. The call-in notice does not identify that the decision was contrary to, or not wholly in accordance with the Council's Policy Framework or budget and therefore the Scrutiny Panel is able to determine the matter without reference to the Council's Monitoring Officer or Section 151 Officer.
7. To assist the Scrutiny Panel in its review of the decision, a copy of the report considered by the Executive Member for Health and Public Protection in relation to this matter is included at Appendix C, together with a copy of the draft Traffic Regulation Order to be adopted at Appendix D.

BACKGROUND

8. On 7 September 2020, a report was presented to the Executive setting out the results of a detailed review of the Council's Parking Service and providing options for the

future delivery of the service. This review was carried out in lieu of the termination of the on-street parking enforcement agency agreement with Hampshire County Council and was a timely review due to the considerable loss of income due to the suspension of parking charges during the Covid-19 lockdown during 2020.

9. As part of a raft of recommendations contained in this initial report, it was agreed that a consultation on Traffic Regulation Orders would be carried out and reported back to a later meeting.
10. A further report was presented to the Executive on 4 January 2021 providing options for season tickets and concessions within the 9 individual coastal car parks within the Borough.
11. On 7 June 2021 a report was presented to the Executive on the results of the consultation exercise on Traffic Regulation Orders for coastal car parks, excluding Portchester. This report included a recommendation that the Executive Leader would delegate future TRO determinations to the Executive Member for Health and Public Protection.
12. A copy of that report is included at Appendix E as it provides the background to the consultation responses across the Borough for coastal car parks and sets the context for the determination of the Portchester coastal car parks and TROs.

RISK ASSESSMENT

13. There are no significant risk considerations in relation to this report

CONCLUSION

14. On considering this matter, the Scrutiny Panel will need to decide if it wishes to accept the decision made by the Executive Member for Health and Public Protection, in which case the decision can be implemented; or request that the Executive Member for Health and Public Protection reconsiders the decision, giving reasons for such a request.

Appendices:

- A:** Call-in notice 31/07/21
- B:** Electronic signature of Call-in notice 31/07/21
- C:** Report of the Director of Leisure and Community on 28 July 2021
- D:** Draft Traffic Regulation Order (Amendment 4)
- E:** Report to the Executive - Traffic Regulation Order for Coastal Car Parks – consideration of consultation responses and delegation by the Executive Leader of the Council to the Executive Member for Health and Public Protection to determine such orders in the future – 7 June 2021

Background papers: TRO Consultation Representations

Reference Papers: 07 June 2021 Executive Report: Traffic Regulation Order for Coastal Car Parks – consideration of consultation responses and delegation by the Executive Leader of the Council to the Executive Member for Health and Public Protection to determine such orders in the future.

07 September 2020 Executive Report - Parking Service Review.

04 January 2021 Executive Report – Concessionary and Season Ticket options at Coastal Car Parks.

Enquiries:

For further information on this report please contact Leigh Usher. (Ext 4553)