

# Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at [www.merton.gov.uk/committee](http://www.merton.gov.uk/committee).

## EXTRAORDINARY CABINET

10 SEPTEMBER 2019

(7.15 pm - 7.41 pm)

PRESENT: Councillors Stephen Alambritis (in the Chair), Mark Allison, Laxmi Attawar, Kelly Braund, Caroline Cooper-Marbiah, Eleanor Stringer and Martin Whelton

ALSO PRESENT: Councillor Nigel Benbow, Daniel Holden and Peter Southgate

Ged Curran (Chief Executive), Hannah Doody (Director of Community and Housing), Rachael Wardell (Director, Children, Schools & Families Department), Zara Bishop (Communications Manager), Cathryn James (Interim Assistant Director, Public Protection), Roger Kershaw (Assistant Director of Resources), Octavia Lamb (Policy and Research Officer (Labour Group)), Ben Stephens (Head of Parking Services), Fiona Thomsen (Head of shared legal services) and Evereth Willis (Equalities and Community Cohesion Officer)  
Louise Fleming (Senior Democratic Services Officer)

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Edith Macauley, Cabinet Member for Voluntary Sector, Partnerships and Community Safety; and Councillor Tobin Byers, Cabinet Member for Adult Social Care, Health and the Environment.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

### 3 REFERENCE TO CABINET ON OUTCOME OF CALL IN ON STRATEGIC APPROACH TO PARKING CHARGES (Agenda Item 3)

The Chair advised the meeting that items 3 and 4 would be considered together. For the purposes of these minutes, the resolutions appear under the item to which they relate.

At the invitation of the Chair, Councillor Peter Southgate, Chair of the Overview and Scrutiny Commission, presented the reference report which set out the outcome of the meeting to consider the call in of the decision on a strategic approach to parking charges. The Commission felt that the Cabinet had not given due regard to the Public Sector Equality Duty, specifically that insufficient attempts had been made to reach particular interest groups which would potentially be affected by the new charging regime. It was noted that the Council attached high importance to equalities, the Leader having previously been the Cabinet Member responsible for Equalities; and now with a new focus with the appointment of the Cabinet Member for Women and Equalities. Councillor Southgate welcomed the contents of the

supplementary agenda which set out the steps taken to complete the consultation in response to the request of the call-in meeting and set out the three requests made by the Commission set out in paragraph 2.7 of the report, namely

- that there should be a review after 12 months after implementation of the new charges of the impact on air quality and numbers of parking permits issued;
- that the results of the diesel levy be reported to scrutiny as soon as practicable; and
- that as the approach to parking charges was one of a suite of measures, the Commission looked forward to seeing the introduction of other measures to tackle air quality.

The Commission acknowledged the importance of tackling air quality and was keen to see proposals for those additional measures in due course.

The Chair thanked Councillor Southgate for his presentation and welcomed the valuable work carried out by the Scrutiny Commission.

The Cabinet Member for Regeneration, Housing and Transport thanked Councillor Southgate for his presentation and the members of the Commission for their work. He welcomed the extensive call in, which in his view had been an example of scrutiny working at its best. He advised that since the meeting of the Commission, the Council had undertaken further consultation to address the specific points raised by the call in. He drew Cabinet's attention to the detailed officer response set out in the supplementary agenda (item 4) and the groups consulted with in paragraph 2.13 of that report. In addition, the Council had also contacted Merton Voluntary Service Council to ensure that the views of the Borough's voluntary sector were taken into account. The groups had all been written to, with a follow up phone call and offered a meeting in person if they wished. In addition, the groups had been invited to attend the extraordinary Cabinet meeting. The Cabinet Member outlined the questions asked in the additional consultation and drew the Cabinet's attention to the responses set out in the report from Merton Vision, Wimbledon Guild and Merton Age UK. It was important for Cabinet to be aware of the changes to the Blue Badge scheme since the scrutiny meeting which had increased eligibility and helped to address some of the concerns raised.

The Cabinet Member addressed the Scrutiny Commission's three recommendations and advised that the review of the Diesel Levy would be reported to Cabinet shortly. It was right for Cabinet to conduct a review after 12 months to assess the impact on air quality and the Cabinet was determined to take further action to address air quality.

The Interim Assistant Director of Public Space gave a detailed presentation on the response to the issues raised by the Commission, and thanked the scrutiny Members for the opportunity to take a further detailed look at the points they considered. She highlighted the focus on equalities throughout the extensive consultation carried out and reminded the Cabinet of the Council's obligation under the Public Sector Equality Duty, to have due regard to the need to eliminate discrimination when formulating policy. The Equality Analysis attached at Appendix 3 to the report set out the potential impact on groups with protected characteristics under the Equality Act and the proposed actions and measures to mitigate any negative impact.

The Assistant Director highlighted the further consultation which had taken place with equality groups, which had given an opportunity to test the assumptions in the equality analysis and whether there were further mitigations which could be considered. The organisations consulted with provided some useful feedback and examples were highlighted for Cabinet's consideration. They felt that the mitigations identified were both reasonable and fair, and it was felt that if the policy resulted in reduced car usage, there would be some positive benefit to the elderly and disabled as this would make the roads a less intimidating environment for these groups. The Wimbledon Guild advised that few of their members drove and that Wimbledon was already well connected to public transport links. All the groups consulted were keen to work with the Council to monitor impacts on their users. As a result of the consultation, Age had been added to the Equality Analysis as a protected characteristic, in recognition of the fact that the elderly often share characteristics with disabled groups and that social isolation and loneliness were two additional negative impacts which should be monitored. The Council would continue to work closely with the groups to better understand their concerns; and to continue to raise those concerns with TfL and Network Rail. The Leader had recently written to TfL to raise some of these issues.

The Cabinet was advised that any impact from a proposed policy should be proportionate to the legitimate aims of that policy. The strategy was viewed as being complimentary to work already being done to address the Mayor's Air Quality strategy. As a result of the additional consultation carried out following the call in meeting, the overall outcome score of the Equality Analysis had been changed from a 2 to 3, in recognition of the negative impact of social isolation and loneliness identified. If the Cabinet was minded to reconfirm its original decision, the Equality Analysis would be kept under review with a report being brought back in 12 months and adjustments would be brought for Members' consideration as and when appropriate. A further report would be presented to Scrutiny later in the year on the review of the Diesel Levy and the Council would continue to introduce measures to tackle air quality. The Air Quality Action Plan 2016 highlighted 70 of the actions already underway and would continue to be pursued.

The report addressed the issue highlighted at the Commission in respect of using the PTAL rating system as an approach to the parking charges, which was felt by some to be discriminatory. The Assistant Director advised that the PTAL rating was a guide; and that the alternative was to apply a flat rate across the Borough, which would not take into account differentials in transport accessibility. The policy had been subject to extensive consultation and advice received was that it was an appropriate lever to nudge behaviour to address air quality.

At the invitation of the Chair, the Council's Equalities and Community Cohesion Officer advised that the purpose of the Equality Analysis was to support the Cabinet in making a decision. An extensive consultation had been carried out, with proactive further consultation being carried out following the call in meeting. This had been an example of best practice, with officers actively engaging and conducting outreach work. The data received had been carefully analysed, resulting in an amended outcome score of 3 to recognise that it was not possible to mitigate against every

negative impact. In response to questions from Members, officers advised that all the issues raised by the call in meeting had been addressed, as set out in the report and that officers would continue to raise concerns over accessible transport with TfL.

The Chair thanked all those present for their contributions and read out the recommendations and it was

#### RESOLVED

1. That Cabinet noted that further to hearing two call-in requests on the strategic approach to parking charges, the Overview and Scrutiny Commission resolved to refer the decision back to Cabinet for reconsideration in relation to the principle of decision making in respect of human rights and equalities; and agreed the request of the Commission to complete the process of consultation with affected groups prior to reconsideration of its decision.
2. That Cabinet agreed to take into account the three requests made in relation to the proposed approach to parking charges and associated issues set out in paragraph 2.7 of the Cabinet report.

#### 4 RESPONSE TO THE REFERENCE TO CABINET ON OUTCOME OF CALL IN ON STRATEGIC APPROACH TO PARKING CHARGES (Agenda Item 4)

Following detailed consideration of the reference report and the officer response, as set out in the minute above, the Chair read out the recommendations in the report and it was

#### RESOLVED

1. That Cabinet note the additional information, consultation responses as well as the amended Equality Analysis and action plan following the call in and contained in the Cabinet report.
2. That Cabinet reconfirm its support for the proposed parking charges.