

FORM 2**NOTICE OF DECISION OF CABINET MEMBER**

Pursuant to Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Lea Street residents' parking scheme – charges for permits	Annual permit to be £40 (£50 for businesses) in 2020-21 and 2021-22. Discussions to be undertaken with the County Council during 2021 about higher charges to apply in April 2022 and subsequent years. Delegation to Chief Executive to implement initial charges for residents' permits in any further schemes at the same levels as apply at that time in Lea Street.	To enable the residents' parking scheme to be fully implemented and enforced.	16 July 2020

I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated: 16 July 2020

Signed:



Councillor: Graham Ballinger
Leader of the Council

WYRE FOREST DISTRICT COUNCIL

Strong Leader Report

Lea Street residents' parking scheme – charges for permits

OPEN	
DIRECTOR:	Chief Executive
CONTACT OFFICER:	Ian Miller, Ext 2700 ian.miller@wyreforestdc.gov.uk
Date of report	16 July 2020
APPENDICES:	None

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to agree, jointly with Worcestershire County Council, the charges to apply for permits in respect of the Lea Street residents' parking scheme.

2. RECOMMENDATIONS

The Leader is asked to **AGREE** that:

- 2.1 the annual permit should cost £40 (£50 for businesses) in 2020-21 and, in line with this Council's agreed approach on charges for car parking and permits, should be retained at this level in 2021-22;
- 2.2 discussions should be undertaken with the County Council during 2021 about higher charges to apply in April 2022 and subsequent years, in line with this Council's approach to setting fees and charges which, generally, sees increases over time to reflect increasing costs and also to take account of any future recommendations from the Cabinet Advisory Panel in respect of permit prices;
- 2.3 a consistent approach should be adopted in respect of any further residents' parking schemes introduced in Wyre Forest, and therefore delegated authority is given to the Chief Executive to implement initial charges for residents' permits in any further schemes at the same levels as apply at that time in Lea Street.

3. BACKGROUND

- 3.1 On 25 June 2020, the County Council made the Worcestershire County Council (Wyre Forest District – Kidderminster Area) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions and Street Parking Places) Consolidation Order 2007 (Variation) Order 2020. As this lengthily titled order implies it amends a Consolidation Order that was made in 2007. The 2020 Order followed consultation with residents in Lea Street, Kidderminster which has been affected for many years by users of the railway station parking in the street and thereby causing greater

difficulty for local residents in finding a space. Even with a residents' permit scheme, there is no guarantee that a permit holder will find a space but the probability of doing so will be higher.

- 3.2 It is the first residents' parking scheme in Wyre Forest to be implemented by the County Council, and therefore charges need to be set. Under the terms of an Agency Agreement for On Street Enforcement of Parking Control entered by this Council and the County Council on 28 March 2007, the District Council will operate the permit scheme and enforce it, including issuing penalty charge notices and retaining all income from the scheme. However clause 4.4 of the agreement provides that "the District and County Councils shall agree to determine the level of charges for residents parking permits". In other words, the decision on charges is to be taken jointly and neither party can do so unilaterally.
- 3.3 The level of charges and the treatment of costs and expenditure relating to on street parking charges and enforcement have to be handled within the parameters of the Road Traffic Regulation Act 1984, as amended, and in particular the provisions of Part IV of the 1984 Act that deal with powers to designate places on the highway where payment is required for parking.

4. KEY ISSUES

- 4.1 The county council's intention is that the scheme should be operational from 17 July. The Order was made only on 25 June and relevant documentation to allow this report to be prepared and submitted was not made available until more recently. Nevertheless this Council now needs to proceed with its part of the decision-making on charges for permits which, as explained in paragraph 3.2, is discharged jointly.
- 4.2 The fact sheet issued by the County Council to inform the consultation with residents said "Schemes have to be self-financing – parking permits would cost in the region of £40 per permit, per vehicle, per annum. Typically, a maximum of 3 vehicle permits and 1 visitor permit will be available to each property".
- 4.3 The level of charge for the annual permit for 2020-21 is therefore proposed to be set at £40 for residents. Businesses which occupy premises in Lea Street that are subject to business rates will be able to apply for permits at the higher charge of £50. In the case of the visitor's permit that each property or business may purchase, this will be £40 for a maximum of 320 visitor tickets or 12.5 pence for each ticket. A visitor's ticket has to be validated for use on a specific day and is valid for six hours – a visitor who stays throughout the operational hours of 8am to 6pm would therefore need to use two tickets to park for that day. Smaller numbers of visitor tickets can be purchased with the prices set at the equivalent rate of 12.5 pence for each ticket. In summary, therefore, the permit prices would be:

Resident's annual permit, for each vehicle. Maximum of 3 for a property.	£40
Business annual permit, for each vehicle. Maximum of 3 for each business. Available only for businesses liable to business rates on premises whose address is in Lea Street.	£50
Visitor's permits. Book of 80, valid for 6 hours each.	£10

Maximum number of books that may be purchased in a year by one property/business: four.	
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- 4.4 The County Council's decision to set the permit prices at these levels is an historic one and also applies to schemes in Wychavon and Bromsgrove.
- 4.5 Paragraphs 6.2 and 6.3 below set out relevant background on the policy in respect of future car parking and permit charges set by the Council in respect of off-street car parks. In order to seek consistency of approach for residents' parking permits in Wyre Forest, the report includes a recommendation that discussions should be undertaken with the County Council during 2021 about higher charges to apply in April 2022 and subsequent years. This would be in line with this Council's approach to setting fees and charges which, generally, sees increases over time to reflect increasing costs and to ensure that users of paid for services meet the costs associated with those services, rather than being subsidised by the generality of council taxpayers.
- 4.6 If railway station users who have been parking in Lea Street do not instead use the car parks at or near the station, including the Council's Comberton Place car park, the probability is that they will park in other nearby streets. This is likely to increase pressure for further residents' parking schemes to be implemented in the vicinity of the station. Other schemes may come forward in other areas in the district where there is intense competition for on-street car parking. In order to avoid a need for a report such as this on each occasion that a new residents' parking scheme is implemented, the report proposes that the initial charges for permits would be the same as those operated at the time in Lea Street. The recommendations therefore include a delegation to the Chief Executive to replicate the charging structure for permits in Lea Street at the point when any future residents' scheme is first implemented.

5. FINANCIAL IMPLICATIONS

- 5.1 The financial implications for the Council are impossible to estimate accurately. While some income is guaranteed from sale of permits, the level of income from penalty charge notices and the level of costs with administering and enforcing the scheme are not easily predicted. It is not certain that the Council will make a surplus from administering and enforcing the scheme.
- 5.2 In accordance with section 55 of the 1984 Act, an income and expenditure account must be kept and any surplus, after allocation of all allowable costs, can be used only for the purposes set out in section 55(4). The legislation allows for the costs and income to be balanced over a period of five years, so that a deficit in one of the preceding four years may be made good from a surplus in the current financial year. However any surplus has to be invested in a limited range of purposes and therefore is not available to contribute generally to easing this Council's funding gap as set out in the medium-term financial strategy.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The relevant provisions of legislation, traffic regulation orders and the agency agreement with the County Council have been cited above.
- 6.2 The Cabinet set charges for car parking charges and permits in December 2019. Its

decision was that the charges should be implemented in April 2020 and would also apply for 2021-22. They will be reviewed during 2021 with the expectation that revised charges will be implemented for April 2022. In line with the approach that the Council has followed for many years, charges for users of a service would generally be expected to increase to reflect higher costs (such as increases in staff salaries over time) and so that the service is not subsidised by the generality of council taxpayers. The proposals in this report are consistent with the Cabinet decision that charges for parking in 2020 should not be revisited in 2021. However, if the Council increases charges for its car parks in 2022 or subsequent years, it will not be able automatically to increase charges for residents' on street parking permits: this will require a joint decision with the county council.

- 6.3 In May the Cabinet established a Cabinet Advisory Panel on the green agenda and its terms of reference include "changes to season ticket prices for car parks to reward vehicles that do not have carbon dioxide emissions". The Panel's recommendations on this issue will come forward in due course. Now that there is a residents' permit scheme in operation, the Cabinet should expect for reasons of consistency to apply the recommendations to this and any other residents' scheme although, as noted above, this will require a joint decision with the county council. The Panel's recommendations are not yet known but might propose future changes to the pricing structure of permits for car parks to include, for example, higher charges for vehicles that have carbon emissions.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 No information is available on the level of car ownership in Lea Street with respect to the protected characteristics and therefore no meaningful impact assessment can be undertaken. The charges under the residents' parking scheme apply equally to all residents. No resident is required to buy a permit (although a lack of permit would affect the ability to park in the street between 0800 and 1800). The level of charges is considered to be low, relative to the cost of owning and operating a vehicle, and represents a weekly cost of less than 80p for each permit. This contrasts with £1 that the Council charges people to park for one hour in an off street car park. There is not considered to be any credible argument for discounts for low income households.

8. RISK MANAGEMENT

- 8.1 The principal risk for the Council is reputational in terms of ensuring that the scheme becomes fully operational, allowing residents to purchase permits and the Council to enforce the scheme.

9. CONCLUSION

- 9.1 The report sets out recommendations for the charges for permits with respect to the Lea Street scheme which have to be set jointly with the county council.

10. CONSULTEES

- 10.1 Cabinet
10.2 Corporate Leadership Team

11. BACKGROUND PAPERS

- 11.1 The Worcestershire County Council (Wyre Forest District – Kidderminster Area) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions and Street Parking Places) Consolidation Order 2007 (Variation) Order 2020.
- 11.2 The Worcestershire County Council (Wyre Forest District – Kidderminster area) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions and Street Parking Places) Consolidation Order 2007.
- 11.3 Residents' parking scheme – key criteria, facts & survey form (Worcestershire County Council, undated)
- 11.4 Agency Agreement for On Street Enforcement of Parking Control between Wyre Forest District Council and Worcestershire County Council, 28 March 2007