

FAREHAM

BOROUGH COUNCIL

Minutes of the Health and Public Protection Scrutiny Panel

(to be confirmed at the next meeting)

Date: Wednesday, 18 August 2021

Venue: Council Chamber - Civic Offices

PRESENT:

Councillor Miss J Bull (Chairman)

Councillor Ms S Pankhurst (Vice-Chairman)

Councillors: Mrs P M Bryant, Mrs T L Ellis, J M Englefield, Miss T G Harper
and Mrs K K Trott

Also Present: G Fazackarley, Mrs J Kelly and R H Price, JP



1. APOLOGIES FOR ABSENCE

There were no apologies for absence given at this meeting, however it was noted that Councillor J K Kelly was unable to sit on the Panel due to a pecuniary interest.

2. MINUTES

An amendment to paragraph 7 on page 4 of the minutes was agreed to clarify that Sovereign Healthcare represent three Primary Care Networks.

RESOLVED that, subject to the amendment above, the minutes of the Health and Public Protection Scrutiny Panel meeting held on 13 July 2021 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that this meeting of the Health and Public Protection Scrutiny Panel had been convened to consider the Individual Executive Member Decision made by the Executive Member for Health and Public Protection on Wednesday 28 July 2021. That decision agreed to adopt the updated Off-Street Parking Places (Amendment 4) Order which was appended to the report.

The Chairman informed the Panel that the decision had not yet been implemented because it had been called-in by 3 non-Executive Members, as per the Council's Constitutional arrangements.

The Chairman explained that after the report on the item had been presented, she would invite Councillors Price, Fazackarley and Mrs Kelly as the representatives of the call-in, to present the reasons they had given for calling-in the decision. The Executive Member for Health and Public Protection would then be invited to join the meeting to explain how the decision on adoption of the Traffic Regulation Order was reached. The Chairman also explained that she had asked the Council's Solicitor to intervene at any point in the meeting where she felt that discussion was straying into matters outside the terms of the call-in notice.

The Chairman reminded members that the Scrutiny Panel is tasked with considering the reasons given for the call-in and could only determine if the decision had been handled appropriately. She went on to explain that the options open to the Scrutiny Panel were either:

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

4. DECLARATIONS OF INTEREST AND DISCLOSURES OR ADVICE OR DIRECTIONS

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

The Panel received the deputations as listed in the table below. It was confirmed that all Deputies had been advised prior to the meeting that deputations must be on the grounds relating to the reasons for call-in only and that the Chairman may intervene if necessary.

Name	Item	Type of Deputation
Bronwyn Kirk	Item 6 – Executive Member Decision No 2291 – Portchester car parks Traffic Regulation Order	In person
Janet Cooke	-ditto-	Written
Gareth Jones	-ditto-	Written
Graham Allibone	-ditto-	Written
Kate Tame	-ditto-	In person
John Halsey	-ditto-	Written
Keith Barton	-ditto-	Written
Neil Young	-ditto-	Written
John Elkington	-ditto-	In person
Percy O'Dell	-ditto-	In person
Sally Young	-ditto-	In person
Gerry Kelly	-ditto-	In person

The Deputies were thanked accordingly for providing their deputations.

6. CALL IN OF INDIVIDUAL EXECUTIVE MEMBER DECISION NO: 2291 - PORTCHESTER CAR PARKS TRAFFIC REGULATION ORDER - CONSIDERATION OF CONSULTATION RESPONSES

The Panel received the deputations referred to in Minute 5 above in respect of this item.

The Panel considered a report by the Head of Democratic Services which outlined the reasons given for the call-in of the Executive Member decision regarding the Portchester Castle car parks Traffic Regulation Order. An amendment at paragraph 1 of the report was noted in that the Executive Member for Health and Public Protection resolved to adopt the Updated Off-Street Parking Places (Amendment 4) Order on the 28 July and not on 18 July

as stated. A number of Appendices were attached to the report to further assist the Panel in its review of the decision. Appendices A and B provided a copy of the call-in notice which cited the grounds for the call-in.

Councillor R H Price, JP, summarised the reasons put forward for the call-in and answered points for clarification from the Panel.

Councillor G Fazackarley addressed the Panel to make a statement of support for the call-in.

At the request of the Chairman, the Solicitor clarified the legal position with regards to the consultation requirements in making a Traffic Regulation Order and confirmed that, in this case, the requirements had been complied with.

At the invitation of the Chairman, the Executive Member for Health and Public Protection joined the meeting and was called upon to advise the Panel of the process undertaken in making the decision and how the decision was reached. The Executive Member answered questions put to him by the Panel and then, in accordance with the Council's constitution, left the meeting and was not present for the remainder of the meeting.

The Chairman confirmed that having considered all the reasons given for the call in, the Panel now had to consider its options as set out in the report. That being either:

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

A motion was proposed by Councillor Mrs P M Bryant and seconded by Councillor Ms S Pankhurst to accept the decision made by the Executive Member for Health and Public Protection and to allow the decision to be implemented. Councillor J Englefield requested a recorded vote and the vote was therefore carried out by roll call. On being put to the vote, the motion was declared CARRIED (Councillors Ms S Pankhurst, Mrs P M Bryant and Mrs T L Ellis voting in favour, Councillors J Englefield and Mrs K K Trott voting against and Councillor Miss T Harper abstaining.)

RESOLVED that the Health and Public Protection Scrutiny Panel accepts the decision made by the Executive Member for Health and Public Protection and agrees that the decision to adopt the updated Off-street Parking Places (Amendment 4) Order be implemented.

(The meeting started at 6.02 pm
and ended at 8.15 pm).