

**Corporate and Scrutiny Management Committee
(Calling – In)**

27 August 2014

Report of the Assistant Director, Governance and ICT

Called-in Item: Lendal Bridge and Coppergate Traffic Regulation Orders

Summary

1. This report sets out the reasons for the call-in of the decisions made by the Cabinet on 5 August 2014 in relation to the Council's pursuance of its application for a review of the decision to the Traffic Penalty Tribunal Adjudicator in respect of appeals against fines for breach of the Lendal Bridge Traffic Regulation Order.

This cover report sets out the powers and role of the Corporate and Scrutiny Management Committee in relation to dealing with the call-in.

Background

2. An extract from the Decision Sheet issued after the Cabinet meeting is attached as Annex A to this report. This sets out the decision taken by the Cabinet on the called-in item. The original report to the Cabinet meeting on the called-in item is attached as Annex B to this report.
3. Cabinet's decision has been called in by Cllrs Aspden, Cuthbertson and Reid for review by the Corporate and Scrutiny Management Committee (CSMC) (Calling-In), in accordance with the constitutional requirements for call-in. The following are the reasons given for the call-in:
 - The report and the recommendations put the onus on the motorist fined to contact the council and 'appeal' against their Penalty Charges Notices (PCN's) in order to claim a refund.
 - Instead, we believe that the onus should be on the council to contact each motorist who has been fined. Many of them will live outside York (or even the UK) so will not have heard that

they are entitled to their money back. So every one of them should automatically be contacted by the council and refunded in full without question.

- The fine income, which has been ring-fenced in reserves, should be used to repay the motorists. The repayment should also come with a formal apology from the council.
- If the fines are not repaid automatically, this risks doing further reputational damage to York through an unclear individual repayment process, where some get their money back but others don't. It will also create the impression that the council is trying to hang on to as much of the fine money as possible to spend elsewhere.

4. The decision has then subsequently also been called in by Cllrs Steward, Doughty and Wiseman for review by the Corporate and Scrutiny Management Committee (CSMC) (Calling-In), in accordance with the constitutional requirements for call-in. The following are the reasons given for the second call-in:

The council's decision to refund Lendal Bridge Penalty Charge Notice's only to motorists who make an application for a refund is flawed because not re-paying all of the fines now:

- will increase administration costs;
- will continue the uncertainty over CYC's ultimate financial outlay regarding PCN payments;
- compounds the reputational damage done to York's image as a welcoming tourist destination by selectively favouring local motorists over visitors from other parts of the country, who are not regular consumers of local media or readers of the council's website and who therefore will not be aware of the council's refund policy;
- is, despite the administration's creation of a 'Fairness Commission', neither honest, professional nor fair."

Consultation

5. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

Options

6. The following options are available to CSMC (Calling-In) Members in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - a. To decide that there are no grounds to make specific recommendations to the Cabinet in respect of the report. If this option is chosen, the original decision taken on the item by the Cabinet on 5 August 2014 will be confirmed and will take effect from the date of the CSMC (Calling-In) meeting; or
 - b. To make specific recommendations to the Cabinet on the report, in light of the reasons given for the call-in. If this option is chosen, the matter will be reconsidered by Cabinet at a meeting of Cabinet (Calling-In) to be held on 9 September 2014.

Analysis

7. Members need to consider the reasons for call-in and the report to the Cabinet and form a view on whether there is a basis to make specific recommendations to the Cabinet in respect of the report.

Council Plan

8. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2011-15.

Implications

9. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in.

Risk Management

10. There are no risk management implications associated with the call in of this matter.

Recommendations:

11. Members are asked to consider all the reasons for calling in this decision and decide whether they wish to confirm the decisions made by the Cabinet or refer the matter back for reconsideration and make specific recommendations on the report to Cabinet.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

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**Report
Approved**



Date 6 August 2014

Specialist Implications Officer(s) None

Wards Affected:

All



For further information please contact the author of the report

Annexes

Annex A – Extract from the Decision Sheet produced following the Cabinet meeting on the called-in item.

Annex B – Report of the Cabinet Member for Transport, 5 August 2014.

Background Papers

None