

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

22 April 2024

Report of the Scrutiny Officer

Part 1- Public

Matters for Scrutiny

1 CALL-IN DECISION NOTICE D240034CAB – PARKING PROPOSALS AND CHANGES TO ON-STREET AND OFF-STREET PARKING FEES AND CHARGES

The above decision (attached at Annex A) has been called in. In accordance with Overview and Scrutiny Committee Procedure Rule 15 (c), five members of the Overview and Scrutiny Committee have raised a valid call-in of this decision.

1.1 Background

1.1.1 The Cabinet meeting of 2 April 2024 considered the proposals set out in the report of the Director of Street Scene, Leisure and Technical Services and Director of Finance and Transformation in respect of changes to on-street and off-street parking fees and charges.

1.1.2 The report also included the recommendations of the Joint Transportation Board of 4 March 2024 and presented details arising from recent public consultation.

1.1.3 Cabinet Decision Notice D240034CAB was published on 5 April 2024.

1.2 Call-in

1.2.1 In accordance with Committee Procedure Rule 15 (c), as set out in Part 4 of the Constitution, a request for call-in of this decision was made by Cllrs Thornewell, Dalton, Hoskins, Hickmott, and Hood . The request was received on 8 April 2024 and the grounds are set out below:

- The Cabinet met on 2nd April and made the decision to (a) follow the recommendations of the Joint Transport Board to effect changes in respect of on street car parking fees charging system across the borough and (b) to make changes to off street car parking fees and charges (including the introduction of new charges) following formal consultation.

- The meeting did not fully consider the effects on residents and businesses even though both the on street and off street consultation exercises were answered by so many of those affected.
- We think that the inconsistencies reflected in the decision notice should have wider discussion. The discussion at any O and S Committee should be wide ranging within the parameters of the Decision notice.

1.2.2 Pending further consideration by the Overview and Scrutiny Committee at this meeting, the decision at Annex A stands deferred.

1.3 Next Steps

1.3.1 If having considered the decision, the Overview and Scrutiny Committee wishes to make recommendations to the Cabinet, then it may refer it back to the Cabinet for reconsideration, setting out in writing the nature of those recommendations. If referred to the Cabinet they shall then reconsider it, amending the decision or not, before adopting a final decision.

1.3.2 If following a call-in of the decision, the Overview and Scrutiny Committee does not refer the matter back to the Cabinet the decision shall take effect on the date of this Overview and Scrutiny Committee i.e. 22 April 2024.

1.3.3 In accordance with paragraph 15 (h) of the Overview and Scrutiny Procedure Rules, Cabinet can be required to reconsider any particular decision only once. No further call-ins are permitted of that particular decision.

1.4 Legal Implications

1.4.1 In compliance with the Overview and Scrutiny Procedure rules, 15 (c) states:

- During that period the Chief Executive shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by any five members of the Overview and Scrutiny Committee.
- Such a request must be made in writing and must state the reason the members believe call-in to be necessary. On receipt of such a request, within five working days of publication, the Chief Executive shall notify the decision taker of the call in and a meeting of Overview and Scrutiny Committee shall be called to take place where practicable within 10 working days of receipt of a valid call in. Pending that meeting the decision shall stand deferred and not be implemented.

1.4.2 The appropriate legal references relating to the proposals for car parking are set out in the initial report to Cabinet (Annex B). For completeness the proposals considered by the Joint Transportation Board are set out in Annex 1.

1.5 Financial and Value for Money Considerations

1.5.1 As set out in the reports to Joint Transportation Board and Cabinet.

1.6 Risk Assessment

1.6.1 As detailed in Annex B.

1.7 Equality Impact Assessment

As detailed in Annex B.

1.8 Policy Considerations

1.8.1 As detailed in Annex B.

1.9 Recommendations

1.9.1 The Overview and Scrutiny Committee to review the decision taken by Cabinet set out in D240034CAB dated 5 April 2024 and the request for call-in; and

1.9.2 Following further consideration, if the Overview and Scrutiny Committee remain concerned about any aspects of the decision in respect of proposals for on-street and off-street parking fees and charges refer D240034CAB back to Cabinet for reconsideration, setting out any recommendations in writing.

Annexes: A – Decision Notice: D240034CAB
 B – Report to Cabinet of 2 April 2024
 1 – Report to Joint Transportation Board of 4 March 2024
 1.1 Recommendations of Joint Transportation Board
 2 – 7 As attached to the Cabinet report of 2 April 2024

Background papers: N/A

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