

# CHESHIRE EAST COUNCIL

## ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE

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**Date of meeting:** 8 July 2009  
**Report of:** The Borough Solicitor and Monitoring Officer  
**Title:** Call In of Cabinet Decision - CE09/10-10 Car Parking Control and Charging in the area of the former Borough of Congleton

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### **1.0 Report Summary**

- 1.1 This report sets out the procedure for the Call In of Cabinet Decision - CE09/10-10 Car Parking Control and Charging in the area of the former Borough of Congleton, and encloses the original report considered by Cabinet on 16 June 2009.

### **2.0 Recommendations**

- 2.1 That the Scrutiny Committee considers whether or not it wishes to offer advice to Cabinet in response to the Call In

### **3.0 Wards Affected**

- 5.1 Alsager, Congleton Rural, Congleton Town East, Congleton Town West, Sandbach, Sandbach East and Rode, Middlewich

### **4.0 Local Ward Members**

- 4.1 All Members for the above Wards.

### **5.0 Policy Implications**

- 5.1 Contained within the attached Cabinet report.

### **6.0 Financial Implications for Transition Costs**

- 6.1 Contained within the attached Cabinet report.

### **7.0 Financial Implications for 2009/10 and beyond**

- 7.1 Contained within the attached Cabinet report.

### **8.0 Legal Implications**

- 8.1 The legal implications, which informed the decision of Cabinet, are reproduced in Part 2 of this agenda.

### **9.0 Risk Assessment**

- 9.1 Contained within the attached Cabinet report.

## **10.0 Background and Options**

- 10.1 In accordance with Scrutiny Procedure Rule 12.3, Councillors Baxendale, Richardson, Thwaite, Narraway, Westwood, Walton, Murray and Hough have called in the above decision for the reasons identified in Appendix 1. Councillor S Jones and R Fletcher have also expressed their support for the Call In.
- 10.2 In accordance with Scrutiny Procedure Rule 12.6 the Scrutiny Committee has two options. It may decide to offer no advice, in which case the decision may be implemented. If the Scrutiny Committee decides to offer advice, the matter must be referred to Cabinet in order for a decision to be made upon it, the Cabinet in accordance with Scrutiny Procedure Rule 12.8 will not be bound to accept any advice offered to it and will have sole discretion on any further action to be taken, such action may include:
- (1) Confirming with or without amendment the original decision; or
  - (2) Defer the matter pending further consideration; or
  - (3) Make a different decision.
- 10.3 Where the Scrutiny Committee decides to offer advice, this must be clearly documented in the minutes
- 10.4 If the Scrutiny Committee decides not to offer any advice, then the decision of Cabinet can be implemented immediately.
- 10.5 Full details of the Call In Procedure can be found at Scrutiny Procedure Rule 12
- 10.6 The appropriate Cabinet Member and Officer will attend the meeting to explain the background and reasons for the decision and to answer any questions the Committee may have.
- 10.7 The following wording records the Cabinet decision of 16 June 2009:

(1) That Subject to the Borough Solicitor taking action to remove any legal impediments regarding the affected landholdings, the list of car parks to be subject to control and charging be approved;

(2) That the scale of parking charges and the controlled hours which are proposed as 8am to 6pm Monday to Saturday be approved;

(3) That the Borough Solicitor, or his nominated officer, be authorised to advertise the intention to make an off-street car parking order in respect of car parks in the former Congleton Borough (as set out in the report) pursuant to the Road Traffic Regulation Act 1984. Following advertisement, the proposal be subject to the statutory 21 day consultation period during which objections may be submitted, any such objections to be considered by the Cabinet at a subsequent meeting; and

(4) That in the event of there being no objections to the proposed order received within the consultation period, the Borough Solicitor or any officer nominated by him be authorised to take all necessary actions to make the order.

Cabinet also noted the legal implications.

- 10.8 The Cabinet report is attached at Appendix 2.

10.9 A response to the issues raised in the Call In Notice is attached at Appendix 3

## 11.0 **Appendices**

Appendix 1 – Call In Notice

Appendix 2 – Cabinet Report – 16 June 2009

Appendix 3 – Response to the issues raised in the Call In Notice

### ***For further information:-***

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### ***Background Documents:-***

The Councils Constitution

Documents are available for inspection at:

Legal and Democratic Services, Westfields, Middlewich Road, Sandbach, CW11 1HZ