

***Extraordinary Overview and Scrutiny Committee  
Tuesday, 9th January, 2007***

**Place:** Council Chamber, Civic Offices, High Street, Epping

**Time:** 7.30 pm

**Democratic Services Officer:** Simon Hill, Senior Democratic Services Officer  
email: [shill@eppingforestdc.gov.uk](mailto:shill@eppingforestdc.gov.uk) Tel: 01992 564249

**Members:**

Councillors R Morgan (Chairman), Mrs J H Whitehouse (Vice-Chairman), D Bateman, M Cohen, M Colling, R D'Souza, Mrs H Harding, P House, G Mohindra, Mrs P Richardson and M Woollard

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**PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND**

**WEBCASTING NOTICE**

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

**1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to switch on their microphones on before speaking.

2. The Chairman will read the following announcement:

"I would like to remind everyone present that this meeting will be broadcast live to the

Internet and will be capable of repeated viewing.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery”

**2. APOLOGIES FOR ABSENCE**

**3. SUBSTITUTE MEMBERS**

(Head of Research and Democratic Services). To report the appointment of any substitute members for the meeting.

**4. DECLARATIONS OF INTEREST**

(Head of Research and Democratic Services). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

**5. FREE SATURDAY CAR PARKING - CALL IN (Pages 5 - 26)**

To consider a call of the Cabinet Decision on Free Car Parking on Saturdays (C/067/2006-07). Reports attached.

**6. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came

into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

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### **Report to Overview & Scrutiny Committee**

**Date of meeting: 7 December 2006**

**Portfolio:** Civil Engineering and Maintenance

**Subject:** Free Saturday Car Parking – Call in

**Officer contact for further information:** J Gilbert

**Committee Secretary:** Simon Hill – Ext 4249

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#### **Recommendations/Decisions Required:**

To consider the call – in of Cabinet decision C/067/2005-06 regarding free car parking proposals for Saturdays.

#### **Report:**

1. In accordance with rule 20 of the Overview and Scrutiny Rules 5 members have called in a Cabinet decision, taken on 13 November 2006 and published on 28 November 2006. This decision relates to the Cabinet consideration of a report regarding proposals for free Saturday parking in some of the Council-owned Car Parks. The Chairman of the Overview and Scrutiny Committee determined that consideration of the call should be referred to this meeting of the Overview and Scrutiny Committee.
2. Attached to this report are:
  - (a) Copies of all documentation submitted to the Cabinet on which the decision was based;
  - (b) A copy of the written notification of the "call in" including the names of the relevant Councillors who requested the "call in" and their grounds for so doing; and
  - (c) A copy of an extract of the Council's procedures for dealing with call-ins; and
  - (d) An extract from the Overview and Scrutiny minutes covering the report made by the Chairman of the Car Parks and Town Centre Task and Finish Panel on the Free Parking Proposals.

#### **Consideration of the Call – in**

3. In accordance with the Council's Protocol (attached) the consideration of call-ins by the Committee should be considered in the following manner:
  - (a) the representative of the Councillors calling in the decision shall describe their concerns;
  - (b) the Portfolio Holder shall then respond;

- (c) the Overview and Scrutiny Committee or delegated Panel will then debate the issues involved. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate but shall seek a response from the initiating Councillor(s) and the Portfolio Holder before formulating its recommendations;
- (d) The Overview and Scrutiny Committee or delegated Panel has the following options:
- (i) confirm the decision, which may then be implemented immediately, or
  - (ii) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or
  - (iii) refer the matter to full Council in the event that the Committee or Panel considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.
- (e) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Committee or Panel may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee/Panel shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;
- (f) The Chairman of the Overview and Scrutiny Committee or delegated Panel shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in full in the Minutes or report of the meeting;
- (g) In cases where the Overview and Scrutiny Committee or delegated Panel determines that a review of the decision is not justified or that, having reviewed the decision of the Executive, it has no adverse comment to make, the Committee or Panel shall ensure that its decision is published in the Members' Bulletin;
- (h) In the circumstances outlined in (g) above, the decision of the Executive or Decision Taker may be implemented with effect from the date of that meeting;
- (i) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee or delegated Panel shall be reported to the Decision Taker
- (j) In presenting the recommendations of the Overview and Scrutiny Committee or delegated Panel, the Chairman may make general comments on the Committee's/Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting; and
- (k) The report of the Overview and Scrutiny Committee or delegated Panel shall be sent in draft to all its Members for approval prior to their submission to the Decision Taker.
- (l) Minority reports may be made by members of Overview and Scrutiny Committee or delegated Panel in accordance with the Protocol for that purpose.

4. If, having considered the decision, the Overview and Scrutiny Committee or delegated Panel is still concerned about it, then it may, subject to the procedures outlined in Rule 16(a) or (b) in attached , refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 5 working days, or in the case of a Cabinet decision, as soon as practically possible amending the decision or not, before adopting a final decision.
5. If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no power to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider within 14 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 14 working days of the Council request.
6. If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
7. The Committee are asked to consider the decision taken by the Cabinet and report accordingly.

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## ***Report to the Cabinet***

**Report reference: C/067/2006-07.**

**Date of meeting: 13 November 2006.**



**Epping Forest  
District Council**

**Portfolio: Civil Engineering & Maintenance.**

**Subject: Free Saturday Car Parking.**

**Officer contact for further information: John Gilbert (01992 – 56 4062).**

**Democratic Services Officer: Gary Woodhall (01992 – 56 4470).**

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### **Recommendations/Decisions Required:**

- (1) To retain car parking charges in the Council's short stay car parks but provide free car parking on Saturdays in the Council's long stay and combined car parks as set out in paragraph 11 of the report;**
- (2) To make any necessary changes to the existing traffic regulation orders; and**
- (3) To note the revenue consequences of approximately £75,150 (CSB) per annum and the one off cost of £10,000 (DDF) for signage and traffic regulation orders.**

The Task and Finish Panel looking at Town Centres & Parking have considered this report and the views of that Panel and Overview and Scrutiny Committee will be reported at the meeting.

### **Report:**

1. One of the new Administration's 6 "Key Messages" is the provision of free car parking on Saturdays as a way of providing further support to the District's town centres. Free parking is already provided on Saturdays throughout the District during December each year as part of supporting the Christmas trading period.
2. There are a number of factors that need to be considered in determining the most appropriate strategy for the provision of free parking:
  - (a) should all car parks be free, given that those owned by Sainsbury's but managed by the Council will have to be excluded?
  - (b) should the free parking allow for an unlimited stay during Saturday or should there be a maximum period of free parking? And
  - (c) what are the costs through lost income and the processes involved in change?
3. The Council manages 22 car parks, 20 of which it also owns. The short stay car parks at Sainsbury's in Loughton and Ongar are owned by Sainsbury's but are managed by the Council. Sainsbury's retain the income generated, but the Council levies a 10% management fee and retains all penalty charge notice (PCN) income. Sainsbury's operate a refund of up to 2 hours parking if customers spend beyond a certain amount in the store, thereby making the car parking free for the majority of shoppers. There are a number of privately owned and operated car parks which the public can use, notably those associated with Waitrose at Buckhurst Hill, Tesco at Waltham Abbey and Epping, and Marks and

Spencer in Loughton.

4. The Council's car parks are categorised as:

- short stay;
- long stay; and
- combined (have both short & long stay tariffs).

Short stay car parks are intended, as the name suggests, for short visits and tariffs are set accordingly to discourage long term usage. Conversely, long stay tariffs are set to encourage long usage although a 2 hour stay can be had in both types for the same tariff (£1.20). Combined car parks utilise the short stay tariff for stays up to 2 hours and the long stay tariff thereafter. This enables better car park utilisation of otherwise less used car parks.

The Appendix sets out the car parks, the number of spaces and the category.

5. There is already some free car parking within the District, at the Broadway (Burton Road and Vere Road), in Roydon and at Quaker Lane in Waltham Abbey, where there are 24 free spaces operating with a 2 hour no return within 3 limitation. There are no limits in Roydon or at The Broadway although the town centre enhancement proposals will bring into place a time limited pay and display regime. There are also free car parks associated with supermarkets and village halls etc.

#### **Income On Saturdays:**

6. Officers have undertaken a detailed study of income generated on Saturdays. The analysis shows that approximately £2,900 of income is generated from all car parks (excluding both Sainsbury's) on a Saturday. Allowing for the fact that Saturdays in December are already free this amounts to approximately £140,000 per annum. Of this approximately 60% (£84,000) is generated in the short stay car parks and 40% (£56,000) in the long stay/combined car parks. Further income is generated from PCNs which approximates to £43,500 per annum. This can be broken down into 56% short stay (£24,350) and 44% long stay/combined (£19,150).

7. The Saturday income from the Council's only on-street pay and display regime in Queens Road Buckhurst Hill generates around £12,000 per annum based on 18 pay and display machines. This equates to approximately £670 per machine per annum. Whilst direct comparisons are difficult, the presently agreed proposals for The Broadway and Loughton High Road include the provision of on-street pay and display regimes, and the installation of 14 machines. Using the figures from Queens Road, this would generate an additional £9,400 in income. The income from PCNs at Buckhurst Hill is approximately £6,000 per annum or £330 per machine. Taking this forward to The Broadway and Loughton High Road would realise PCN income of approximately £4,600 per annum. It should be noted that the on-street income is ring fenced to meet initially the County Council set up costs of decriminalisation and then by law to parking or related environmental matters.

8. The above can be summarised as follows:

	<b>Short stay</b>	<b>Long stay &amp; combined</b>	<b>Total</b>
<b>Off street P &amp; D</b>	84,000	56,000	<b>140,000</b>
<b>Off street PCN</b>	24,350	19,150	<b>43,500</b>
<b>On street P &amp; D</b>	12,000	N/A	<b>12,000</b>
<b>On street PCN</b>	6,000	N/A	<b>6,000</b>
<b>Future on street P &amp; D</b>	9,400	N/A	
<b>Future on street PCN</b>	4,600	N/A	
<b>Total</b>	<b>140,350</b>	<b>75,150</b>	<b>215,500</b>

### **Enforcement Regime:**

9. It is important to determine whether the car parks are to be free all day for all to use or whether the free period is, as at Quaker Lane, to be time limited. The free spaces at Quaker Lane operate all through the week and therefore the time limit is imposed to prevent their use by commuters or local employees. This may not be considered necessary on a Saturday, although in towns with LUL Stations it is likely that free car parking all day will result in some long stay use by those not intending to shop locally. However, current data indicates that the level of income from those staying more than 2 hours is very limited and this income would probably be outweighed by the costs of a more complicated enforcement regime. A free Saturday regime would also be much simpler for the users to understand.

### **Possible Saturday Regime:**

10. Given that two of the larger short stay car parks are in the ownership of Sainsbury's and therefore cannot be included in a free regime and the fact that those shop based car parks under private management are required to operate as short stay car parks using a tariff broadly similar to the Councils, it is suggested that only the long stay and combined car parks should be free all day on Saturdays.

11. This approach would provide free parking in all town centres as follows:

<b>Town centre</b>	<b>Location</b>
(i) Loughton	Traps Hill (197 spaces) and Smarts Lane (22 spaces)
(ii) Buckhurst Hill	Queens Road (lower) (100 spaces)
(iii) Waltham Abbey	Cornmill (197 spaces), Darby Drive (66 spaces) and Quaker Lane (24 spaces)
(iv) Epping	Bakers Lane (145 spaces)
(v) Ongar	The Pleasance (81 spaces)
(vi) The Broadway	To be decided as part of TCE arrangements (see later report)

This regime would provide a significant amount of free parking at an approximate cost of £71,150 per annum, compared to £215,500 if free parking were to be provided all day in all of the Council's car parks and on street locations. There will be additional costs associated with new signage and amendments to TROs estimated at not more than £10,000

### **Statement In Support Of Recommended Action:**

12. The recommended regime provides more than 800 free parking spaces in the town centres. This should facilitate local shopping and support the town centre economies. It also limits the loss of revenue to the Council's general fund budget although no account has been taken of the 'knock-on' effects of the reduced use of the short stay car parks and on-street pay and display bays where the standard short stay tariffs would remain.

### **Other Options For Action:**

13. The other options are essentially those set out the report, each of which provides additional degrees of free parking but also with an increased revenue loss to the Council.

### **Consultation Undertaken:**

14. None.

### **Resource implications:**

**Budget Provision:** £10,000 (DDF) for amendments to the traffic order and new signage.

£71,500 (CSB) loss of income to the general fund.

**Personnel:** Nil.

**Land:** Nil.

**Community Plan/BVPP Reference:** Supporting the local economy.

**Relevant Statutory Powers:** Road Traffic Acts and associated regulations.

**Background Papers:** N/A.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** N/A.

**Key Decision Reference (if required):** N/A.



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# EXTRACT

## DECISIONS

<b>Committee:</b>	<b>CABINET</b>
<b>Date of Meeting:</b>	<b>Monday, 13 November 2006</b>

<b>Date of Publication:</b>	<b>28 November 2006</b>
<b>Call-In Expiry:</b>	<b>4 December 2006</b>

This document lists the decisions that have been taken by the Cabinet held on Monday, 13 November 2006, which require publication in accordance with the Local Government Act 2000. The list specifies those decisions, which are eligible for call-in and the date by which they must be called-in. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

If you have any queries about any matters referred to in this decision sheet please contact:

Gary Woodhall (Research and Democratic Services)  
Email: [gwoodhall@eppingforestdc.gov.uk](mailto:gwoodhall@eppingforestdc.gov.uk) Tel:01992 564470.

### Call –in procedure

If you wish to call-in any of the decisions taken at this meeting you should complete the call-in form and return it to the proper officer before the expiry of five working days following the publication date. You should include reference to the Item title. Further background to decisions can be found by viewing the agenda document for this meeting at: [www.eppingforestdc.gov.uk/local\\_democracy](http://www.eppingforestdc.gov.uk/local_democracy)

<b>Agenda item:</b>
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### 9. FREE SATURDAY CAR PARKING

#### Decision:

(1) That car parking charges in the Council's short stay car parks be retained and free car parking on Saturdays be provided in the following Council-owned long-stay and combined car parks:

- (a) Traps Hill, Loughton;
- (b) Smarts Lane, Loughton;
- (c) Queens Road (lower), Buckhurst Hill;
- (d) Cornmill, Waltham Abbey;

- (e) Darby Drive, Waltham Abbey;
  - (f) Quaker Lane, Waltham Abbey;
  - (g) Bakers Lane, Epping; and
  - (h) The Pleasance, Ongar;
- (2) That all necessary changes to the existing traffic regulation orders be made;
- (3) That the consequences of approximately £75,150 lost CSB revenue per annum be noted;
- (4) That, to be funded from LABGI monies, a one-off DDF cost in the sum of £10,000 for signage and traffic regulation orders be noted; and
- (5) That the free car parking arrangements on Saturdays be kept under operational review and further reports submitted to the Cabinet for consideration.



Recd 4.50pm  
4/12/06

## NOTIFICATION OF CALL – IN

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Decision to be called in: Free Saturday Car Parking

Decision reference: C/067/2006-07

Portfolio: Civil Engineering and Maintenance

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Description of Decision: As items 9 (1) (a-h), (2), (3), (4) and (5) in the Cabinet decisions paper

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Reason for call-in:

The principle of free Saturday car parking is not an issue in this call-in. However the Cabinet has failed properly to consider and justify its decision and in particular:

### Finance

- When considering the financial aspects of the decision no account has been taken of the 'knock-on' effects of the reduced use of the short stay car parks and on-street pay and display bays
- No account has been taken of the potential effect on weekday parking charges, which are set to rise in the next financial year with a potential negative effect on town centres.
- It is entirely unclear how the £75,000 loss to the Continuing Service Budget will be funded, whether by council tax rises, cuts to services, increases to fees and charges or some other method.
- At a time of financial strain it pre-empt's the budget-making process.

### Operational

- The nature of the link between the level of car park charges and the vitality and viability of Epping Forest's Town Centres has not been properly considered; therefore it is not clear that the Cabinet's decision will have the intended effect
- The criteria for review have not been established, meaning that the success of the scheme cannot be properly measured
- The effect on parking as a whole in the affected towns, especially in Loughton and Buckhurst Hill, has not been properly evaluated.

### Procedural

- There has been insufficient consultation with town and parish councils and local ward members, meaning that some of the potential consequences of the decision have not been properly considered

Members supporting the call-in

~~Johnathan~~ JH WHITEHOUSE  
Keith Wright  
P.J. Spence

R.R. Frankel R. Frankel  
P. Brooks P. BROOKS  
J. MARKHAM

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**PROTOCOL ON CONSIDERATION AND REPORTING ON EXECUTIVE DECISIONS  
CALLED IN BY OVERVIEW AND SCRUTINY****1. Purpose of Protocol**

- (a) To codify how the Overview and Scrutiny Committee or delegated Panel should deal with "call in" items.
- (b) To codify how the Executive should respond to reports by Overview and Scrutiny on decisions which have been called in.

**2. Validation of "Call In"**

- 2.1 All "call in" requests shall be made in writing in accordance with the Council's constitution. "Call in" requests shall only be made by members of the Council who are not members of the Executive. The "call in" shall be validated by the Chief Executive and referred to the Overview and Scrutiny Committee for consideration in accordance with the provisions of the constitution.

**3. Consideration of "Call In" Items by Overview and Scrutiny Committee**

- 3.1 Consideration of Call-ins shall be the responsibility of the Overview and Scrutiny Committee which will decide whether to consider the issue itself or direct a Panel to undertake it and report back to the decision maker. "Call in" items shall be referred to the next available date for the Overview and Scrutiny Committee or delegated Panel. The provisions of the Overview and Scrutiny Rules in the Council's constitution will apply to "call in" requests which need to be dealt with more quickly.
- 3.2 At its meeting, the Overview and Scrutiny Committee or delegated Panel will receive:
  - (a) copies of all documentation submitted to the Executive on which the decision was based;
  - (b) a copy of the written notification of the "call in" including the names of the relevant Councillors who requested the "call in" and their grounds for so doing; and
  - (c) any other relevant documentation.
- 3.3 The relevant Executive Portfolio Holder and at least one of the members who activated the "call in" and who shall act as spokesperson for those members, shall attend the Overview and Scrutiny Committee or delegated Panel meeting.
- 3.4 The "call in" decision shall be considered in the following manner:
  - (a) the representative of the Councillors calling in the decision shall describe their concerns;
  - (b) the Portfolio Holder shall then respond

- (c) the Overview and Scrutiny Committee or delegated Panel will then debate the issues involved. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate but shall seek a response from the initiating Councillor(s) and the Portfolio Holder before formulating its recommendations;
- (d) The Overview and Scrutiny Committee or delegated Panel has the following options:
- (i) confirm the decision, which may then be implemented immediately, or
  - (ii) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or
  - (iii) refer the matter to full Council in the event that the Committee or Panel considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.
- (e) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Committee or Panel may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee/Panel shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;
- (f) The Chairman of the Overview and Scrutiny Committee or delegated Panel shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in full in the Minutes or report of the meeting;
- (g) In cases where the Overview and Scrutiny Committee or delegated Panel determines that a review of the decision is not justified or that, having reviewed the decision of the Executive, it has no adverse comment to make, the Committee or Panel shall ensure that its decision is published in the Members' Bulletin;
- (h) In the circumstances outlined in (g) above, the decision of the Executive or Decision Taker may be implemented with effect from the date of that meeting;
- (i) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee or delegated Panel shall be reported to the Decision Taker
- (j) In presenting the recommendations of the Overview and Scrutiny Committee or delegated Panel, the Chairman may make general comments on the Committee's/Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting; and
- (k) The report of the Overview and Scrutiny Committee or delegated Panel shall be sent in draft to all its Members for approval prior to their submission to the Decision Taker.
- (l) Minority reports may be made by members of Overview and Scrutiny Committee or delegated Panel in accordance with the Protocol for that purpose.

#### **4. Consideration of Reports on "Call In" Items by the Executive**

- 4.1 The report of an Overview and Scrutiny Committee or delegated Panel will be referred in the first instance to the relevant Portfolio Holder(s) for the executive function concerned.
- 4.2 If the Executive decision is one which the Portfolio Holder(s) has delegated powers to make, he or she shall consider the written proposals of the Overview and Scrutiny Committee or delegated Panel, must consult the Overview and Scrutiny Committee and delegated Panel Chairmen if he or she is minded to accept or reject them. In doing so the Portfolio Holder will ensure that, in recording that decision, the reasons for accepting, rejecting or amending those views are set out in the decision notice.
- 4.3 If the Executive decision is one which the Executive itself or a Committee of the Executive (acting under delegated powers) is competent to take, the relevant Portfolio Holder will consider the proposals of the Overview and Scrutiny Committee or delegated Panel and refer them, with his or her written response, to the decision making body concerned.
- 4.4 At a meeting of the Executive or of any Committee of the Executive, the following documentation shall be submitted:
- (a) the agreed report of the Overview and Scrutiny Committee or delegated Panel and any other supporting documents considered by it;
  - (b) a report of the Portfolio Holder indicating the response to the proposals of the Overview and Scrutiny Committee or delegated Panel, indicating the options available and recommendation for acceptance, rejection or alteration of those proposals with reasons; and
  - (c) any other information.
- 4.5 The Executive or Committee of the Executive shall consider the matter as follows:
- (a) the Chairman of the Overview and Scrutiny Committee or delegated Panel shall present the views and recommendations of the Committee/Panel based on the report of the relevant OSC meeting and respond to questions, make general comments and respond to new proposals as appropriate;
  - (b) the relevant Portfolio Holder shall then respond by presenting his report and recommendations on the proposals of the Overview and Scrutiny Committee or delegated Panel;
  - (c) the Executive (or Committee thereof) shall then consider the original decision, the views of the Overview and Scrutiny Committee or delegated Panel and any proposals by the Portfolio Holder; and
  - (d) the Executive (or Executive Committee) will then make a final decision on whether to re-affirm the original decision, amend the original decision or substitute a new decision. This decision shall be recorded in the minutes of the meeting together with supporting reasons.
- 4.6 Where a Committee of the Executive is required to report to the full Executive on any matter, it shall submit a recommendation on action proposed to the Executive as part of the minutes of the meeting.

## **5. Implementation of Decisions When Cabinet Control or Membership Changes**

- 5.1 Notwithstanding the provisions of paragraphs 3.4(g) and (h) above, where political control of the Cabinet or Cabinet membership changes following the Annual Council meeting each year, any decision made by the Executive and supported by the Overview and Scrutiny Committee or delegated Panel following a "call-in" but not implemented before the changes occur, shall stand referred to the Cabinet for further review before action is taken.

## **6. Consideration of "Call In" Reports of Overview and Scrutiny Committees made to the Full Council**

- 6.1 In some circumstances, the Overview and Scrutiny Committee or delegated Panel may choose to refer the results of their consideration of "call in" items to the full Council, rather than the Executive in those instances set out in paragraph 3.4 (d) (iii) above and 6.2 below. With any necessary modification the "call in" shall be dealt with at the Council meeting in accordance with paragraphs 4.1 - 4.5 above.
- 6.2 In considering whether to report to the full Council, the Overview and Scrutiny Committee or delegated Panel shall take account of the advice of the proper officer on:
- (a) whether the Council may properly determine the matter if the function is delegated to the Executive;
  - (b) whether the Executive decision affects the policy or budget framework of the Authority and should properly be determined by the Council;
  - (c) whether the Executive decision relates to a matter which either reserved to the full Council by the constitution or by resolution; and
  - (d) any other advice which indicates that, for whatever reason, a report to the Executive is more appropriate to the proper despatch of Council business.

## **7. Restriction on "Call In"**

- 7.1 The Overview and Scrutiny Committee shall at all times be aware that the decisions of the regulatory or non-executive bodies of the Council are not subject to "call in".
- 7.2 The "call in" procedure shall also not apply to any recommendation by the Cabinet to the full Council.

## **8. Definitions**

8.1 For the purpose of this Protocol, the following definitions shall apply:

### **(a) "Executive"**

This term should be interpreted as referring to the Cabinet, a Cabinet Committee or an individual Portfolio Holder acting under delegated powers.

### **(b) "Decision"**

Denotes a decision on an Executive function by the Cabinet, a Committee of the Cabinet or of an individual Portfolio Holder.

### **(c) "Decision Taker"**

This means the Cabinet, a Cabinet Committee or an individual Portfolio Holder who made the original decision.

## **9. Review of Protocol**

9.1 This Protocol will be reviewed by the Council as part of its constitution as and when appropriate.

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**EPPING FOREST DISTRICT COUNCIL  
OVERVIEW AND SCRUTINY MINUTES  
EXTRACT FROM THE MINUTES  
OF THE MEETING HELD ON 11 NOVEMBER 2006**

**49. WORK PROGRAMME MONITORING**

**Progress Reports**

**(f) Town Centres and Car Parks Task and Finish Panel**

The Panel, at its last meeting had considered a draft Cabinet report on proposals for free car parking in council owned car parks.

The Panel had held a broad discussion on the issue of free parking on Saturdays and the rationale behind it. There had been a general consensus in favour of the principle and the Panel members understood the financial effects of any such decision.

The Panel supported the proposals on the basis that they could enhance the viability of our Town Centres. The Panel had questioned however, how the regime would be enforced to ensure that free spaces were for local rather than commuting purposes. The Panel had sought further information on this aspect.

Reference had been made to a retail scheme used in Waltham Forest to facilitate their free parking arrangements. It had been suggested that consultation could take place with that Authority to hear about their issues and solutions.

The Panel had accepted the recommendations as set out on the proposed Cabinet report but following discussions on ways in which the funding might be achieved wished to see an amendment to the third recommendation regarding the possible use of 'Local Authority Business Growth Incentive' grant (LABGI) to fund the one-off costs of implementation of the proposals.

The Panel had also suggested that the arrangements should be subject to operational review on a regular basis in order to identify whether the aims were being achieved and if not how they could be improved. The Panel had recommended to Cabinet accordingly.

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