



Serving You

Regeneration, Culture and Environment Overview and Scrutiny Committee

23 January 2024

Call-in: Union Place Car Park, Chatham and Temple Car Park and Yard, Strood

Report from: Adam Bryan, Director of Place

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Summary

This report advises the Committee of a notice of call-in received from six Members of the Council regarding the Cabinet decisions made on 19 December 2023 relating to Union Place Car Park Chatham and Temple Car Park and Yard, Strood.

1. Recommendations

1.1. The Committee is asked to consider the called-in Cabinet decisions (decision nos. 187-189/2023) and decide either to:

1.1.1. accept the Cabinet decisions and therefore take no further action **or**;

1.1.2. refer the decisions back to Cabinet for reconsideration, setting out the reasons for the referral back **or**;

1.1.3. refer the decision to full Council for consideration.

2. Budget and policy framework

2.1. In accordance with Chapter 4, part 5, paragraph 15.3 of the Constitution with regard to decisions, Cabinet decisions 187-189/2023 have been called-in to this Committee by six Members (from the Conservative Group) of the Council.

3. Background

3.1. The Cabinet considered a report (attached at Appendix 1) at its meeting held on 19 December 2023 regarding the appropriation and disposal of Union Place Car Park in Chatham and Temple Car Park and Yard in Strood.

3.2. The discussion and decision from the Cabinet meeting are set out below.

- 3.3. The report asked the Cabinet to agree to delegate authority to enable the sale of Union Place Car Park, Chatham and Temple Car Park and Yard, Strood and the securing of development of the two sites.
- 3.4. The report explained that Union Place Car Park was currently closed as it was accessed from private land at the rear of the adjacent former bingo premises. Permission for access was only granted permissively and this had been withdrawn. Studies had concluded that establishing an alternative access from the A2 would be prohibitively expensive and would not comply with highway design standards.
- 3.5. Temple Car Park was currently open but the 73 space car park had seen a reduction in income over recent years, with the average annual income being only £21,543. It was considered that the demand for this car park could be catered for in the Commercial Road car park, which was owned by the Council.
- 3.6. The Cabinet decision was as follows:

Decision number:

Decision:

187/2023

The Cabinet agreed to delegate authority to the Director of Place, in consultation with the Portfolio Holder for Housing and Property to appropriate the Union Place Car Park, Chatham and Temple Car Park and Yard, Strood for planning purposes.

188/2023

The Cabinet agreed to delegate authority to the Director of Place, in consultation with the Portfolio Holder for Housing and Property to declare Union Place Car Park, Chatham and Temple Car Park and Yard, Strood surplus to requirements, so that they could be disposed of using Section 233 of the Town and Country Planning Act 1990 for development on the best terms reasonably obtainable.

189/2023

The Cabinet agreed to delegate authority to the Director of Place, in consultation with the Portfolio Holder for Housing and Property to authorise the legal department to conclude the contract of sale for Union Place Car Park, Chatham and Temple Car Park and Yard, Strood.

Reasons for decision:

- 3.7. To secure a capital receipt, and to enable development.

- 3.8. Decision nos. 187-189/2023 were subsequently called in by six Members of the Council from the Conservative Group. The reasons for the call in are as follows:

“To reverse the decisions taken by Cabinet on 19 December 2023 concerning the disposal of car parking facilities, as outlined in the title above. The car parks, as shown are required to be kept in place for the benefit of the community and local businesses who rely on such facilities”.

4. Director of Place’s response to the call-in

- 4.1. Union Place car park is closed as it was accessed from Union Place over private land at the rear of the adjacent former bingo premises. Permission for access was only granted permissively and this has been withdrawn. Highways advice concluded that establishing an alternative access from the A2 to be problematic & expensive due to level difference to the A2, fewer car parking spaces and will not comply with highway safety standards, due to the proximity of the Union Street traffic light junction.

- 4.1.1. The car park had 49 spaces and did see a reduction in income over recent years, associated with the Covid 19 pandemic. It is considered that the demand for this car park can be catered for in other Council car parks. The Spotlites Theatre will not be any more disadvantaged than it is currently, and one interested party is proposing to work with them including vehicle access.

- 4.1.2. Temple Car Park has 73 spaces and has seen a reduction in income over recent years. The average net income over the financial years of, 2021/22 and 2022/23 is only £21,543 per annum. It is considered that the demand for this car park can be catered for in the Commercial Road Council car park which has been updated with electric car charging points and better serves the High Street retail. The sale of the car park will facilitate a regeneration of this area including the existing Tesco.

5. Monitoring Officer and Chief Operating Officer’s response to the call-in

- 5.1. The Council is facing an extremely challenging in year financial outlook and all services have been reviewing all non-essential spend with the intent to halt or delay expenditure. Concurrently, the Council’s asset base is also being reviewed with the intent to reduce revenue outgoings and the realisation of capital receipts from surplus assets to aid capital financing costs.

- 5.2. Both sites have been identified as surplus to requirements, with demand being met from alternative provision. The realisation of capital receipts will contribute to bridging the in year revenue funding gap and better management of the Council’s assets.

- 5.3. The decision taken by Cabinet was within the Council’s budget and policy framework.

6. Options

- 6.1. The options open to this Committee in dealing with this call-in are to:
 - a) consider the matter and accept the Cabinet decision, or;
 - b) ask Cabinet to reconsider its decision if Members have concerns about it (setting out in writing the nature of any concerns), or;
 - c) refer the matter to full Council for consideration.
- 6.2. In accordance with rule 15.8 of the Constitution, to avoid the possibility of very many emergency Council meetings, Overview and Scrutiny Committees should normally only use the power to refer a matter to the full Council if it considers either:
 - a) that the decision is contrary to the policy framework (i.e. those policies and plans listed in Article 4.1 of Chapter 2 of the Constitution) or contrary or not wholly in accordance with the budget;
 - b) where a request for call-in is signed by six or more members representing at least two political groups.
- 6.3. If the Committee considers the Cabinet decisions are, or would be, contrary to the policy framework or not wholly in accordance with the Council's budget, then it must first carefully consider the advice from the Monitoring Officer and/or Chief Operating Officer. If the officer advice is that the decisions taken by Cabinet were within the policy framework or budget, and this is accepted by the Committee, then a referral to full Council, on these grounds, would not be possible. As referred to in section 5 above, the Monitoring Officer and the Chief Operating Officer have confirmed that the decisions taken by Cabinet set out in paragraph 3 above are not contrary to the Council's budget or policy framework.
- 6.4. In the event of a referral to full Council for reasons relating to the budget or policy framework, Cabinet will then meet to consider the views of the Monitoring Officer and/or Chief Operating Officer, together with the views of the Overview and Scrutiny Committee. Having considered these views, Cabinet will decide what action to take and prepare a report for Council.
- 6.5. When the full Council meets following such a referral, it can decide:
 - a) that the Cabinet decisions fall within the existing budget and policy framework, in which case no further action is required, or;
 - b) to amend the Council's budget or relevant policy framework document to encompass the decisions, in which case the Cabinet decisions take effect immediately and no further action is required, or;
 - c) to accept that the decisions are outside the policy framework or budget, in which case Cabinet must reconsider the matter taking into account the views of Full Council and take a decision which is in accordance with the

advice of the Monitoring Officer/Chief Operating Officer and which complies with the budget and policy framework.

6.6. When the full Council meets following a referral on other grounds then it can decide:

- a) to accept the Cabinet decisions and therefore take no further action (in which case the decisions will become effective on the date of the full Council meeting) or;
- b) refer the decisions back to Cabinet for reconsideration, setting out the reasons for the referral back.

7. Risk management

7.1. Risk management is addressed in section 7 of the Cabinet report attached at Appendix 1.

8. Climate change implications

8.1. There were no climate change implications arising directly from this report, as set out at section 9 of the Cabinet report, attached at Appendix 1.

9. Financial implications

9.1. The financial implications in relation to the Cabinet decisions are set out at section 10 of the Cabinet report attached at Appendix 1.

10. Legal implications

10.1. The legal implications in relation to the Cabinet decisions are set out at section 11 of the Cabinet report attached at Appendix 1.

10.2. In accordance with Chapter 4, part 5, paragraph 15.3 of the Constitution, six members of the Council may call in a decision for scrutiny by the relevant Overview and Scrutiny Committee. Call-ins must be dealt with in accordance with Rule 15 of the Overview and Scrutiny Rules and Rule 7 of the Budget and Policy Framework Rules, set out in the Constitution.

Lead officer contact

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Appendices

Appendix 1 – Cabinet report 19 December 2023

Background papers

None