

TITLE	Call-In of Executive Member Decision
FOR CONSIDERATION BY	Overview & Scrutiny Management Committee on 8 February 2022
WARD	None Specific;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers

PURPOSE OF REPORT

The Call-In process exists to ensure that key decisions are taken in line with agreed principles relating to, for example, openness, consultation and proportionality. This provides public confidence in the Council's decision making process.

RECOMMENDATION

The Committee is requested to:

- 1) consider the Call-In request relating to the Executive Member Decision on the Wokingham Borough-wide Off Street Car Parks Order 2021;
- 2) consider the Officer response to the Call-In (Agenda item 75);
- 3) having considered the evidence, determine whether to confirm the Executive Member decision or refer the matter back to the Executive Member for further consideration, with recommendations as appropriate.

SUMMARY OF REPORT

In accordance with the Council's Constitution, five non-Executive Members of the Council have submitted a formal notice "calling-in" the Executive Member Decision relating to the Wokingham Borough-wide Off Street Car Parks Order 2021. The decision was taken on 16 December 2021.

The decision was taken by the Deputy Leader of the Council, standing in for the Executive Member for Highways and Transport. The decision was to:

- Instruct officers to proceed with the making of relevant Off-street Car Parks Traffic Regulation Orders;
- Instruct officers to write to all objectors and to advise them of this decision.

The report sets out details of the Council's Call-In procedure, the procedure to be followed at the meeting and the options available to the Committee following consideration of the evidence.

Agenda item 75 sets out the detailed Officer response to the Call-In.

Background

An Individual Executive Member Decision (IEMD) meeting was held on 16 December 2021 to consider the proposed Wokingham Borough-wide Off Street Car Parks Order 2021. The IEMD report stated that the Council needed to make changes to its existing Off-Street Borough Car Parks Order in line with the Borough-wide parking management improvement plan. The main purpose of these changes was stated as:

- Enabling the Council to enforce against increasing instances of anti-social behaviour in existing car parks;
- Providing a separate Order for existing and new Park and Ride car parks;
- Responding to resident requests for clarity on charging;
- Limiting the maximum stay permitted at California Crossroads car Park;
- Incorporating provisions enabling the Council to designate electric vehicle charging parking bays in any Off-Street Car Parks.

The IEMD report is appended to this report along with the Decision Record Sheet. The decision taken was to:

- Instruct officers to proceed with the making of relevant Off-street Car Parks Traffic Regulation Orders;
- Instruct officers to write to all objectors and to advise them of this decision.

Decision Making Principles

Section 1.4.2 of the Constitution states that all decisions of the Council will be made in accordance with the following principles:

- a) proportionality (i.e. the action must be proportionate to the desired outcome);
- b) due consultation and the taking of professional advice from Officers;
- c) human rights will be respected and considered at an early stage in the decision making process;
- d) a presumption in favour of openness;
- e) clarity of aims and desired outcomes; and
- f) when decisions are taken by the Executive, details of the options which were taken into account and the reasons for the decision will be recorded.

Call-In Details

In line with the Council's Constitution, the Individual Executive Member Decision was called-in, on 23 December 2021, by Councillors Boyt, Bray, Conway, Doran and Jones.

The Call-In was submitted on the basis that:

“The decision has contravened Section 1.4.2 a), d) and e) of the Council’s Constitution, insofar as it cannot be determined from the information provided, whether the action is proportionate to the desired outcome and 1.4.2 e) there is no clarity of aims and desired outcomes.”

The detailed Call-In sheet is appended to the report (Annex 1).

Item 75 on the Agenda sets out the Officer response to the points made in the Call-In paper.

Call-In Procedure

The procedure to be followed at the Call-In meeting is as follows:

- The Overview and Scrutiny Committee Chairman explains the purpose and structure of the meeting;
- One of the five non-Executive Members who called-in the decision outlines the reasons for the Call-In;
- Witnesses can be called as necessary and can make a short presentation to the Committee;
- Members of the Committee can ask questions of the non-Executive Member and any witnesses;
- The relevant Executive Member (supported by Officers) responds to the points made in the Call-In;
- Witnesses can be called as necessary and can make a short presentation to the Committee;
- Members of the Committee can ask questions of the Executive Member, Officers and any witnesses;
- The Executive Member sums up the response to the Call-In;
- One of the five non-Executive Members sums up the Call-In;
- The Committee draws its conclusions and decides whether to confirm the Executive Member’s decision or recommend that the Executive Member reconsiders (with appropriate recommendations).

The Overview and Scrutiny Management Committee cannot overturn the decision/s subject to Call-In. If the Committee has concerns, it can refer the decision back to the Executive or Executive Member for further consideration, with any recommendations the Committee has agreed. If the decisions are referred back, the Executive or Executive Member should carry out the reconsideration within 20 working days.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	0	N/A	N/A
Next Financial Year (Year 2)	0	N/A	N/A
Following Financial Year (Year 3)	0	N/A	N/A

Other Financial Information
None

Public Sector Equality Duty
Considered as part of the IEMD report

List of Background Papers
IEMD Report and Decision Sheet – 16 December 2021

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