

Individual Executive Member Decision

Title of Report:	Parking Review Amendment 15: On-Street Charging (Newbury)
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	28 November 2013
Forward Plan Ref:	ID 2715

Purpose of Report: To inform the Executive Member for Highways, Transport (Operations), Emergency Planning, Newbury Vision of the responses received during the statutory consultation on the proposal to introduce on-street charging on various roads within Newbury and to seek approval of officer recommendations.

Recommended Action: That the Executive Member for Highways, Transport (Operations), Emergency Planning, Newbury Vision resolves to approve the recommendations as set out in Section 7 of this report.

Reason for decision to be taken: To enable Parking Review Amendment 15 to be progressed to implementation.

Other options considered: N/A

Key background documentation:

- On-Street Charging Proposals in Newbury Report - July 2013 - Informal Consultation.
- Plan Nos: AK71(SC1), AK72(SC1), AL72(SC1), AL75(SC1), AL76(SC1), AL77(SC1), AM72(SC1), AM73(SC1), AM74(SC1), AM75(SC1), AM76(SC1), AM77(SC1), AM78(SC1), AN72(SC1), AN73(SC1)
- Responses received during statutory consultation.
- High Court Judgement - Case No: 3325/2011 Attfield vs London Borough of Barnet .

Portfolio Member Details	
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Implications

- Policy:** The consultation was in accordance with the Council's Consultation procedures.
- Financial:** The purchase and installation costs of the pay machines is estimated at £50,000 and would be funded from the approved Capital Programme. The estimated income from this proposal is £25,000 to £30,000 per annum. This is the income that has already been identified in the 2013/14 Council savings plan. There are no further implications arising from this report.
- Personnel:** None arising from this report.
- Legal/Procurement:** The Sealing of the Traffic Regulation Order would be undertaken by Legal Services. Having undertaken detailed assessment of our costs in providing transport services as regards our income from parking charges, there are no implications arising from the recent Barnet case judicial ruling.
- Property:** None arising from this report.
- Risk Management:** None arising from this report.

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Is it a major policy, significantly affecting how functions are delivered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Will the policy have a significant impact on how other organisations operate in terms of equality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Does the policy relate to an area with known inequalities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia	<input type="checkbox"/>		
Not relevant to equality	<input checked="" type="checkbox"/>		

Consultation Responses

Members:

- Leader of Council:** Councillor Gordon Lundie was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.
- Overview & Scrutiny Management Commission Chairman:** Councillor Brian Bedwell was consulted by e-mail on 12 November 2013. He responded on 13 November as follows:
"I am satisfied the Council has taken note of the comments in the consultation and made adjustments accordingly, therefore I still do not object to this proposal."

Ward Members:

Councillor David Allen was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor Howard Bairstow was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor Jeff Beck was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor Paul Bryant was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor Billy Drummond was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor Adrian Edwards was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor Marcus Franks was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor David Goff was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor Roger Hunneman was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor Mike Johnston was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor Gwen Mason was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor Julian Swift-Hook was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the

Individual Decision meeting.

Councillor Ieuan Tuck was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor Tony Vickers was consulted by e-mail on 12 November 2013. To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

**Opposition
Spokesperson:**

Councillor Keith Woodhams was consulted by e-mail on 12 November 2013. He responded on 13 November as follows:

"The Conservative Administration at West Berkshire Council has made it very clear that they are not supporting local businesses or the economy in the centre of Newbury, by introducing on street parking charges. This is in the face of strong opposition from local retailers and businesses who signed a 1,719 petition opposing the scheme.

There is now a high risk that small traders who rely on passing trade will see business go out of town to retail parks where parking is free.

The impact will also be felt by many businesses in Faraday Road. Businesses I spoke to said that the parking bays which are currently free to park in, are used by customers who come in to buy a car or book a service. They may be put off coming if they have to mess about paying for parking by mobile phone and may instead choose to visit garages out of town where the parking is free. The staff were also concerned about where they would park to avoid the charge.

The idea that charging for parking in the centre of Newbury would "encourage a turn-over of the available parking spaces, which would benefit local traders" is farcical. The parking bays already have time limited parking to do this!

The cost of investing in ticket machines and enforcement is high for little financial return, but it could also cost the local economy dearly too!

The Conservative Administration has once again ignored local opinion but this was predictable."

Local Stakeholders:

N/A

Officers Consulted:

Mark Edwards, John Ashworth, David Holling, Wendy Howells, Alex Drysdale.

Trade Union:

N/A

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
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Supporting Information

1. Background

- 1.1 The Council undertook an initial informal public consultation on proposals to introduce on-street charging in Newbury between 21 January and 1 March 2013. This process was designed to establish the level of support locally for such a proposal and was also an important exercise to better understand the likely impact of the proposals on various user groups, including local businesses, so that alternative proposals could be considered, or changes could be made to mitigate the effect of the on-street charging if it was decided to proceed to the next stage of statutory consultation of the proposals.
- 1.2 At the end of the informal consultation period there had been 171 responses, including three separate petitions, one of which contained 1,719 signatures objecting to the proposal. A report was prepared in July which considered the responses and recommended several changes to the initial proposals as a result of the comments received. This report was published in the results tab on the Council's consultation finder and is reproduced at Appendix A. The report concluded that the scheme with the proposed amendments would be taken forward to the formal statutory consultation stage.
- 1.3 Having considered the comments received during the informal consultation the Council still considers that charging for on-street parking and limiting the periods of parking in the central area of Newbury would encourage a turn-over of the available parking spaces, which would benefit local traders. Discouraging all day commuter parking prevents road space being sterilised and would give visitors to the town more choice. Making best use of available road space where charging is proposed would have additional road safety and traffic management benefits, with the income generated providing much needed revenue to secure expeditious, convenient and safe movement of traffic and provision of suitable and adequate parking facilities on and off the public highway throughout the district.
- 1.4 On-street charging is already in place within West Berkshire, with long established schemes with parking meters in High Street Hungerford and in Station Road Newbury.
- 1.5 The streets considered for on-street charging in Newbury under this amended proposal were as follows:
 - (1) Bartholomew Street (outside of the Pedestrian Zone)
 - (2) Broadway
 - (3) Catherine Road
 - (4) Cheap Street
 - (5) Faraday Road industrial area (including Ampere Road, Fleming Road, Kelvin Road and Marconi Road)
 - (6) Kings Road West
 - (7) Link Road

- (8) Newtown Road
- (9) Northbrook Street (outside of the Pedestrian Zone)
- (10) Old Bath Road
- (11) Pelican Lane
- (12) West Mills

- 1.6 The proposed charging scheme would be operational daily between 8am and 6pm, including bank holidays. To help mitigate the impact on local traders the proposals included a 30 minute free parking period in the streets in the central area of Newbury and within the Faraday Road industrial estate, where there is a reliance on passing trade.
- 1.7 The charging scheme, as detailed in the Table of Charges for Newbury document at Appendix B, would vary dependant on location, however on Sundays a single daily charge of £1.00 would apply to all of the locations where on-street charging was introduced. Additionally, on Sundays the 30 minute free period and the 50p charge for up to 2 hours parking would be retained in all locations where it applied from Monday to Saturday.
- 1.8 The proposal includes 'Pay by Phone Only' at some more isolated locations where the potential for vandalism or damage to ticket machines was considered to be a significant risk. Information would be provided at these sites directing drivers to the nearest alternative location for parking using pay machines.
- 1.9 There would be no impact on Blue Badge Holders provided that their parked vehicle was displaying a valid Blue Badge as they would still be able to park free of charge. Resident permit holders would also not be affected as the proposal to introduce on-street charging is only in areas where there is no, or limited, residential parking available.
- 1.10 The changes to the informal consultation were included in Parking Review Amendment 15, which was advertised as the formal statutory public consultation on the amended proposals to introduce on-street charging in Newbury.
- 1.11 The statutory consultation and advertisement of the agreed proposals was undertaken between 25 July and 15 August 2013.

2. Issues arising during and immediately in advance of the statutory consultation period

- 2.1 On 22 July 2013 the High Court ruled against the London Borough of Barnet ('the Barnet case') in a case regarding its proposal to raise surplus revenue from increasing charges for residents parking permits and visitor vouchers. The legality of their method of revenue collection, together with their stated use of any funds raised were considered to be outside the scope of the Road Traffic Regulation Act 1984 (RTRA 1984) and therefore unlawful.
- 2.2 This case raised the profile of parking charges beyond just residents parking schemes nationally and therefore our proposed on-street charging scheme locally. At that time the Public Notice for Parking Review Amendment 15 had already been

placed with the local press for publication on 25 July 2013 so the advertisement and public consultation proceeded as normal.

- 2.3 In view of the judgement in the Barnet case and the wider implications for parking revenue, it was considered appropriate for further assessment to be undertaken on the financial aspects of the proposed on-street charging scheme for Newbury. This detailed work looked at the expenditure incurred in securing expeditious, convenient and safe movement of traffic and provision of suitable and adequate parking facilities on and off the public highway over the previous four financial years and compared this with the revenue from parking during the same timeframe.
- 2.4 This work was done because the Judgement indicated that, provided that any surplus parking income generated is spent on what was described as 'a remarkably broad range of functions in the RTRA 1984', including 'traffic schemes, pedestrian crossings, school crossings, street playgrounds, speed limits, bollards, traffic wardens, removal and immobilisation of vehicles, as well as different types of parking facilities' a Local Authority introducing such a scheme would be acting lawfully. The detailed work undertaken indicates that in fact the Council spends much more on such functions than it receives from parking revenue.
- 2.5 Having considered the Judgement and the declared purpose of the Council's proposed on-street parking scheme, it is considered that the proposals are lawful.

3. Responses to statutory consultation

- 3.1 At the end of the statutory consultation period 25 responses had been received, including comments from Newbury Town Council, Greenham Parish Council and the Liberal Democrat Group. A number of the objections presented detailed comments regarding the legality of the introduction of a charging scheme in light of various news articles regarding the Barnet case which appeared in the national press at the time of the consultation.
- 3.2 A detailed summary of all the comments received during the statutory consultation, together with officer comments, is provided in Appendix C to this report.

4. Equalities Impact Assessment Outcomes

- 4.1 An EIA Stage 1 has not been submitted for this report as it is considered that the implementation of on-street parking charges for Newbury will not deter any of the equality groups from their continued use of the parking spaces available as:
 - (a) The spaces will be available for unimpeded use by all;
 - (b) Blue Badge holders will still be able to park without charge;
 - (c) The pay by mobile phone service will enable customers to purchase parking time if they prefer this method of payment. This will benefit those with mobility problems who are not Blue Badge holders.

5. Other Factors for Consideration

- 5.1 The capital cost of purchasing and installing the pay machines is estimated at £50,000. Financial analysis of the estimated use of the proposed on-street charging bays, taking into account cash collection costs and ongoing maintenance of ticket

machines, provides a net annual figure of approximately £25,000 to £30,000. The proposed on-street charging scheme is therefore conservatively estimated to recoup the initial capital outlay within the first two years if fully adopted.

- 5.2 The provision of the pay machines that would be required for this scheme would be jointly funded from the Integrated Transport element of the Local Transport Grant from the Department for Transport and from Section 106 contributions for transport projects from local developments. Neither of these sources of funding should be spent on maintaining the highway.
- 5.3 Requests for additional restrictions cannot be made without going through the full statutory consultation process again, but requests resulting in a relaxation to a proposed restriction can be accommodated by amendments to the Traffic Regulation Order (TRO) prior to its Sealing.

6. Conclusion

- 6.1 Having carefully considered the responses to the consultation it is considered that the benefits of the proposed on-street charging restrictions outweigh the issues in the responses to the consultation and that the proposal should be introduced as advertised.
- 6.2 Due to the nature of parking schemes it can sometimes be difficult to accurately anticipate the consequences of change, such as where any displaced parking may occur. Therefore the parking restrictions will need to be monitored to determine their effectiveness and should any amendments be required these can be introduced as part of the review process, subject to the standard consultation procedure.

7. Recommendations

- 7.1 That the proposed on-street charging in Newbury be approved and introduced as advertised with effect from the start of the 2014/15 financial year.
- 7.2 That the parking scheme be monitored so that any parking displacement can be addressed as part of a future review.
- 7.3 That the respondents to the statutory consultation be informed accordingly.

Appendices

- Appendix A – On-Street Charging Proposals in Newbury – July 2013
- Appendix B – Table of Charges for Newbury
- Appendix C – Summary of Comments to Statutory Consultation.