

## **Appendix 3**

### **Call In of the Cabinet Member – Service Commissioning**

#### **Decision taken 23 February 2015**

#### **Title of agenda item/report: Car Parking Consolidation Order 2015**

##### **1. Reason for Call In**

- inadequate consultation relating to the decision
- relevant information not considered
- justification for the decision open to challenge on the basis of the evidence considered.

##### **2. Response to the Call In**

2.1 The purpose of the report was to consolidate all off street parking orders into one for Cheshire East. There were also specific items in the report which related to particular car parks in areas, which involved enabling enforcement to happen; coming to an end of leases and increasing charges in two car parks situated by Crewe Railway Station by £1.

2.2 The consolidation order enables us to have a robust framework which enables our Civil Enforcement Officers to enforce where people are selfish and a danger to others in our car parks. It encourages responsible parking and is a pre-cursor to a full carparking strategy which will respond to the needs of each of our areas.

2.3 The Cabinet Member for Service Commissioning was clear and it is within the Recommendations that the Order will be subject to review over the next 12 months To ensure that it is working effectively in line with our ethos as a Residents and Business First Council.

##### **2.4 The agreed recommendations were as follows:**

- (i) To approve and authorise for statutory consultation, amendments to the proposed traffic regulation order under the Road Traffic Regulation Act 1984 to introduce and consolidate the off street parking restrictions, as set out in paragraphs 1.2 and 1.3 above, and in the event that no objections are received, or where objections are made but withdrawn then authorise the making of the order.
- (ii) That the Investigations Manager and Interim Parking Services Manager be authorised to implement the Order.
- (iii) That the impact of the proposed order be measured over 12 months and be reported back to the Portfolio Holder.

- (iv) To support the continued improvements within the CEO team which will support the development of a parking strategy enabling a service review and redesign of civil enforcement to provide a more effective service by July 2015.

### **3. Response to Call in Response Specific Points**

- 3.1 It is worth noting that no specific information has been provided on the Call In Form as to the rationale for call in. The Head of Legal Services and Monitoring Officer has requested that this information is provided in advance of the meeting and has been clear that the structure of the form needs revising for future call in requests to provide clarity around the decisions given for call in.
- 3.2 Cllr Hogben has responded to intimate that the call in is predicated around the concerns he expressed about two carparks in Crewe which the order states will increase by £1. These concerns were expressed at the Cabinet Member – Service Commissioning meeting of 23 February 2015 as part of the discussion about this agenda item.
- 3.3. In response to specific points ticked on the Call In Form

#### **3.3.1 Inadequate Consultation**

- (i) We are required statutorily to advertise the consolidation order. It was placed on all Council owned carparks for the legal period needed. It clearly specified the proposed changes. These were put up on 8th September 2014 and were taken down on 30th September 2014. In addition, a notice was placed in the local papers and we wrote to all of our statutory partners such as emergency services to notify them of the proposed changes. The consultation methods and circulation to statutory partners has been double checked for accuracy and Council Officers have confirmed that this has all been done. As part of the statutory consultation period, **no** complaints or comments from Members, residents, businesses or our statutory consultees have been received within the timeframe.
- (ii) In addition, the Cabinet Member- Service Commissioning was absolutely clear that as a Residents and Business First Council we would keep all decisions under review and would consider any adverse effect on residents as a consequence of this decision.

#### **3.3.2 Relevant information has not been considered.**

**Justification for the decision is open to challenge on the basis of the evidence considered**

- (i) These two points are taken together as they relate solely based on the comments made by Cllr Hogben that the report apparently inaccurately referred to the fact that council owned carparks were

cheaper than non Council owned car parks. The report was referring purely to an increase in charges by £1 for long stay for Pedley St and Railway St. These are predominantly commuter focussed, although we do encourage shorter stays in Pedley St if possible for people to use the local businesses and shops. This is the case as both of the British rail car parks are £8 and £10 per day and our proposed charges on Pedley and Railway St would take council ones to £4.50.

- (ii) The assertion from Cllr Hogben is that a privately owned car park on Mill St charges £2.80 per day and so the information in the report was incorrect and a flawed decision has taken place. However, Mill St is not as close to the rail station at Crewe as Pedley and Railway St. People are directed to park at Pedley St and Railway St car parks as an alternative to parking at Crewe Railway station car parks.
  - (iii) Mill St is located right next to Hope Street Car Park which is owned by the council and no changes to charges are proposed there as it's not classed as a commuter car park but one that supports local businesses in the area. Therefore, if we had included Mill St in our considerations for commuters then logically the prices for Hope St would have increased. We have monitored the usage of both of these car parks and they are not fully occupied at times when we would expect if they were commuter focussed only.
4. In summary, there are no objections through the statutory process of consultation, plus the concerns raised equate to two car parks in an entire order which is intended to enable effective enforcement across our Cheshire East car parks. These concerns have been listened to and a firm assurance given that the order will be subject to review.