

Title of Report	Call-in of an Executive Decision: Introduction of Parking Charges for Motorcycles CHE S179
For Consideration By	Scrutiny Panel
Meeting Date	24 April 2023
Classification	Open
Ward(s) Affected	All
Director	Dawn Carter-McDonald, Monitoring Officer and Director of Legal, Democratic and Electoral Services

1. **Summary**

- 1.1. This report details a call-in submitted in relation to an Executive Key Decision taken by Cabinet on 27 March 2023 on the Introduction of Parking Charges for Motorcycles CHE S179.
- 1.2. On considering the information presented, including advice from statutory officers as to whether the decision is within the budgetary and policy framework, the Scrutiny Panel is required to make a decision in relation to the call-in. Options available to the Panel are detailed at paragraphs 3.7 and 3.8 of this report.

2. **Recommendations**

- 2.1. **The Scrutiny Panel considers the advice of the Monitoring Officer and s151 Officer contained within this report on whether the decision taken by Cabinet was contrary to the Council's Budget and Policy Framework.**
- 2.2. **The Scrutiny Panel consider the requisition to call-in the Executive Key Decision and determine whether to:**
 1. **Take no further action;**
 2. **Refer the decision back to Cabinet for reconsideration, setting out the nature of the Committee's concerns; or**
 3. **Refer the matter to Full Council where the Panel considers that its recommendations would have an impact on the Council's Budget and Policy Framework**

3. **Background**

- 3.1. The Call-In Procedure Rules are set out at Part 4.5, Paragraph 10 of the Council's Constitution. The Rules prescribe that once a validated call-in request has been notified to the Monitoring Officer, the Scrutiny Panel must meet to decide what action to take. In the meantime, all action to implement the original decision is suspended.
- 3.2. A requisition to call-in an Executive Key Decision on the Introduction of Parking Charges for Motorcycles CHE S17 was received by the Monitoring Officer on 3 April 2023. The decision was taken by Cabinet on 27 March 2023. The requisition was signed by five Members - Councillors Binnie-Lubbock, Garbett, Levy, Papier and Steinberger. The requisition fulfilled the criteria required by the Constitution.
- 3.3. Members of the Scrutiny Panel were notified of the call-in on 4 April 2023. The Elected Mayor and Cabinet were also notified of the call-in on 4 April 2023.
- 3.4. Notice of the intention for Cabinet to consider the Introduction of Parking Charges for Motorcycles was included in the Executive Meetings and Key Decision Notice (EMKDN) published on 27 January 2023. This is in accordance with Part 4.2, Paragraph 15 of the Council's Constitution. Details of the decision were published on the Council's website on 28 March 2023, the day after the decision was taken.
- 3.5. The call-in decision is also related to previous decisions taken by Cabinet:
 - Motorcycle Parking Permits - 22 February 2021
 - Proposed Motorcycle Parking Review - 19 September 2019However, these decisions in themselves are now outside the timeframe for call-in.
- 3.6. The requisition does not specify the desired outcomes of the call-in.
- 3.7. In considering the matter, the Scrutiny Panel has a number of options:
 - (i) To take no further action, in which case the original decision will take effect immediately.
 - (ii) To refer the original decision back to Cabinet as the original decision-maker where the Scrutiny Panel considers that a preferable alternative decision should be taken. If this option is followed, the Scrutiny Panel must set out in writing the nature of its concerns and its recommendations. In such cases, Cabinet will then consider the matter again at their next meeting and may either accept or reject any recommendations made to it and may amend its decision. If Cabinet does reject any or all of the recommendations made to it then it will submit a written statement to the next meeting of the Scrutiny Panel setting out its reasons.

(iii) To refer the original decision to Full Council in circumstances where the Panel considers that its recommendations would have an impact on the Council's budget or policy framework. Where such a referral is made, the item will appear on the agenda for the next ordinary meeting of Full Council. If Full Council does not concur with Cabinet's decision then it may refer the decision back to Cabinet together with Full Council's views on the decision. Cabinet will then meet within 15 working days to determine whether to amend the decision or not. Full Council may only change the decision if it is contrary to the policy framework or contrary to or not wholly consistent with the budget.

3.8. If Cabinet or Full Council, does not amend a decision and the Scrutiny Panel still feels a more appropriate decision should have been taken, it may add the matter to its own work programme or the work programme of a Commission and monitor the implementation of the decision.

3.9. Once the Panel has considered the call-in and resolves to take one of the actions set out at paragraph 3.7 and 3.8, the call-in process is completed. A decision cannot be called in more than once.

4. **Comments of the Group Director of Finance and Corporate Resources.**

4.1. The Executive Key Decision taken by Cabinet on 27 March 2023 on the Introduction of Parking Charges for Motorcycles CHE S179 was taken within the Council's budgetary framework and the Budget and Policy Framework.

4.2. The report sets out the financial implications of the proposal in detail and includes the comments of the Group Director Finance and Corporate Resources on the financial implications of the recommendations. It sets out:

- (a) the costs of updating the Parking Permits system;
- (b) the cost of installing 50 secure parking hoops in individual parking bays;
- (c) the additional costs of enforcement; and
- (d) estimates of the significant additional income which will be generated over a three year period.

4.3. The introduction of motorcycle charging will yield income that will cover the capital cost of the required infrastructure as well as additional enforcement as such the proposal is self financing and in my view, is consistent with and does not impact on the Council's Budget and Policy Framework.

4.4. It is also noted that the Cabinet report recommendation 3.4 relating to the installation of lockable solo motorcycle bays will be considered on a case by case basis and the capital budget required for the installation will follow the budgetary framework for resource and spend approval through the Capital Update reports to Cabinet.

5. **Comments of the Director of Legal, Democratic and Electoral Services**

- 5.1. The documents which comprise the Council's Policy Framework are set out in Article 4.7 of the Council's Constitution. The Parking Enforcement Plan, within which the motorcycle parking permits sit, is not a document which is listed in Article 4.7 and therefore the decision of Cabinet cannot, as a matter of law, be contrary to the Council's Policy Framework.
- 5.2. The powers of the Scrutiny Panel in response to the call-in have been set out in the main body of the report. There are no other legal implications arising.

Appendices

Appendix 1 - Call-in Requisition

Appendix 2 - Cabinet Report: Introduction of Parking Charges for Motorcycles CHE S179 (Report and Appendices 1-5)

Appendix 3 - Decision Notice

Exempt

None

Confidential

None

Background documents

None

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