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Merton Council

Cabinet Extraordinary meeting

Agenda

Membership

Councillors:

Stephen Alambritis (Chair)
Mark Allison
Laxmi Attawar
Kelly Braund
Tobin Byers
Caroline Cooper-Marbiah
Edith Macauley MBE
Eleanor Stringer
Martin Whelton

Date: Tuesday 10 September 2019

Time: 7.15 pm

**Venue: Committee rooms C, D & E - Merton Civic Centre, London Road,
Morden SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda please contact democratic.services@merton.gov.uk or telephone [020 8545 3616](tel:02085453616).

All Press contacts: communications@merton.gov.uk, 020 8545 3181

Cabinet Extraordinary meeting Agenda

10 September 2019

- | | | |
|---|---|-----------|
| 1 | Apologies for absence | |
| 2 | Declarations of pecuniary interest | |
| 3 | Reference to Cabinet on outcome of call in on strategic approach to parking charges | 1 - 4 |
| 4 | Response to the Reference to Cabinet on outcome of call in on strategic approach to parking charges | To Follow |

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

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- Bus routes: 80, 93, 118, 154, 157, 163, 164, 201, 293, 413, 470, K5

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Committee: Cabinet

Date: 19 September 2019

Wards: All

Subject: Reference from Overview and Scrutiny Commission – Call in of decision taken on public health, air quality and sustainable transport – a strategic approach to parking charges

Lead officer: Julia Regan, Head of Democracy Services

Lead member: Councillor Peter Southgate, Chair of Overview and Scrutiny Commission

Contact officer: Julia Regan, 0208 545 3864, Julia.regan@merton.gov.uk

Recommendations:

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1. Further to hearing two call in requests on the strategic approach to parking charges, the Overview and Scrutiny Commission resolved to refer the decision back to Cabinet for reconsideration in relation to the principle of decision making on respect for human rights and equalities. Specifically the Commission requests that Cabinet complete the process of consultation with affected groups prior to reconsideration of its decision.
 2. The Commission also asked Cabinet to take account of three requests made in relation to the proposed approach to parking charges and associated issues set out in paragraph 2.7 of this report.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To present to Cabinet the recommendations of the Overview and Scrutiny Commission in relation to the call in of the decision taken on the strategic approach to parking charges. The Commission has formally referred the decision back to Cabinet for reconsideration in relation to the principle of decision making on respect for human rights and equalities. Specifically the Commission has requested that Cabinet complete the process of consultation with affected groups prior to reconsideration of its decision.

2 DETAILS

- 2.1. At its meeting on 14 August 2019, the Overview and Scrutiny Commission heard two call-in requests on Cabinet's decision taken on the strategic approach to parking charges. The first call-in request was upheld by the Commission and the second one was not. This reference back to Cabinet therefore relates solely to the first call-in request.
- 2.2. The Commission received a report detailing the officer response to the two call-in requests and considered the views of the call-in signatories and local representatives at the meeting. Members questioned the Cabinet Member for Regeneration, Housing and Transport and the Cabinet Member for Adult Social Care, Health and the Environment and the Director for Environment and Regeneration.

- 2.3. The Chair reminded all present that the purpose of the call-in was to determine whether Cabinet's decision on 15 July was flawed in relation to the council's principles of decision making and, if so, to demonstrate where it fell short. The Chair also said that as this decision had been the subject of extensive pre-decision scrutiny by the Sustainable Communities Overview and Scrutiny Panel, the Commission should focus its attention on new information.
- 2.4. Commission members discussed the evidence received in relation to whether the principles of decision making had been followed. Members accepted that it had been difficult to evidence this innovative policy approach and agreed that the core of the first call-in request was whether the equality impact assessment process had been properly followed. Some members expressed concern that there hadn't been more proactive follow up with organisations representing affected groups and requested that Cabinet should actively consult with the affected groups in relation to the mitigation before reconsidering the decision.
- 2.5. The Commission voted on a motion proposed by Councillor Owen Pritchard and seconded by Councillor Sally Kenny, that was carried by 9 members voting in favour. It was RESOLVED:
- 2.6. "that the Commission should refer the decision on the strategic approach to parking charges back to Cabinet for reconsideration in relation to the principle of decision making on respect for human rights and equalities. Specifically the Commission requests that Cabinet complete the process of consultation with affected groups prior to reconsideration of its decision".
- 2.7. At the end of the meeting, following the rejection of the second call-in request, the Commission also RESOLVED to include the following requests in its reference to Cabinet:
- that there should be a review, 12 months after implementation of the new charges, of the impact on air quality and on the number of parking permits issued
 - that the results of the diesel levy should be reported to scrutiny as soon as practicable
 - that, as the approach to parking charges is one of a suite of measures, the Commission looks forward to seeing the introduction of other measures to tackle air quality

3 ALTERNATIVE OPTIONS

- 3.1. The council's constitution (part 4E, section 16f) states that following a referral back from scrutiny, Cabinet is required to reconsider its decision. Cabinet may amend the decision or not, before adopting a final decision which will be explained in writing.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None for the purposes of this report.

5 TIMETABLE

- 5.1. Cabinet is required to consider its decision either at its next scheduled meeting if, in the Chief Executive's judgement, any resulting delay would not be prejudicial. Cabinet may meet sooner on a date to be determined by the Chief Executive.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None for the purposes of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Constitutional requirements have been set out on sections 3 and 5 above.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None for the purposes of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- none

12 BACKGROUND PAPERS

- 12.1. None

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