

## **OVERVIEW AND SCRUTINY PERFORMANCE BOARD 14 JANUARY 2019**

### **CALL-IN OF THE CABINET MEMBER DELEGATED DECISION ON THE PROPOSAL TO INTRODUCE PARKING CHARGES AT WORCESTER WOODS COUNTRY PARK**

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#### **Summary**

1. In accordance with the Constitution, the Overview and Scrutiny Performance Board (OSPB) is requested to consider a decision taken by the Cabinet Member with Responsibility for Communities on 21 November 2018 in relation to the Proposal to Introduce Parking Charges at Worcester Woods Country Park. This decision has been called-in by the required number of Members (Appendix 1). The reasons given for the call-in are set out in Appendix 1.

#### **Background**

2. Non-Cabinet Members have the power to call in Cabinet decisions in exceptional circumstances and normally only when there is evidence to suggest that Cabinet has departed from the principles of decision-making, as set out in Article 7 of the Constitution (Appendix 2). If a decision is called in, it cannot be implemented until the call-in process is completed.
3. The process for handling the Call-in was considered by the OSPB at its meeting on 5 December 2018 and it was agreed that the Board would deal with the Call-in itself, rather than using one of the other options available to it.
4. The called-in decision is considered by the OSPB, who will decide the next course of action based on the options set out in paragraph 10.

#### **Cabinet Member Decision**

5. The details and context behind the decision are set out in the Cabinet Member report at Appendix 3, and the Board is referred to that report.
6. In addition, the Cabinet Member has also provided a written response to the Call-in at Appendix 4.
7. On 21 November 2018, the Cabinet Member with Responsibility for Communities:
  - (a) **approved the introduction of parking charges at Worcester Woods Country Park across 208 spaces, including 9 disabled spaces (i.e. the whole of the Countryside Centre car park);**
  - (b) **noted the wider campus parking arrangements; and**

- (c) authorised the Director of Children, Families and Communities, in consultation with the Cabinet Member with Responsibility for Communities, to finalise the details of charging at Worcester Woods Country Park including the level of charges and to take all appropriate steps to implement the agreed proposal and to review the charges annually.

### Invitations to Attend

8. In accordance with the Council's Overview and Scrutiny Procedure Rules and scrutiny practice (a copy of which are available on the County Council's website [here](#)) the following have been invited to attend the meeting:
- Signatories to the call-in
  - Mrs L C Hodgson, Cabinet Member with Responsibility for Communities
  - Representatives of organisations named in the Call-in (Worcester Parkrun, British Military Fitness (Central), 20th Worcester Scouts and Orchard Café)
9. The Assistant Director of Children, Families and Communities has also been invited to attend.
10. The Cabinet Member has been invited to provide a formal response to the call-in and this is the document attached at appendix 4.

### Suggested Order of Business

11. The OSPB may wish to adopt the following order of proceedings:
- Presentation by Members of the reasons for calling-in the decision.  
  
(Members are reminded that paragraph 17.10 of the Council's Overview and Scrutiny Procedure Rules states that "*The first 3 members exercising the right of call-in and who are not either local members or members of the Overview and Scrutiny Performance Board, an Overview and Scrutiny Panel or Scrutiny Task Group established to consider a call-in, are entitled to attend any meeting of that Overview and Scrutiny Performance Board, Overview and Scrutiny Panel or Scrutiny Task Group respectively considering the call-in and to speak but not vote.*")
  - Questions and Clarification
  - Presentation by the representatives of organisations named in the Call-in
  - Questions and Clarification
  - Response by the Cabinet Member/officer
  - Questions and Clarification
  - Any closing remarks by the Cabinet Member/officer
  - Any closing remarks by the representatives of organisations named in the Call-in
  - Any closing remarks by those Members calling-in the decision.

## Options available to the OSPB

12. Having considered the decision called-in, the Overview and Scrutiny Performance Board will:

- a) accept the decision without qualification or comment (in which case it can be implemented immediately without being considered again by the Cabinet or CMR); or
- b) accept the decision (in which case it can be implemented immediately without being considered again by Cabinet or Cabinet Member) but with qualification or comment which the relevant CMR must consider and respond to; or
- c) propose modifications to the decision or require a reconsideration of the decision (in which case the implementation of the decision is delayed until the Cabinet or CMR has received and considered a report of the Overview and Scrutiny Performance Board); or
- d) in exceptional circumstances ask the Council to consider whether option (a) (b) or (c) is appropriate (in which case the implementation is delayed until after the meeting of the Council to which it has been referred and, if Council resolves option (c), the Cabinet or CMR has reconsidered the matter having regard to the Council's view).

(The Council has no power to make final decisions in respect of matters which are the responsibility of the executive.)

13. Such exceptional circumstances referred to in d) above may be if the decision called-in is one which the Overview and Scrutiny Performance Board believes is one which:

- the Cabinet or CMR cannot in law take; or
- is reserved for the County Council; or
- raises issues of such exceptional significance and public interest to justify reference to the County Council, although the final decision will rest with the Cabinet or CMR; or
- is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget.

14. Members are reminded that the role of OSPB when considering a call-in is to debate and consider the reasons for the call-in as they relate to the principles of effective decision-making detailed within the Constitution, it is not the role of OSPB to debate the merits of the decision that has been taken.

## Supporting Information

Appendix 1: Copy of the call-in (received 27 November 2018)

Appendix 2: Article 7 of the Council's Constitution – Decision Making available on the County Council website [here](#)

Appendix 3: (a) Cabinet Member Report and (b) Decision Notice dated 21 November 2018 available on the County Council website [here](#)

Appendix 4: Cabinet Member Response to Call-in

### **Contact Point for the Report**

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### **Background Papers**

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

- Agenda and Minutes of OSPB meeting on [5 December 2018](#)

[All agendas and minutes are available on the Council's website here.](#)