

Call-in of Cabinet Decision – Wiltshire Local Transport Plan 2011-2026 – Car Parking Strategy

Purpose

1. To consider a call-in request of the Cabinet decision on the Wiltshire Local Transport Plan 2011-2026 – Car Parking Strategy on December 14th, 2010.

Background

2. Cabinet on Dec 14th considered a report (see 5.4) by the Director for Neighbourhood and Planning which reviewed the current Local Transport Plan (LTP) Car Parking strategy for a number of key reasons:
 - to ensure a consistency in parking charges, standards and management in Wiltshire;
 - to respond to changes since 2001 (the date when the current parking strategy was published);
 - parking is an important part of the emerging 3rd Wiltshire LTP.
3. Following debate, which included extensive public representation, Cabinet approved the Car Parking Strategy as detailed in appendix.
4. As part of its 'Overview' responsibilities, the Environment Select Committee has included the development of the Strategy within its work programme for the last 12 months. In January 2010 the Cabinet member introduced the Committee to the review, explaining why it was necessary. The Scrutiny members welcomed the opportunity for involvement and invited an update in May. In reflection of the Cabinet forward programme, the update was moved to November, allowing scrutiny input in advance of the December Cabinet decision. On inviting the Cabinet member to the November meeting the Chairman requested an overview of the outcomes of the consultation process and the potential implication for service users. Following consideration of the update the Committee endorsed the consultation process which had been followed (see 5.12).

Call-In

5. The provision for a call-in of an executive decision is set out in the Overview and Scrutiny Procedure Rules in the Council's Constitution. It is designed to be used in exceptional circumstances where members of the relevant scrutiny committee have evidence which suggests that the Executive did not take the decision in accordance with the principles of decision making (see 5.2) set out in the Constitution. In fact, this is the first time call-in has been exercised within Wiltshire Council.
6. Formal notice was given within the prescribed period by Councillors Peter Colmer, Steve Oldrieve, Nigel Carter and Rosemary Brown to call-in the decision prior to implementation of this matter. The reasons given were that the following principles were not followed (with sufficient detail):

- to ensure open, fair and honest administration
- to state the reasons for the action
- to consult interested parties where appropriate and practicable
- to promote the economic, social and environmental well-being of the County
- to determine issues at the lowest level commensurate with their importance

Full details of the Call-in request can be seen under (see 5.1)

7. A Call-in has to be considered by the relevant scrutiny committee within 5 working days. Arrangements were made, in consultation with the Chairman to hold the meeting within the required timescale.
8. At the meeting itself the members who called in the decision will first be given the opportunity to explain the concerns they have. The Cabinet Member will then be invited to respond. Other members can then ask further questions and debate the merits of the call-in.

The meeting is open to the public and therefore the provision for public participation applies. However questions and comment must relate to the particular issue of call-in.

Matter for Decision

9. The Environment Select Committee, after hearing the concerns, evidence and response, has to decide either:
 - (1) that it is satisfied by the response, takes no further action and informs the decision-maker (Cabinet) accordingly. The decision will then be implemented immediately; or
 - (2) if it remains concerned, to refer the matter back to the decision-maker setting out in writing the nature of its concerns. The decision-maker is then required to reconsider the matter within 5 working days, amending the decision or not, before adopting a final decision.

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Unpublished documents relied upon in the production of this report: None