

Individual Executive Member Decision

Title of Report:	Bank Holiday Car Park Charges
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	28 November 2013
Forward Plan Ref:	ID2707

Purpose of Report:	To respond to an objection from Newbury Town Council opposing the implementation of Bank Holiday parking charges in the Newbury car parks that was approved, subject to consultation, by Full Council on 5 March 2013.
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Recommended Action:	That the Executive Member for Highways, Transport (Operations), Emergency Planning and Newbury Vision resolves to approve the recommendations set out below:
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(a) To introduce the Bank Holiday charges as advertised having given due consideration to the objection from Newbury Town Council to the advertised amendment to the Parking Order and having detailed the reasons for the Council's position in this report;

(b) To confirm the Parking Order and implement the Bank Holiday parking charges in the Newbury car parks, being the daily parking charge on which the Bank Holiday falls as shown in Appendix A;

(c) To inform Newbury Town Council of the actions approved following consideration of this report.

Reason for decision to be taken:	To assist the Council in securing expeditious, convenient and safe movement of traffic and provision of suitable and adequate parking facilities on and off the public highway and to ensure that the Bank Holiday users of the Newbury car parks contribute to the running costs of the car park.
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Other options considered:	(a) Not to implement a Bank Holiday parking charge; (b) To implement a flat rate Bank Holiday parking charge.
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Key background documentation:	(a) Report to Full Council on 5 March 2013; (b) Objection to the advertised Parking Order lodged by
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Portfolio Member Details	
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Contact Officer Details	
Name:	Martyn Baker
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Implications

Policy:	None arising from this report.
Financial:	The proposed implementation of Bank Holiday parking charges in the Newbury car parks were a part of the Council's Revenue Budget for 2013/14. It was estimated that the Bank Holiday parking charges would raise some £10,000 in 2013/14.
Personnel:	None arising from this report.
Legal/Procurement:	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 20 June 2013 on the original version of this report. No reply was received at that stage but It was subsequently agreed with the Portfolio Member that the ID decision would be delayed to allow time for further consideration of the issues. This revised version of the report was re-issued for consultation by e-mail on 8 November 2013 and any subsequent reply will be reported directly to the Portfolio Member when the report is considered.

**Overview & Scrutiny
Management
Commission Chairman:** Councillor Brian Bedwell replied to the consultation on the original version on 21 June 2013 and advised:
"I have read the report and agree with the conclusions, In my opinion the charges proposed are reasonable particularly when compared with charges in adjoining authorities."

Any comments received on this revised version that was re-issued for consultation by e-mail on 8 November 2013 will be reported directly to the Portfolio Member when the report is considered.

Councillor Bedwell subsequently responded to the revised report on 9 November and advised: "my comments remain, thank you."

Ward Members: Councillor Jeff Beck replied to the consultation on the original version on 9 July 2013 and advised;
"I agree with the Recommended Action: (a), (b) and (c) for the following reason:
Whilst Parkway and Camp Hopson continue to offer no free parking nor a concessionary parking charge for Bank Holidays, I consider West Berkshire Council's proposals to be in line with the practice used by the private car park operators."
Any comments received on this revised version that was re-issued for consultation by e-mail on 8 November 2013 will be reported directly to the Portfolio Member when the report is considered.
Councillor Dave Goff was consulted on the original version by e-mail on 20 June 2013. No reply was received at that stage, but any subsequent reply to this revised version that was re-issued for consultation by e-mail on 8 November 2013 will be reported directly to the Portfolio Member when the report is considered.
Councillor Howard Bairstow was consulted on the original version by e-mail on 20 June 2013. No reply was received at that stage, but any subsequent reply to this revised version

that was re-issued for consultation by e-mail on 8 November 2013 will be reported directly to the Portfolio Member when the report is considered.

Councillor Adrian Edwards was consulted on the original version by e-mail on 20 June 2013. No reply was received at that stage, but any subsequent reply to this revised version that was re-issued for consultation by e-mail on 8 November 2013 will be reported directly to the Portfolio Member when the report is considered.

Councillor Gwen Mason was consulted on the original version by e-mail on 20 June 2013. No reply was received at that stage, but any subsequent reply to this revised version that was re-issued for consultation by e-mail on 8 November 2013 will be reported directly to the Portfolio Member when the report is considered.

Councillor Tony Vickers was consulted on the original version by e-mail on 20 June 2013. No reply was received at that stage, but any subsequent reply to this revised version that was re-issued for consultation by e-mail on 8 November 2013 will be reported directly to the Portfolio Member when the report is considered.

Councillor Mike Johnston was consulted on the original version by e-mail on 20 June 2013. No reply was received at that stage, but any subsequent reply to this revised version that was re-issued for consultation by e-mail on 8 November 2013 will be reported directly to the Portfolio Member when the report is considered.

Councillor Ieuan Tuck was consulted on the original version by e-mail on 20 June 2013. No reply was received at that stage, but any subsequent reply to this revised version that was re-issued for consultation by e-mail on 8 November 2013 will be reported directly to the Portfolio Member when the report is considered.

Councillor David Allen was consulted on the original version by e-mail on 20 June 2013. No reply was received at that stage, but any subsequent reply to this revised version that was re-issued for consultation by e-mail on 8 November 2013 will be reported directly to the Portfolio Member when the report is considered.

Councillor Roger Hunneman was consulted by e-mail on 20 June 2013. No reply was received at that stage, but any subsequent reply to this revised version that was re-issued for consultation by e-mail on 8 November 2013 will be reported directly to the Portfolio Member when the report is considered.

Councillor Billy Drummond was consulted on the original version by e-mail on 20 June 2013. No reply was received at that stage, but any subsequent reply to this revised version that was re-issued for consultation by e-mail on 8 November

2013 will be reported directly to the Portfolio Member when the report is considered.

Councillor Julian Swift-Hook was consulted on the original version by e-mail on 20 June 2013. No reply was received at that stage, but any subsequent reply to this revised version that was re-issued for consultation by e-mail on 8 November 2013 will be reported directly to the Portfolio Member when the report is considered.

Councillor Swift-Hook subsequently responded to the revised report on the same day and advised:

"I did not respond to the original consultation because I assumed it was not necessary given that I am Leader of the Council that raised the objection with WBC to which the Report is responding.

The proposal is explicitly designed to raise £10,000 per annum for WBC and all other considerations are disregarded. It is justified entirely on what benefits WBC and completely ignores the interests of the resident and business communities that WBC exists to serve.

It seems that no account has been taken of the cost of implementing changes (advertising, new signage, reprogramming ticket machines, etc).

I continue to object.

Could you please ensure that all of my above comments are recorded?"

**Opposition
Spokesperson:**

Councillor Keith Woodhams was consulted on the original version by e-mail on 20 June 2013. No reply was received at that stage, but any subsequent reply to this revised version that was re-issued for consultation by e-mail on 8 November 2013 will be reported directly to the Portfolio Member when the report is considered.

Local Stakeholders:

Newbury Town Council lodged an objection when the Parking Order to implement the Bank Holiday parking charges was advertised.

Officers Consulted:

Mark Cole; Mark Edwards; John Ashworth; Wendy Howells; David Holling.

Trade Union:

N/A

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

1. Background

- 1.1 The Council undertook an informal web based consultation exercise between 21 January and 1 March 2013. This consultation sought to understand the likely impact of charging for parking on bank holidays in all of the Council's pay to park car parks in the district. At the conclusion of this informal consultation no objections and two comments had been received. It was therefore decided to proceed to the statutory advertisement and consultation stage. It was decided that these charges would be introduced in Newbury car parks only initially. The rollout to the remainder of the district will be reviewed later in the financial year.
- 1.2 On 5 March 2013 the Council approved the 2013/14 revenue budget and this included the implementation, subject to consultation, of parking charges on Bank Holidays in the Newbury car parks, with the appropriate daily parking charge being applied according to the day of the week on which the Bank Holiday falls. The current parking charges in the Newbury car parks are shown in Appendix A to this report.
- 1.3 The statutory process to advertise the change to the Parking Order prior to implementing the Bank Holiday parking charges in the Newbury car parks generated an objection from Newbury Town Council. The objection was sent by the Chief Executive of Newbury Town Council and it read:

“Thank you for the opportunity to respond to the Consultation on Bank Holiday Parking Charges. Newbury Town Council met and formulated this response at the Planning & Highways Committee meeting on 22 April 2013.

Newbury Town Council objects to the rise in parking charges for Bank Holidays. It was felt that this would discourage people from visiting the town for leisure purposes. If there is to be any increase, then it should be limited to that charged on Sundays.”

- 1.4 In the light of the objection the implementation of the Bank Holiday parking charges in the Newbury car parks has been deferred until the objection has been considered and a decision made as to whether or not the Bank Holiday parking charges should still be implemented in the Newbury car parks.

2. Factors for Consideration

- 2.1 As a part of the 2013/14 financial strategy the Council agreed to seek to implement Bank Holiday parking charges in the Newbury car parks and it was estimated that this would generate some £10,000 in a full financial year. This income will assist the Council in securing expeditious, convenient and safe movement of traffic and provision of suitable and adequate parking facilities on and off the public highway. Much of this income would be generated from the Christmas and New Year period when parking demand is highest and where there are three Bank Holidays within a week.
- 2.2 When the Council implements new car parking charges it does so by advertising an amendment to the Parking Order through a statutory process contained within Section 35 (c) of the Road Traffic Regulation Act 1984. This requires the Council to

place an advertisement in the local press for the area concerned and to simultaneously erect notices on site advertising the new parking charges and the implementation date. While there is technically no objection process the Council takes due consideration of comments made by customers and this is manifest in the deferral of the proposed Bank Holiday parking charges in the Newbury car parks. The advertising process detailed above also serves as a form of consultation as it may well be envisaged that a formal consultation process about whether or not parking charges should be implemented on those days when parking had hitherto been free is unlikely to receive customer endorsement.

- 2.3 The Parking Order was advertised under the statutory process to make the amendment to implement the Bank Holiday parking charges in the Newbury car parks from 11 April to 2 May 2013. It was at that stage that Newbury Town Council made their objection.
- 2.4 As indicated in 2.1 above Bank Holiday charging will assist the Council in securing expeditious, convenient and safe movement of traffic and provision of suitable and adequate parking facilities on and off the public highway. The Council's car parks operating costs are not ameliorated on Bank Holidays and the Council must still pay Business Rates, power charges and other costs irrespective of the day of the week. The Council needs to offset these running costs and these parking charges will assist in this respect. The Council has adopted a view that users of discretionary services, such as car parks, should pay for the service used. Sunday parking charges and Bank Holiday parking charges are not new and they have been implemented in Council operated car parks and privately operated car parks in towns and cities throughout the country. The decision to make the Bank Holiday parking charge appropriate to the day of the week on which the Bank Holiday falls is fair and reasonable as those Bank Holidays that do not fall on a fixed day of the week each year will inevitably fall on a Sunday in their turn.
- 2.5 Although not a specific factor that has informed the Council's proposal, it is worth noting that the privately operated car parks in Newbury (Parkway; Camp Hopson; Euro Car Parks) operate Bank Holiday parking charges and use the parking charge that prevails on the day on which the Bank Holiday falls. None of them offer either free parking or a concessionary parking charge for Bank Holidays. Therefore, the Council's proposal is in line with the practice used by the private car park operators.
- 2.6 Consideration was given to the option of introducing a flat rate Bank Holiday charge (that could be aligned to Sunday charges) when the proposal was first considered but it was decided that this would be confusing for customers, potentially resulting in them incurring penalty charges and would not be in line with what the private operators are doing. Consequently this option was not taken forward at the informal consultation stage. In view of the fact that there were no objections to the proposal it was not taken forward at the statutory advertisement and consultation stage either. If this were to be considered again at this late stage it would further delay the introduction of the charges because it would be necessary to undertake another statutory advertisement and consultation on the revised proposal.

3. Equalities Impact Assessment Outcomes

- 3.1 An EIA Stage 1 has not been submitted for this report as it is considered that the implementation of Bank Holiday parking charges will not deter any of the equality groups from their continued use of the Newbury car parks as:

- (a) The Newbury car parks will be available for unimpeded use by all;
- (b) Blue Badge holders may park without charge (except in the Library and Central car parks as currently);
- (c) To assist disabled persons the Council has provided 79 disabled parking bays in the Newbury car parks that are available for use by Blue Badge holders; and
- (d) The pay by mobile phone service is available in all of the Newbury car parks so that customers may purchase parking time or pay remotely for their parking time, negating the need to walk to the machine. This will benefit those with mobility problems who are not Blue Badge holders.

4. Conclusion

- 4.1 Upon review of the objection made by Newbury Town Council it is considered that with the Council operating in a climate of severe financial restraint it is reasonable to identify and implement legitimate income sources, particularly where services have been provided free of charge and the service costs have been absorbed by others. The Council has a range of unavoidable costs in the provision of the Newbury car parks and those costs are not reduced when it is a Bank Holiday. It is reasonable that service users should make a contribution to those running costs by paying a Bank Holiday parking charge with that charge being the appropriate parking charge for the day of the week on which the Bank Holiday falls. Consequently it is considered that the Bank Holiday parking charges should be implemented without further delay and that those parking charges should be the appropriate parking charge for the day of the week on which the Bank Holiday falls.

5. Financial Implications

- 5.1 In the budget report to Council on 5 March 2013 it was calculated that the Bank Holiday parking charges would generate some £10,000 of additional annual income. However, that income target is no longer achievable in 2013/14. If the report is agreed the Bank Holiday parking charges will be implemented in time for the new financial year 2014/15.

6. Recommendations

- 6.1 Having considered the objection raised by Newbury Town Council against the advertised amendment to the Parking Order and having detailed the reasons for the Council's position in this report, it is recommended that the proposal should be introduced as advertised.
- 6.2 It is recommended that the Parking Order be confirmed and the Bank Holiday parking charges, being the daily parking charge on which the Bank Holiday falls as shown in Appendix A to this report, be implemented.
- 6.3 It is recommended that Newbury Town Council be informed of this decision.

Appendices

Appendix A: Current Parking Charges in the Newbury Car Parks

Parking Charges from 21 May 2012

Newbury Car Parks

Kennet Centre and Northbrook Multi-Storey

Monday to Saturday 8.00 am to 6.00 pm	Tariff
Up to 1 hour	£1.00
Up to 2 hours	£2.20
Up to 3 hours	£3.40
Up to 4 hours	£4.50
Up to 6 hours	£6.50
Up to 8 hours	£8.50
Over 8 hours	£12.00
Monday to Saturday: Evening Charge 6.00 pm to 8.00 am	£1.00
Sunday : 8.00 am to 6.00 pm	£1.00
Sunday: Evening Charge 6.00 pm to 8.00 am	£1.00

Central and Library

Monday to Saturday 8.00 am to 6.00 pm	Tariff
Up to 1 hour	£1.00
Up to 2 hours	£2.20
Up to 3 hours	£3.40
Up to 4 hours	£4.50
Up to 6 hours	£6.50
Up to 8 hours	£8.50
Over 8 hours	£12.00
Monday to Saturday: Evening Charge 6.00 pm to 8.00 am	£1.00
Sunday : 8.00 am to 6.00 pm	£1.00
Sunday: Evening Charge 6.00 pm to 8.00 am	£1.00

Corn Exchange (Bear Lane)

Monday to Saturday 8.00 am to 6.00 pm	Tariff
Up to 1 hour	£1.00
Up to 2 hours	£2.20
Up to 3 hours	£3.40
Up to 4 hours	£4.50
Over 4 hours	£14.00
Monday to Saturday: Evening Charge 6.00 pm to 8.00 am	£1.00
Sunday : 8.00 am to 6.00 pm	£1.00
Sunday: Evening Charge 6.00 pm to 8.00 am	£1.00

Pelican Lane; West Street; Eight Bells; and Market Street

Monday to Saturday 8.00 am to 6.00 pm	Tariff
Up to 1 hour	£1.00
Up to 2 hours	£2.20
Up to 3 hours	£3.40
Up to 4 hours	£4.50
Up to 6 hours	£6.50
Up to 8 hours	£8.50
Over 8 hours	£12.00
Monday to Saturday: Evening Charge 6.00 pm to 8.00 am	£1.00
Sunday : 8.00 am to 6.00 pm	£1.00
Sunday: Evening Charge 6.00 pm to 8.00 am	£1.00

Northcroft Lane; and Wharf

Monday to Saturday 8.00 am to 6.00 pm	Tariff
Up to 1 hour	£1.00
Up to 2 hours	£2.20
Up to 3 hours	£3.40
Up to 4 hours	£4.50
Over 4 hours	£14.00
Monday to Saturday: Evening Charge 6.00 pm to 8.00 am	£1.00
Sunday : 8.00 am to 6.00 pm	£1.00
Sunday: Evening Charge 6.00 pm to 8.00 am	£1.00

Northcroft Lane West

Monday to Saturday 8.00 am to 10.00 pm	Tariff
Up to 2 hours	£1.50
Up to 4 hours	£3.00
Over 4 hours	£5.00
Sunday : 8.00 am to 10.00 pm	£1.00

Newbury Football Club

Monday to Saturday 8.00 am to 6.00 pm	Tariff
Up to 2 hours	£1.50
Up to 4 hours	£3.00
Over 4 hours	£5.00
Monday to Saturday: Evening Charge 6.00 pm to 8.00 am	£1.00
Sunday : 8.00 am to 6.00 pm	£1.00
Sunday: Evening Charge 6.00 pm to 8.00 am	£1.00

Market Street (Staff) Car Park – (Operates on Saturdays only)

Saturday 8.00 am to 6.00 pm	Tariff
Up to 2 hours	£1.50
Up to 4 hours	£3.00
Over 4 hours	£5.00
Evening Charge 6.00 pm to 8.00 am	£1.00

Coach Park

Monday to Saturday 8.00 am to 6.00 pm	Tariff
Up to 2 hours	£4.00
Over 2 hours	£8.00
Monday to Saturday: Evening Charge 6.00 pm to 8.00 am	£1.00
Sunday : 8.00 am to 6.00 pm	£1.00
Sunday: Evening Charge 6.00 pm to 8.00 am	£1.00

Goldwell Park Car Park

Monday to Saturday 8.00 am to 10.00 pm	Tariff
Up to 4 hours	£1.00
Over 4 hours	£2.00

Station Road (On-Street Parking)

Monday to Saturday 8.00 am to 6.00 pm	Tariff
Up to 2 hours	£1.00
Up to 4 hours	£2.00
Over 4 hours	£3.50