

Decision on a call-in request relating to Cabinet Member Decision HT14 (21/22) - On-Street Parking Management in West Sussex

A request to call in the above proposed decision was received on 5th January 2022. The request was from County Councillors: Alison Cornell, Caroline Baxter, Chris Oxlade, Dawn Smith, Natalie Pudaloff, Brian Quinn, Henna Chowdhury, Rebecca Cooper, Kirsty Lord, Stuart Condie and Richard Cherry

Grounds for the Call-in request

The grounds for the call-in request are as follows

1. There are significant concerns about the proposed decision. Whilst it is acknowledged that a single meeting of an informal Task and Finish Group meeting took place, this was not held in public, meaning there has been no public scrutiny of this proposed decision, nor has there been any discussion in public by the Cabinet.

Whilst the proposed decision includes the Cabinet member's response to the recommendations made by the TFG, the members of the TFG did not have an opportunity prior to the publication of the proposed decision to consider or comment further on these.

In its introduction the decision states "The strategic management of on-street parking remains important for the County Council" it therefore stands to reason that if this is important for the County Council, it is important for our residents and therefore Councillors.

2. The way on-street parking is managed impacts the daily lives of residents in every community of West Sussex as well as having a major impact on the economy. In December 2018 the then Cabinet Member for Highways and Infrastructure published a decision which introduced a programme of Road Space Audits (RSA) in various locations across the county. Since then some individual TROs have been unable to be progressed as a result of the road space audit programme. One example relates to Tangmere Road (situated close to Ifield railway station in Crawley) which scored highly on points regarding the installation of a new TRO scheme and was ranked in the top 3 TRO's to be agreed but the members of Crawley CLC were advised at a public meeting that the Tangmere Road TRO would form part of the new Crawley Road Space Audit and therefore would not need a separate TRO, hence the scheme was not progressed. The proposed decision indicates that a new Crawley CPZ scheme (which would replace the previously proposed road space audit scheme) would not commence until March 2024, a delay which we consider to be unacceptable

Outcome sought

For the proposed decision to be subject to scrutiny in public. This would at least provide some reassurance for members of the public. In our view a short delay in the decision-making process should not impact on this significant proposal which will affect residents for many years to come.

Consideration of the request

The call-in request must be considered by reference to the factors set out in Standing Order 7.29, the pre-conditions for the request set out in Standing Order 7.26 having been met as they have in this case. Those factors are:

- The matter has previously been considered by the scrutiny committee
- New information has come to light since such consideration
- It is a matter the committee would be expected to consider
- A delay to the decision would likely significantly damage the interests of the Council.

In relation to these factors the position or conclusion I adopt is:

1. Previous Scrutiny

The matter has previously been subject to scrutiny as the request states.

A Task and Finish Group (TFG) was set up in accordance with the established arrangements and at the instigation of the Communities Highways and Environment Scrutiny Committee (CHESC). It was politically proportionate. The TFG was planned to be 'informal', meaning it would not meet in public and to report direct to the Cabinet Member. These arrangements were confirmed at the meeting of CHESC on 30th September 2021 and there were no objections to this approach to the scrutiny of the proposals.

The members met to consider the matter at a single meeting on 2nd November 2021. Its members were provided in early October with the material forming the proposal including the new Controlled Parking Zone policy and programme which became appendices to the final decision report.

The TFG arrived at a set of comments and recommendations. There was no request for the matter to be returned to the full Committee and no comment was made that the TFG had not had sufficient time or information to carry out their scrutiny work. A summary of their conclusions and recommendations was submitted to the Cabinet Member. The recommendations sought changes to the proposals. There were no recommendation to delay implementation or to ensure more extensive or public scrutiny.

The Committee's recommendations were incorporated into an appendix to the decision report planned for publication. This set out the how the proposals were altered to take account of the comments and recommendations of the TFG. This was published alongside the other material attached to the decision report. A copy of the final report including the TFG's report and how its recommendations had been addressed was sent both to the Chair of the TFG and to the chair of CHESC on 1st December in advance of the final decision being signed off.

In light of the above it cannot reasonably be asserted that the proposals have not been subject to adequate or effective scrutiny. The Cabinet Member was fully aware of the output from the Scrutiny Committee's TFG and its recommendations in sufficient time for the proposals to be amended to reflect them and to provide an explanation where recommendations of the TFG had not led to changes. This is a model of how scrutiny can work, using the flexibility of a TFG and having time in the process for its output to influence the final outcome. There is no requirement for the scrutiny process to take place in public. Neither the Committee nor the TFG members raised this as a matter of concern. The

arrangements for scrutiny would have been a matter for the committee which established the TFG.

The reference to there being no discussion in public at a meeting of the Cabinet is not a relevant consideration. This proposal was in the Forward Plan for a decision by the relevant Cabinet Member in December. It was never scheduled to be considered at a public meeting of the Cabinet.

2. New information since scrutiny

The call-in request does not identify any new information as coming to light since scrutiny of the proposal was carried out. In the second part of the request however a number of comments are made about the impact of the proposal on specific highway schemes. Those comments are therefore considered in the context of how they may be relevant to the adequacy of the scrutiny process.

The comments suggest that planned Traffic Regulation Orders (TROs – schemes for traffic and road use management) were affected by the reversal of the plans for Road Space Audit projects including Crawley and that both members and the public were not aware of these implications. It is also mentioned that the new proposals will mean further delay for specific schemes.

Having consulted with officers in the Highways Directorate it is confirmed that members in specific areas were kept informed of TRO project progress and potential outcomes. The principal impact was the effect of the national lockdown from Spring 2020. All Crawley members were advised directly that the Manor Royal project was being put on hold and that this would have a knock-on effect upon timescales for a related project covering the rest of Crawley. Updates on project progress were also provided to Full Council through the Cabinet Member. Following the May 2021 election new members were provided with all updating information.

In relation to the specific schemes referred to in the call-in request, proposals for Tushmore Avenue were included within the Manor Royal proposed parking plan and proposals for Tangmere Road were incorporated into a subsequent plan for the rest of Crawley. Both of these originally formed part of the Road Space Audit programme. Prior to the Crawley CLC meeting in November 2020, members had been advised of the Covid related delay to Manor Royal and the subsequent impact upon timescales for the wider Crawley proposals. At that time, a new CPZ policy/programme had not been developed and so there was no impact from this to advise members on – all of the impacts were Covid related.

In October 2021 the Council was contacted by the Manor Royal BID to see if work could re-start on the Manor Royal project, and work is now underway. Despite the delays brought about by the impact of the pandemic and associated lockdowns, Manor Royal and the subsequent project for Crawley have remained high priorities and this is reflected in the new CPZ programme. It is not evident that any delay in their being progressed is due to the formulation of a new CPZ policy and programme.

In light of the above summary of the position it does not appear that this information would have been relevant to the considerations of the TFG in relation

to the proposed CPZ policy and programme. Whatever may be the concerns of members to ensure residents are aware of TRO plans and delays the TFG for the scrutiny of the CPZ programme would not have provided a forum for this. I cannot therefore conclude that these comments add weight to the call-in request.

3. Expectation of scrutiny

The question of whether this is a matter the committee would expect to scrutinise does not need to be further considered. It has been scrutinised as arranged by the appropriate committee and its recommendations and presented to the Cabinet Member in time to influence the decision.

4. Urgency and risk to Council's interests

There is nothing in the decision report or in any other material or source of advice on the proposal to suggest urgency to the implementation of the decision such that delay would be likely to cause significant damage to the interests of the Council. The Council should however be seen to take and publish decisions in line with the published Forward Plan and the call-in request provides no grounds for delaying the decision other than to enable additional scrutiny.

For all of the above reasons I conclude that the request should be rejected as having not provided reasonable grounds for further consideration by the Scrutiny Committee. The decision will therefore take effect in line with the decision taken by the Cabinet Member.

Tony Kershaw
Director of Law and Assurance
Monitoring Officer

6th January 2022