

CALL-IN SUB-COMMITTEE MINUTES

5 NOVEMBER 2013

Chairman: * Councillor Chris Mote

Councillors: * Sue Anderson * Jerry Miles
* Mano Dharmarajah * Yogesh Teli (1)

* Denotes Member present
(1) Denotes category of Reserve Member

59. Appointment of Chairman

RESOLVED: That Councillor Chris Mote be appointed Chair for the meeting.

60. Attendance by Reserve Members

RESOLVED: To note the attendance of the following duly constituted Reserve Members:

Ordinary Member

Reserve Member

Councillor Anthony Seymour

Councillor Yogesh Teli

61. Declarations of Interest

RESOLVED: To note that there were no declarations of interests made by Members.

62. Minutes

RESOLVED: That the minutes of the meeting held on 1 October 2013, be taken as read and signed as a correct record.

RESOLVED ITEMS

63. Protocol for the Operation of the Call-In Sub-Committee

The Chair drew attention to the document 'Protocol for the Operation of the Call-In Sub-Committee' and outlined the procedure to be followed at the meeting. He indicated that, with the Sub-Committee's agreement, he would permit those member signatories who wished to speak on the issue to do so, within the timeframe allowed. He further informed the sub-committee that Councillor Chris Noyce had stated his intention to backbench, and had also requested to speak on the called-in item.

In accordance with Committee Procedure Rule 46.5, a notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:-

- (a) inadequate consultation with stakeholders prior to the decision;
- (b) the absence of adequate evidence on which to base a decision;
- (c) the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
- (d) the action is not proportionate to the desired outcome;
- (e) a potential human rights challenge;
- (f) insufficient consideration of legal and financial advice.

He informed the Sub-Committee that the grounds (a) - (f) had been cited on the Call In notice, of which grounds (a), (b), (d) and (f) had been deemed to be valid for the purposes of Call-In.

RESOLVED: That the Call-In would be determined on the basis of the following grounds:

- (a) inadequate consultation with stakeholders prior to the decision;
- (b) the absence of adequate evidence on which to base a decision;
- (d) the action was not proportionate to the desired outcome;
- (f) insufficient consideration of legal and financial advice.

64. Call-In of Cabinet Decision (17 October 2013) - Parking Review: 20 Minutes Free Parking Initiative

The Sub-Committee received the papers in respect of the call-in notice submitted by 6 Members of Council in relation to the decision made by Cabinet on Parking Review: 20 Minutes Free Parking Initiative.

The Chair advised the Sub-Committee on the suggested order of proceedings and reminded Members of the timings allowed for submissions and questions. The Sub-Committee agreed that Councillor Chris Noyce, backbenching, should be allowed to speak and participate in the meeting.

The Chair invited the lead representative of the signatories, Councillor David Perry, to present the reasons for the call in of the decision to the Sub-Committee.

Councillor Perry stated that the main ground for call-in was the lack of consultation. No feedback had been provided from local businesses as to the success of the initiative, and no interested groups – such as the Traffic and Road Safety Advisory Panel (TARSAP) and Chamber of Commerce had been approached for comment. There was no reference to the Compact agreement with the voluntary sector, and the interest of pedestrians had not been addressed. He queried the statistics provided in relation to increased parking and footfall in the area, and whether they could be interpreted to show an increase in trade. He believed that reference to PCNs was a cynical attempt to show the initiative in a negative light. He added that the Leader of the Council appeared to have pre-determined the issue according to comments quoted in the media.

In respect of ground (b), the absence of adequate evidence on which to base a decision, he stated that no account had been taken of seasonal variations in traffic and parking, and as the period included the school summer holiday, this was a significant omission.

In respect of ground (d), the action is not proportionate to the desired outcome, he considered that the presentation of information, and in particular the inclusion of statistics relating to PCNs, was irrelevant and potentially inappropriate.

In respect of ground (f), insufficient consideration of legal and financial advice, he considered that the same reasons as for ground (d) applied, in addition to reference to the Medium Term Financial Strategy (MTFS).

In conclusion, Councillor Perry stated that this Cabinet decision had not met the expected high standards of decision making in that local residents' and businesses' views had been ignored.

Councillor Krishna Suresh, signatory to the call-in notice, outlined his concerns as a ward councillor for Rayners Lane, which he believed needed successful initiatives in order to compete with neighbouring high street shopping centres. He informed the Sub-Committee that local traders had expressed a preference for free parking over a sum of investment in the area. He was in regular contact with all 140 local traders, and the consensus was that they all benefitted from the free parking.

Councillor Idaikkadar, signatory to the call-in notice, stated that Cabinet had been profoundly wrong in their decision to remove the free parking. He reiterated the views in respect of seasonal variations and the inclusion of PCNs in financial assessments. He believed that the figures had been

tailored to show a negative picture, and disagreed that a 2% increase in footfall was a negligible amount. No attempt had been made to canvass the views of traders, and it would have been a simple matter to establish if turnover had increased. A lack of free parking would also result in nuisance to local residents as a result of displacement. He did not consider that there had been sufficient analysis of the data before reaching a conclusion.

The Leader of the Council acknowledged the views of signatory representatives, and shared their view that borough-wide free parking was an admirable aspiration. However, she was firmly of the view that this could only be achieved if it was viable and affordable in the light of the current economic climate, and with the benefit of advanced and fit-for-purpose technology to support a scheme that would be fair and could be enforced satisfactorily.

She pointed out that if the scheme were rolled out borough-wide, then any advantage enjoyed by Rayners Lane over neighbouring areas would be lost, and it was also possible that any increase in trade in Rayners Lane could result from a loss in trade in other areas of Harrow.

She confirmed that no consultation had been undertaken; the scheme had been a pilot to determine its economic viability and the desirability of rolling out such a scheme borough-wide. Examination of the figures demonstrated conclusively that the scheme in its current form was not financially viable or fit-for-purpose, and there had therefore been little point in consulting on a project that would not go ahead. She considered that that would have been an unnecessary waste of money. Furthermore, Cabinet had been acting within the parameters of a report drafted under a previous administration, which had not required that consultation be undertaken, merely that a 'yes' or 'no' decision be taken on whether or not to proceed with the scheme and borough-wide roll out. She reminded Members that no consultation had been taken at the outset of the scheme as to which location should be selected for the trial.

She was adamant that any scheme proposed must be economically viable, sustainable, and fair. She was aware of instances of abuse of the current scheme, where 20 minute tickets were used repeatedly for lengthy parking periods, which was entirely against the spirit of the scheme. This was evidenced by a distinct increase in the number of tickets issued against a 2% increase in footfall. She stated that PCN income had not been a driver in the decision as they were intended as a measure to ensure safe and efficient traffic flow.

She reminded Members that she was a local trader herself, and that while she represented local business, she also represented local tax-payers and was committed to delivering value for money. To that end, she would be happy to work with all parties to achieve a good result for residents.

In response to a query, an officer explained that video evidence had been used to calculate the amount of footfall in the area. The Corporate Director, Environment and Enterprise, stressed that the same level of parking enforcement had taken place before and during the trial to ensure a sound base for assessment.

A Member observed that Rayners Lane was mainly disadvantaged by the free parking available in Eastcote, which was in the neighbouring borough of Hillingdon, but no more than a mile away. Members discussed the quality and operation of the free parking scheme in Hillingdon, and noted the cost of the initial investment. Some Members expressed their concern that ward councillors had not been informed of the decision prior to its announcement, or involved in any discussions.

(The Sub-Committee then adjourned from 8.35 pm until 8.50 pm to receive legal advice.)

The Chair announced the decision of the Sub-Committee and it was

RESOLVED: That

- (1) the call-in on ground (a) – inadequate consultation with stakeholders prior to the decision – be upheld as the business community and ward councillors had not been consulted;
- (2) the following grounds for call-in:
 - i. ground (b) – the absence of adequate evidence on which to base a decision;
 - ii. ground (d) – the action was not proportionate to the desired outcome;
 - iii. ground (f) – insufficient consideration of legal and financial advice;

all be upheld for the following reasons:

- detailed financial information was provided in the report;
- financial viability was a main driver in determining the decision;
- it was not appropriate to consider money received from penalty charge notices as parking income and this money should not have been taken into account in reaching the decision.

(Note: The meeting, having commenced at 6.30 pm, closed at 8.55 pm).

(Signed) COUNCILLOR CHRIS MOTE
Chairman