



ADUR & WORTHING
COUNCILS

Key Decision [Yes/No]

Ward(s) Affected:

Request for Call-in of an Executive Decision

Report by the Monitoring Officer

Executive Summary

1. Purpose

- 1.1. The Council's Overview and Scrutiny Procedure Rules provide that where the Monitoring Officer receives a request to call-in a decision of the Executives, and rejects that request, they must report to the Joint Overview and Scrutiny Committee with details of the request and reasons for the rejection.

2. Recommendations

- 2.1. The Joint Overview and Scrutiny Committee is recommended to note the contents of this report.

3. Context

- 3.1. Part 1A Local Government Act 2000 sets out the arrangements in respect of Local Authority Governance in England. Where an authority is exercising Executive arrangements, it is required to have an Overview and Scrutiny

Committee. Section 9F of the Act sets out the functions of an overview and scrutiny committee which includes “to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive” and “to make reports or recommendations to the Authority or the Executive with respect to the discharge of any functions which are the responsibility of the Executive”.

- 3.2. It is prudent for a Local Authority to have locally adopted procedures to enable the JOSCS to implement this scrutiny function. In this regard Adur & Worthing Councils have adopted Overview and Scrutiny Procedure Rules.
- 3.3. At paragraph 18 of the Procedure Rules, call-in of decisions is dealt with and the rules provide that at least three Members must request a call-in and the request must include the detailed reasons for the call-in.

4. Issues for consideration

- 4.1. On 16th March 2023 the Worthing Cabinet Member for Regeneration and the Adur Cabinet Member for the Environment & Leisure approved a delegation for the Director for Digital, Sustainability and Resources to implement the proposed tariff changes for the three multi-storey car parks, the proposed season ticket tariff changes for the three multi-storey car parks, the proposed tariff changes in a number of Worthing surface car parks, and the proposed season ticket tariff changes in a number of Worthing surface car parks. The decision was published on the Councils’ website and the call-in deadline was 5pm on 23rd March 2023.
- 4.2. On 22nd March 2023, within the prescribed deadline, the Monitoring Officer received a request, in writing, for a call-in of the decision from three Elected Members: Councillors Jenkins, Humphreys and Mercer.
- 4.3. In summary, the reason for the request for call-in of the decision alleged was because the Members requesting the call-in could see no evidence of alternative options being considered; that the proposal had not received any preliminary discussion with key stakeholders, namely the TCI and Chamber of Commerce whose members would be affected by this proposal; that the statutory consultation period crossed into the pre-election period and was therefore contrary to Council guidance and best practice; and that the Council's financial position had changed in the last 48 hours and should be reflected in the decision.

5. Issues for consideration

5.1. The Monitoring Officer considered the request for call-in and determined not to uphold the call-in of this decision because under the Overview and Scrutiny Procedure Rule 17.5, a matter may not be called-in if it has already been considered by the Scrutiny Committee.

5.2. In terms of the matter already having been considered by the Joint Overview and Scrutiny Committee, the Monitoring Officer took into account the following:

5.2.1. On 24th November 2022 the Joint Overview and Scrutiny Committee reviewed Agenda Item 12 which, at page 26 of Appendix 3, referred to ‘a review of parking prices, minor increases proposed in consultation with the Cabinet Member’. Members had the opportunity to, and did, ask for further detail on the parking increases.

5.2.2. On 28th December 2022 information was shared by Mr Lowe with the Joint Overview and Scrutiny Committee. That information set out the proposed parking increases to the multi-storey car parks and surface car parks which form the subject matter of this decision. There was sufficient information shared with the Members of JOSOC for those Members to ask further questions on the proposals, had they chosen to do so.

5.2.3. At the meeting of the Joint Overview and Scrutiny Committee on 19th January 2023, the following minute was taken: *“Members also discussed if the Cabinet Member for Resources should return to elaborate about information concerning car parking charges, it was purported that information had been previously withheld about this issue when questioned at a previous meeting”*. There are two points here, the elaboration of further information about car parking charges and whether or not Cllr Turley had intentionally withheld information. It was open for JOSOC Members to ask the Cabinet Member for more detail on the information that had been shared in December.

5.2.4. On 16th March 2023 the Cabinet Member for Resources attended to be interviewed and confirmed a number of points around the charges, commenting that alternative options on the charges had been presented to the Cabinet. There was an

opportunity here for JOSC Members to ask further questions. The Cabinet Member also confirmed consultation would take place with West Sussex, Ward Members and relevant businesses.

5.3. With regard to the grounds raised for the call-in request, the Monitoring Officer considered the following:

5.3.1. The decision notice confirms that alternative options were considered, although the Notice might reasonably have enlarged upon those options. However, it was open to JOSC Members to ask this question on receipt of the information in December.

5.3.2. The TCI were consulted upon the proposed increases, that said, further statutory consultation is to be published.

5.3.3. The decision had been made, prior to receipt of the call-in request, to postpone this statutory procedure until after the pre-election period.

5.3.4. The Council's financial position may have changed, but this was not relevant to the call-in of this decision.

6. Engagement and Communication

6.1. The Council's Monitoring Officer contacted the Joint Chairmen of the Councils' Joint Overview and Scrutiny Committee by email, by way of consultation, as to the determination of the request for call-in of the decision. The Monitoring Officer then notified the Members who made the request, the Director for Digital, Sustainability & Resources, and the Decision-Maker.

7. Financial Implications

7.1 There are no direct financial implications arising from the Monitoring Officer rejecting the request for Call-in. The financial implications of the decision that was called-in were reported to the Cabinet Members at the time of the decision.

8. Legal Implications

- 8.1 The Call-in procedure is set out at paragraph 18 of the Joint Overview and Scrutiny Procedure Rules found in Part 4 of the Councils' Constitutions.
- 8.2 The Local Government Act 2000 provides the power for the Joint Overview and Scrutiny Committee to review or scrutinise decisions made but not implemented by the Cabinet and includes a power to recommend that the decision be reconsidered by the person who made it.

Legal Officer: Joanne Lee

Date:31/05/2023

Background Papers

- Decision Notice reference number JAW/015/22-23
- Worthing Borough Council Constitution

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Sustainability & Risk Assessment

1. Economic

Matter considered and no issues identified.

2. Social

2.1 Social Value

Matter considered and no issues identified.

2.2 Equality Issues

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

Matter considered and no issues identified.

3. Environmental

Matter considered and no issues identified.

4. Governance

Governance issues have been addressed in the body of the report.