

Open

# **Overview & Scrutiny Committee**

## **Additional Paper**

### **Agenda Item No. 7 – Car Parking Charges as of 1st June 2020**

To be held remotely  
6pm  
Thursday, 11th June 2020





### Overview & Scrutiny Committee

11<sup>th</sup> June 2020

### Briefing Paper

### Car Parking Changes as of 1st June 2020

1 This item was added to the agenda at the request of the Chairman of the Committee “to consider the changes made to the way payment can be taken due to the Coronavirus Pandemic”.

### Relevant announcements

2 In the context of the COVID-19 pandemic, the Council suspended car parking charges altogether on 27 March, reintroduced them with effect from 1 June (with payment by cash not being accepted in order to minimise risk of spread of the disease) and reintroduced payment by cash with effect from 8 June. These changes were announced by press notices issued on 26 March, 22 May and 4 June which may be seen at the links:

<https://www.wyreforestdc.gov.uk/news/2020-news/march-2020/council-suspends-parking-charges.aspx>

<https://www.wyreforestdc.gov.uk/news/2020-news/may-2020/council-to-reintroduce-parking-charges.aspx>

<https://www.wyreforestdc.gov.uk/news/2020-news/june-2020/council-to-reopen-car-park-ticket-machines.aspx>

3 An equality impact assessment was prepared and published about the re-introduction of charges with effect from 1 June:

<https://www.wyreforestdc.gov.uk/community-wellbeing-and-environment/equality-and-diversity/equality-impact-assessments/reintroduction-of-car-park-charges-equality-impact-assessment-screening.aspx>

### Policy and decision-making on the scheme of charges

4 The Council’s policy on the scheme of charges in the Council’s car parks from April 2020 was duly approved by the Cabinet at its meeting on 17 December 2019, following consideration by the Overview and Scrutiny Committee at its meeting on 5 December: see paragraphs 2.6, 2.8 and 8.1 of the report on the Medium Term Financial Strategy. The scheme of charges is formally set out in the Wyre Forest District Council (Off Street Parking Places) Order 2020 which was made on 19 March. The scheme of charges does not distinguish between methods of payment as all users pay the same charges. There is no basis for any contention that the scheme of charges requires the Council to offer payment by cash. The statutory notice about the proposed Order was published on 23 January, which included a statement of reasons. The Cabinet had delegated to an officer consideration of the objections: the officer decision was published on 21 February. All the relevant documents may be seen at these links:

Overview and Scrutiny Committee

[http://www.wyreforest.gov.uk/council/docs/doc55246\\_20191205\\_o\\_and\\_s\\_agenda.pdf](http://www.wyreforest.gov.uk/council/docs/doc55246_20191205_o_and_s_agenda.pdf) (agenda item 5)

Cabinet

[http://www.wyreforest.gov.uk/council/docs/doc55298\\_20191217\\_cabinet\\_agenda.pdf](http://www.wyreforest.gov.uk/council/docs/doc55298_20191217_cabinet_agenda.pdf) (agenda item 7.1)

Parking order and related documents

<https://www.wyreforestdc.gov.uk/streets-and-parking/parking/off-street-parking-places-consolidation-order.aspx>

Delegated decision by Officer

[http://www.wyreforest.gov.uk/council/docs/doc55612\\_20200221\\_cabinet\\_decision\\_report.pdf](http://www.wyreforest.gov.uk/council/docs/doc55612_20200221_cabinet_decision_report.pdf)

### Temporary suspension of charges etc

5 It has long been the practice of the Council temporarily to suspend charges whether for specific events or for other reasons, for example in the Christmas period. This was also done in Bewdley and Stourport as a boost to support visitors across two weekends in March 2020 following the flooding. Charges were suspended in all car parks from 27 March, as noted above. There is explicit authorisation for the suspension of charges in article 13 of the Order, which also allows temporary removal of spaces from use. The latter is relied upon, for example, during flooding events when the Environment Agency has a compound on part of the Dog Lane car park in Bewdley and has been used for events such as funfairs e.g. at Bromsgrove Street car park.

13. **Power to close, suspend or grant licences of Parking Places**

13.1 Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in the Parking Place:

13.1.1 from closing the Parking Place or any part thereof for any period; and/or

13.1.2 from setting aside the Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations.

13.2 Nothing in this Order shall prevent the Council from granting permission for short term use of the Parking Place free of charge

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or otherwise grant short term licences in accordance with the Council's Scheme of Delegations to Officers forming part of the Council's Constitution.

6 It will be noted that the suspension of charges is a matter delegated to officers in accordance with the scheme of delegations set out in Part 4 of the Constitution: <https://www.wyreforestdc.gov.uk/the-council/constitution/constitution-section-4.aspx> The relevant provision of the scheme of delegation is paragraph 7 as read with paragraphs 10, 11 and 14. While Part 4 was temporarily amended by full Council on

21 April, none of the amendments is relevant to the question of car parking. Where matters are delegated to officers, the relevant Cabinet member(s) are often consulted or informed about significant decisions even where there is no requirement to do so under statute, the Council's constitution or an extant Cabinet (or, where relevant, Council) resolution. It is obvious that they were consulted in this case because each of the announcements included quotations from a Cabinet member. The same position has been accepted by successive administrations, for example in announcements about suspension of car parking charges for the Christmas period.

### **Concluding observations**

7 Article 13 explicitly refers to allowing parking temporarily to be free of charge. Conversely, there must be an implied power to determine the basis on which charging is to operate again following its temporary suspension, subject only to compliance with the duly approved policy on car park charges – which was achieved in this case as the approved charges were reintroduced on 1 June. It cannot be only a binary, “charge” or “not charge” choice, not least in the context of the most significant public health crisis for a century where the priority is to prevent spread of the disease. Instead the Council's officers must consider whether any temporary adjustments should be made, having regard to the full range of the Council's statutory responsibilities and duties including – in this particular case – its role as an environmental health authority; its duties under health and safety at work legislation; and the necessity of being seen to be a responsible public authority in the midst of the present pandemic. As noted above, the arrangements adopted since March were the subject of consultation with relevant Cabinet member(s).

8 The Council was not the only one to cease taking cash payments following declaration of the pandemic or when re-opening car parks, as may be seen at these links:

<https://www.rutland.gov.uk/my-council/council-news/temporary-switch-to-cashless-parking-in-response-to-covid-19/>

<https://www.cityoflondon.gov.uk/services/transport-and-streets/parking/Pages/covid-19-parking-and-driving-in-the-city.aspx>

<https://www.northdevon.gov.uk/parking/council-car-parks/?ID=&DS=522>

<https://www.bridportnews.co.uk/news/18463614.dorset-councils-decision-scrap-cash-payments-car-parks-criticised/> (Dorset Council's website suggests that it has subsequently begun accepting cash payments again as may be seen in the following advice: “Charges have been reinstated, but for safety reasons we strongly advise using cashless payment by phone-call, text or smartphone app.”)

9 Any temporary action taken by this Council to seek to prevent the spread of a disease that has killed hundreds across Worcestershire must, by definition, have been “the right thing to do” even if it risked causing inconvenience or potential unfairness to a small minority of members of the public. This was fully explored in the equality impact assessment.