

REPORT TO:	SCRUTINY AND OVERVIEW COMMITTEE 7 January 2021
SUBJECT:	CALL IN: Emission-based Parking Charges
LEAD OFFICER:	Stephen Rowan, Head of Democratic Services and Scrutiny
CABINET MEMBERS:	Councillor Muhammad Ali, Cabinet Member for Sustainable Croydon

ORIGIN OF ITEM:	This item has been triggered by the call-in of the decision (0220PL) by the Executive Director for Place in consultation with the Cabinet Member for Sustainable Croydon on 18 December 2020 on the Emission-based Parking Charges.
BRIEF FOR THE COMMITTEE:	To consider and respond to the Call-In in accordance with the procedure set out in the Council's constitution (set out in paragraph 2.3 below).

1. EXECUTIVE SUMMARY

- 1.1 The decision taken on the Emission-based Parking Charges by the Cabinet Member for Sustainable Croydon on 18 December 2020 has been called-in by the Chair, Vice-Chair and two other members of the Scrutiny & Overview Committee. The decision was made by the Leader to delegate this decision to the Executive Director for Place.
- 1.2 Attached to this report are:
- **Appendix A** is the Emission-based Parking Charges Decision Report
 - **Appendix B** is the Key Decision Notice
 - **Appendix C** is the completed call in form that was received by the Monitoring Officer

2. CALL-IN – PARKING CHARGES REVIEW JANUARY 2021

- 2.1 The decision taken by the Executive Director for Place in consultation with the Cabinet Member for Sustainable Croydon, that is the subject of this call-in, was as follows:

*The Executive Director for Place having consulted the Cabinet Member **RESOLVED** :*

1. *Considered the responses received (Appendix 4) to the consultation on the proposed Traffic Management Order that would introduce emission-based P&D parking charges, which includes the introduction of maximum 2-hour emission-based P&D parking charges in the places where 1-hour free P&D parking currently exists.*
2. *Agreed that there are no significant changes as a result of the consultation which would necessitate further consultation.*
3. *Agreed to introduce the emission-based P&D parking charges detailed in the Public Notices that was consulted on and are shown in Appendix 1 and 2.*
4. *Agreed for officers to inform the objectors of the above decision and reasons.*

2.2 The call-in pro-forma is attached at Appendix C. The decision form was received on 23 December 2020 from the Chair of the Committee, Councillor Sean Fitzsimons and was signed via email by the following Councillors: Robert Ward (Vice-Chair), Jerry Fitzpatrick and Joy Prince.

2.3 The reasons stated for the Call-In are that:

The decision is outside the policy framework

“Croydon Council is not allowed to use car parking charges as a fiscal measure. This is widely acknowledged in the paperwork. The timing of this increase argues that this is exactly how the measure is being used:

- It has appeared in two documents about managing emergency funds for the council
- Evidence suggests that car usage is falling in Croydon. So that can't be a justification for introducing the policy now
- While the money will be ringfenced, it seems as if Croydon is now trying to fund a higher proportion of the road maintenance budget from parking charges. This effectively frees up money from elsewhere, or prevents cuts elsewhere. Either way it is using car parking charges as a fiscal measure.

If the council is anticipating additional funds as a result of these measures (and it is), please can it provide evidence as to how it will use these funds to better maintain Croydon's roads. Especially as it is now planning to only maintain roads to “safest minimum levels.”

The decision is inconsistent with another council policy

“The council has stated that one of its corporate priorities is to support and encourage local businesses.

These charges will be bad for local businesses, especially when combined with the corresponding decision to remove free parking bays.

This will especially hit areas that border Bromley (Shirley / Addiscombe / Selsdon / Crystal Palace). Charges are cheaper there. And businesses that are near Caterham (Coulsdon), where parking is generally free.

In recent years, the council has made parking cheaper on the basis that this is what local businesses need to thrive. What evidence is there that this situation has changed?”

2.4 The outcomes desired from the Call-In are stated as:

1. To gain reassurance that charges are not being used as a fiscal measure
2. To gain reassurance that this policy does not compromise the council's commitment to local businesses
3. To secure reassurance that this policy has been considered in context with wider changes to parking policy and that the collective impact of all these has been considered by members as a whole

2.5 The Call-In request has also set out the information it requires to assist the consideration of the referral. The information requested is stated as:-

- i. Croydon's analysis of car ownership across the borough.
- ii. Details of Croydon's plans to only maintain roads to the “safest minimum levels”

iii. Details of any assessments Croydon has made about the impact on business

3. CALL-IN PROCEDURE

3.1 The Council's Constitution, Part 4E Scrutiny & Overview Procedure Rule, states:

"11.08 The referral shall be considered at the next scheduled meeting of the Scrutiny and Overview Committee unless, in the view of the Borough Solicitor, this would cause undue delay. In such cases the Borough Solicitor, will consult with the decision-taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny and Overview Committee may only consider a maximum of three referrals at any one meeting.

11.09 At the meeting, the referral will be considered by the Committee which shall determine how much time it will give to the call-in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to the Cabinet for reconsideration, setting out in writing the nature of the concerns. The Cabinet shall then reconsider the decision, amending the decision or not, before making a final decision.

11.10 The Scrutiny and Overview Committee may refer the decision to the Council if it considers that the decision taken by the Leader or Cabinet is outside the Budget and Policy Framework of the Council. The Council may decide to take no further action in which case the decision may be implemented. If the Council objects to Cabinet's decision it can nullify the decision if it is outside the Policy Framework and/or inconsistent with the Budget.

11.11 If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.

11.12 If the Council determines that the decision was within the Policy Framework and consistent with the Budget, it will refer any decision to which it objects, together with its views on the decision, to the Cabinet. The Cabinet shall choose whether to either, amend, withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet after the referral from the Council.

11.13 The responses of the decision-taker and the Council shall be notified to all Members of the Scrutiny and Overview Committee once the Cabinet or Council has considered the matter and made a determination.

11.14 If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 11.08 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place."

CONTACT OFFICER:

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APPENDIX A: Emission-based Parking Charges report

APPENDIX B: The Key Decision notice

APPENDIX C: Call-In Proforma