

SCRUTINY MANAGEMENT PANEL

Minutes of the meeting of the Scrutiny Management Panel held on Friday, 9 November 2018 at 5.00 pm in the Executive Meeting Room, The Guildhall, Portsmouth

Present

Councillor Tom Wood (in the Chair)

Councillors Jennie Brent
Ryan Brent
Ian Lyon
Hugh Mason
Scott Payter-Harris
David Fuller (Standing Deputy)
Ben Swann (Standing Deputy)

(Councillor Simon Boshier attended as Lead Call-in Member and
Councillor Ben Dowling attended as Lead Cabinet Member)

8. Apologies for Absence (AI 1)

Councillor Tom Wood, Chair of the Scrutiny Management Panel, welcomed everyone to the meeting and read out the housekeeping instructions

Apologies for absence were received on behalf of Councillor Leo Madden. Councillor David Fuller deputised for him.

Councillor Ben Swann deputised for Councillor Simon Boshier as although he was in attendance today, he was attending as the Lead Call-in Member.

The Chair said there had been no requests to make a deputation at the meeting, but one written representation had been received from a resident of Lawrence Road that had been circulated to panel members

9. Declarations of Members' Interests (AI 2)

Councillor Hugh Mason declared a non-prejudicial interest in that he lives within 200 metres of both the MB and MC zones.

Councillor Payter-Harris declared a non-prejudicial interest in that although he was a signatory to the Call-in, he came to this meeting with an open mind.

10. Call in of decision taken by Councillor Ben Dowling standing in for the Cabinet Member for Traffic and Transportation on 31 July 2018 in respect of item 3 of that agenda "Revised Residents' Parking Programme of Consultation" (AI 3)

Councillor Wood explained the procedure that will be followed for the Call-in and asked members to confine themselves to the reasons for the Call-in and not to stray into other areas.

Councillor Boshier outlined the reasons for the call-in. He provided some background going back to a previous call-in of MB and MC zones in 2016 and the LB zone.

He then referred to the report that had gone to the Cabinet Meeting on 31 July. He said that some of the people affected had not been consulted because the zone boundaries had changed since the original survey was carried out. Also the data relied on was three years old or more and the response at that time had been poor. No account had been taken of population changes since the original survey or the changed boundaries. MF zone also features in the report. This had been radically altered within a 7 day period between meetings.

The Lead Call-in member said for these reasons, he believed the information before the Cabinet Member was inaccurate incorrect and inadequate and believed the matter should be referred back for reconsideration. Also, that MB zone should be subject to all consultation stages, including informal - as should MC - and MF should be reinstated to include all properties covered in 12 July report.

The Chair invited questions from Members.

- A question was raised about the actual numbers involved as sometimes they were given as percentages, but sometimes as numbers. The Lead Call-in Member agreed that the number of responses was unclear when the information was presented in this form as the true strength of feeling could not be gauged from percentages. There used to be a set minimum number for responses before they were considered, but this had been removed. Consequently his view is that there was inadequate information on which to base a decision.
- A question was raised about reference to "secret surveys". The Lead Call-in Member said that a doorstep survey had apparently been carried out by members of the Liberal Democrat Group. He said that if it was a political survey it should have been properly audited and published and was concerned that data collected may have influenced the Cabinet Member's decision.
- A question was raised about boundary changes and the Lead Call-in Member said that the report which went to the Cabinet Member contained revised boundaries for MB and MC zones which differed from the areas originally surveyed - but the responses to the original survey had been included, which meant that the information was incorrect as the responses did not correspond to the revised zones.

The Chair said that the decision taken by the Cabinet Member was not to implement a parking zone, but to go out to consultation.

The Lead Call-in Member said that before the Traffic Orders were implemented, there should have been informal consultation. Decisions should not have gone straight to a Traffic Regulation Order for MB and MC zone. Traffic orders are prescriptive and can't be easily changed - there would have to be a further consultation.

- In response to a further question, the Lead Call-in Member confirmed that 3 extra roads had been included in MB and MC zones and none of the residents in those roads had been surveyed.

Cllr Dowling, as the Cabinet Member who had taken the decision on 31 July then gave his response including the following points:-

- He was happy to reconsider his decision if that was what Scrutiny Management Panel members wanted
- The decision he took on 31 July was to go out to consultation on potential parking zones which he considered to be the main issue - it was not to implement parking zones which would go to future meetings.
- The main process is informal consultation, then a formal TRO report then a public decision. In the event of a parking zone being implemented, because of the issue of displacement, neighbouring zones would then be surveyed.
- Following the meeting on 31 July, there was a subsequent decision meeting when MB and MC zones were approved for implementation in January 2019.
- With regard to references to a "secret" survey, the Liberal Democrats' survey was delivered to 70,000 people in the city and was probably still on the Liberal Democrat website. A summary leaflet of results was also issued so he did not believe it was secret.
- MF zone - the zone that was amended in the report between one meeting and the next. This was because, following feedback, it was decided that it was not appropriate to have such a big zone. He considered the amended report to be an attempt to improve accuracy.
- At the meeting, he was asked to decide on the information he had in front of him as well as knowledge he had. Information was given about it being a smaller zone. He believed that the decision maker should take into account both what is in the report plus other knowledge gained. It was not a decision on implementation or type of zone - just a consultation process.
- With regard to comments about response rates, he said that there had been more responses than say in relation to the budget consultation. However, if Members think there is a need to re-invigorate the

consultation process, then it would be possible to put forward a cross party arrangement.

Councillor Wood thanked Councillor Dowling for his response and then invited questions from the Panel.

In response to queries

- Councillor Dowling said his decision had been to go out to consultation which meant gathering additional information and he considered he had accurate and adequate information before him to do that.
- Councillor Dowling said that he had been aware at the time he took the decision that additional roads had been added to MB and MC zones since the original survey had been carried out 3 years previously, but that he relied on the professionalism of the officers who had made the alterations following considerable feedback received last time.
- With regard to a query raised about the written representation that had been circulated at the meeting relating to 4.5 that stated
"4.5 The impact on adjacent roads that experience similar parking issues and cannot cater for displaced vehicles should not be underestimated and has to be taken into account before considering just one part of a larger area with similar housing and parking problems"
and how the Cabinet Member had satisfied himself that this had been taken into account, the Cabinet Member said he did not think this was relevant to the decision he had taken, but in any event he was aware of 4.5 and considered he had adequate information before him to enable him to take the decision he had.
- Councillor Dowling confirmed that he had relied primarily on the officer's report, but he did not ignore the many hours of consultation Lib Dems had carried out. But he considered that the information contained in the report was perfectly adequate and that no officer had briefed him to say they disagreed with the contents of the report
- Councillor Dowling confirmed that with regard to MF zone, an opportunity had been taken in the two weeks between meetings to amend the zone.
- Councillor Dowling confirmed that he was content that he had had all the information he needed to take the decision he had.
- Councillor Dowling accepted that the informal survey allows residents unrestricted views but that the second stage is prescriptive and that the 2 surveys have different functions. However he said that he did not believe that this is the only way the council obtains information. He did not think it necessary to carry out another survey as there had been much feedback. He believed the interaction was the same as would be achieved by an informal survey and that residents did not want to be asked the same questions repeatedly.

The Chair then invited Councillor Boshier to respond.

Councillor Boshier said

- that we have a 3 stage consultation and in his view that should have been followed and MB and MC zones should not have gone straight to a Traffic Regulation Order.
- Where displaced parking occurred as a result of implementing a zone, the neighbouring zones would be surveyed ahead of the planned zones programme.

In summary, Councillor Boshier said

- he had put the figures in front of members
- he had brought to members' attention the change in the areas covered in the zones showing that there was inaccurate and inadequate information
- he believed Councillor Dowling should have asked himself whether he had adequate information in front of him to justify taking the decision
- he was not sure how feasible it is to consult again on MB and MC zones given the months that have gone by since the decision was taken
- he considered that the report was premature and should have waited for the Traffic, Environment and Community Safety scrutiny report to be published.
- Going forward, he considered that there should be proper consultation for all zones and joined up thinking.

The Chair then invited Councillor Dowling to sum up which he then did.

Councillor Dowling said

- The whole debate concerned what the decision actually was and whether he had adequate information. The decision was to go out to consultation and to do that he did not consider any additional information was needed other than what was before him.
- It was not possible to have audit trails for everything.
- He does understand the difference between stages 1 informal consultation and stage 2 Traffic Regulation Order - but the stage 1 aims and objectives can be achieved through previous discourse and not necessarily via a formal survey.
- He based his decision on the information he was given.
- He believes he did have all the information he needed, but will revisit the decision if that was the will of the Scrutiny Management Panel.

Pam Turton was then invited to answer a question raised about JD which is greyed out and appears on page 11 of the document pack. The question was why that zone remained unchanged. She said that in 2015 a city wide survey for all RPZs was carried out in relation to a reintroduction of a charge for the first permit and each zone was asked whether they wanted to retain their zone or not. The majority in JD wanted to remove the zone so a TRO consultation was carried out. However, 5 objections were received which led to JD remaining in place.

The Chair then said it was clear that JD zone was not relevant to the call-in.

He then invited further comments from panel members.

Councillor Hugh Mason said that looking at the information given on pages 35 and 36, there are 4 major considerations-

- It was based on very poor response
- There had since been a population change
- cognisance was taken of a "secret" survey
- there had been a change in the area covered by MB and MC zones.

Taking each point in turn,

- with regard to a poor response, his view is that everyone had the chance to respond but if they chose not to that is their choice.
- Population changes always happen over time.
- With regard to the "secret" survey, people were elected as councillors not as automatons and when they come to a judgement that will always depend not only on information before them but also from information gleaned in the wards.
- With regard to MB and MC zones, the substantial changes to the areas these covered meant in his view that the old surveys provided inadequate information to be used to take the decision. He did not believe assumptions can be made about how people would vote based on the different areas. On that basis he supported the view that the decision should go back for reconsideration by the Cabinet Member.

Councillor Payter-Harris agreed. Three roads have not been surveyed but had still gone to stage 2 of the process. Support in principle is being recorded as a "yes" even though responses differed widely in terms of the times when parking restrictions should operate. His view is that it would be wise to send the matter back for reconsideration.

Councillor Lyon suggested that the Panel referred the matter back on the grounds of inadequate information being before the Cabinet Member.

Councillor Ryan Brent agreed that the matter should be referred back based on inadequate information.

Councillor Payter-Harris suggested going to the vote as there seemed to be a consensus among Panel members.

The Chair, Councillor Tom Wood, said that his view differed from the majority of the panel as he believed that there is a distinction between the decision being about bringing in a zone or about a second consultation. He was persuaded that the decision taken had been about implementing a consultation - not a parking zone and believed there was adequate information before the Cabinet Member to take that decision. As his view was not the majority view, he invited Councillor Mason to put forward a proposal on which to take a vote.

It was proposed by Cllr Hugh Mason
seconded by Councillor Scott Payter-Harris
that the matter be referred back to Councillor Ben Dowling for reconsideration on the grounds that the Panel had concerns about the changing boundaries of MB and MC zones subsequent to informal surveys and therefore considered the decision had been taken without adequate information.

On being put to the vote this was CARRIED.

RESOLVED that the matter be referred back to Councillor Ben Dowling for reconsideration, on the grounds that the Panel had concerns about the changing boundaries of MB and MC zones subsequent to informal surveys and therefore considered the decision had been taken without adequate information.

The meeting concluded 6.42pm

Councillor Tom Wood
Chair