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A meeting of **Overview & Scrutiny Committee** will be held in Committee Room 2, East Pallant House on **Tuesday 24 January 2017 at 11.00 am**

MEMBERS: Mrs C Apel (Chairman), Mrs N Graves (Vice-Chairman), Mr P Budge, Mr J Connor, Mr M Cullen, Mrs P Dignum, Caroline Neville, Mr N Galloway, Mr H Potter, Mr G Hicks, Mr J Ransley, Mr A Shaxson, Mr S Lloyd-Williams, Mrs J Tassell and Mr N Thomas

AGENDA

- 1 **Chairman's announcements**
Any apologies for absence that have been received will be noted at this point.
- 2 **Urgent Items**
The Chairman will announce any urgent items that due to special circumstances are to be dealt with under the agenda item below relating to Late Items.
- 3 **Declarations of Interests**
Members and officers are reminded to make any declarations of disclosable pecuniary, personal and/or prejudicial interests they may have in respect of matters on the agenda for this meeting.
- 4 **Public Question Time**
The procedure for submitting public questions in writing by no later than 12:00pm the day before the meeting is available [here](#) or from Democratic Services Officer (whose contact details appear on the front page of this agenda).
- 5 **Call-In of the Cabinet decision relating to evening car parking charges in New Park Road and Northgate Car Parks** (Pages 1 - 9)
That Overview & Scrutiny consider this Call-In and either:
 - (a) refer it back to the decision maker for re-consideration, setting out in writing the nature of the committee's concerns
 - (b) refer the matter to Council setting out in writing the nature of the committee's concerns
 - (c) decide that neither (a) or (b) above applies in which case the decision will be effective immediately thereafter.
- 6 **Late Items**
Consideration of any late items as follows:
 - a) Items added to the agenda papers and made available for public inspection.
 - b) Items which the Chairman has agreed should be taken as matters of urgency by reason of special circumstances reported at the meeting.
- 7 **Exclusion of the Press and Public**
The Committee is asked to consider in respect of any of the items on this agenda whether the public, including the press, should be excluded from the meeting on the grounds of exemption under Parts I to 7 of Schedule 12A of the Local

Government Act 1972, as indicated against the item and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

NOTES

1. The press and public may be excluded from the meeting during any item of business where it is likely that there would be disclosure of “exempt information” as defined in section 100A of and Schedule 12A to the Local Government Act 1972.
2. Restrictions have been introduced on the distribution of paper copies of supplementary information circulated separately from the agenda as follows:
 - a) Members of the Overview & Scrutiny Committee, the Cabinet and Senior Officers receive paper copies of the supplements (including appendices). Other members may request a copy of the supplementary information or a copy is available in the Members’ Room, East Pallant House.
 - b) The press and public may view this information on the council’s website here [here](#) unless they contain exempt information.
3. The open proceedings of this meeting will be audio recorded and the recording will be retained in accordance with the council’s information and data policies. If a member of the public enters the committee room or makes a representation to the meeting, they will be deemed to have consented to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting, please liaise with the contact for this meeting at the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intention before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided.

Chichester District Council

OVERVIEW & SCRUTINY COMMITTEE

24 JANUARY 2017

Call-In of the Cabinet decision relating to evening charges in New Park Road and Northgate Car Parks

Contacts:

Cabinet Member:

Gillian Keegan, Cabinet Members for Commercial Services,
Tel: 01798 344084 E-mail: gkeegan@chichester.gov.uk

Report Author:

Tania Murphy, Parking Service Manager,
Tel: 01243 534701 E-mail: tmurphy@chichester.gov.uk

Recommendation:

That Overview & Scrutiny consider the Call-In and either:

- (a) refer it back to the decision maker for re-consideration, setting out in writing the nature of the committee's concerns
- (b) refer the matter to Council setting out in writing the nature of the committee's concerns
- (c) decide that neither (a) or (b) above applies in which case the decision will be effective immediately thereafter.

Background

Parking Charges are reviewed annually and are subject to consideration in line with other neighbouring authorities, capacity issues and associated running costs. Car park users expect charges to be reasonable and proportionate. The Council needs to generate enough income from car parking to cover its costs and to allow for future investment. Car parks occupy valuable sites and charges need to reflect this aspect. If they are not serving their purpose effectively, or their usage could be consolidated, there may be another economically beneficial use to which a site could be put.

Chichester District Council's Car Park Strategy 2010-20 reflects the need to maximise the capacity of the existing stock. One method of doing so is to ensure that charges are set at a level which encourages turnover of use in higher demand areas.

Details of Call-In

A Call-In has been received relating to the decision made by Cabinet on 10 January 2017 relating to Off-Street Parking Charges. The call in only relates to paragraph 5.1 (a) – 'To

extend the hours of charging in New Park Road and Northgate Car Parks from 6.00pm Monday to Saturday to 8.00pm Monday to Saturday’.

The Call-In has been properly made in accordance with the Constitution and as a result has been referred to the Overview and Scrutiny Committee for consideration.

The Call-In request states the reasons for Call-In as follows:

1. Inadequate consultation process and flawed interpretation of responses
2. Inequality of charges on New Park due to different car parking hourly rates
3. Effect on CFT, New Park activities and night-time economy

This paper addresses each of those specific points in order to assist the Committee with their consideration.

Details of Consultation Process Undertaken

The proposal to implement the extension of charging hours has been considered and consulted on through the processes as detailed below:

1. Chichester District Parking Forum, at its meeting on 6 September 2016, considered and discussed a number of options relating to Parking Charges for implementation from 1 April 2017 and agreed that these should be considered by Cabinet for implementation. One of these options was to extend the period of charging within Northgate and New Park Road car parks within Chichester city from the existing 8.00am – 6.00pm Monday to Saturday to 8.00am – 8.00pm Monday to Saturday. Chichester District Parking Forum is a group of internal and external stakeholders who consider the parking and charging strategy for district car parks prior to these options being considered by Cabinet. A Parking Forum is not a statutory requirement for local authorities and Chichester District Council is, indeed, quite unique in having such comprehensive consultative group in place. The very existence of the Parking Forum and the process of consideration of parking charges by this Forum is therefore evidence of the authority undertaking additional consultation on parking charges prior to implementation.

The Terms of Reference and Membership of the Chichester District Parking Forum is attached at Appendix 1.

2. Contact was made with both the New Park Centre and Chichester Festival Theatre prior to Cabinet on 1 November, to enable both organisations to provide details of their considerations of the potential proposals at an early stage. This is another example of the authority having provided an additional opportunity for consultation to the process which was not required under the Road Traffic Regulation Act 1984 when setting parking charges. Details of the feedback received from both the New Park Centre and Chichester Festival Theatre were included as an oral update to Cabinet on 1 November to assist with consideration of the proposals for consultation. Details of the discussion and feedback from the two organisations are included within Minute 281 of Cabinet Meeting of 1 November 2016.

3. Following agreement by Cabinet that the proposals discussed should be consulted on, the statutory process, meeting the requirements of the Road Traffic Regulation Act 1984 was followed and a notice was placed in local newspapers (Observer Series), on 17 November 2016, advertising the proposed charges and providing details of the method for consultation responses to be received. In addition to this, and as stated within the advert, the draft Parking Order detailing the proposed charges was available for inspection at East Pallant House and the Council's Area Offices. Several Notices were also placed in both car parks on 17 November detailing the proposed charges and the method of providing any consultation responses. This process meets with the requirement of the Road Traffic Regulation Act 1984 for the communication and amendment of parking charges.
4. Statutory consultees were also contacted with details of the proposed charges and invited to provide feedback on the proposals. A list of statutory consultees is included at Appendix 2.
5. Significant media interest in the proposals resulted in an increased awareness of the proposals under consideration. This was seen through extensive press and social media coverage.
6. The statutory timescale for advertisement of proposed charges is 21 days within the affected car parks. The timescale was extended in this case, with 26 days allowed (to incorporate the final weekend), for responses - an enhancement to the required process. In addition to this, Chichester City Council communicated during the consultation process that they wished to have an extension of time as they wanted the opportunity to consider at both the Finance Committee and their Full Council meeting prior to submitting their response. This was also agreed. Three additional responses to the consultation were received after the close of the consultation period and were included as a verbal update to Cabinet. Again, this is evidence of enhancement of the required consultation process having been in place.
7. A decision was taken at Cabinet on 6 December that the responses to consultation would be considered by Cabinet in January prior to being implemented. (This amended the recommendation which had been agreed at Cabinet on 1 November which permitted delegated authority to the Head of Commercial Services, which is the standard process). This therefore provided an additional opportunity for consideration of the proposals.
8. The advertised deadline for consultation responses was 12 December 2016. Prior to the consultation deadline an email was sent to both Chichester Festival Theatre and New Park Community Centre, as they had not yet responded in the consultation period, to remind them of the consultation process and to request any additional information they wished to provide. Both organisations responded and their comments were considered and were taken into consideration when finalising the

Cabinet Report. A total of 21 responses were received, with 4 of these being in support of the proposals. These responses were summarised and included within the report to Cabinet relating to On-Street Parking Charges on 10 January 2017. Cabinet debate determined that the proposals for evening charges would be introduced with effect from 1 April 2017 as a trial period.

Impact of Charges on New Park due to different hourly rates

Tariffs within car parks are set to reflect the local circumstances, capacity and demand, in order to performance manage the usage of the car parks. New Park Road, being a short stay car park in the city centre does therefore attract a higher tariff. Customers using the car park during the day, including those using the New Park Centre, are currently subject to the same hourly tariff which is proposed for the extended hours.

There are a number of other parking options in close proximity to the New Park Road Car Park – with the Cattle Market car park providing over 800 spaces which will remain free during the trial period proposed.

Customers of New Park Community Centre are one group of the many users of the car park (there are many restaurants, pubs and retail outlets close by), with the New Park Community Centre having an added advantage of its own car park with a number of spaces which can be provided to customers. In addition to this the proposal incorporates some drop off / pick up parking bays for a maximum of 20 minutes to assist with customers using local facilities.

Effect on Chichester Festival Theatre, New Park Activities and Night-time Economy

Feedback on the proposals was received by both Chichester Festival Theatre and the New Park Centre, referencing their concerns relating to the impact on their users. This feedback was included as part of the papers for Cabinet, where it was determined that the trial of evening charges would be closely monitored for any resultant impact on local organisations such as the New Park Centre and Chichester Festival Theatre.

Evening charges exist in many cities across the country and the existence of these meet with the policy of users paying for the service for which they receive and attempting to make the charges for daytime and evening users equitable. Examples of this were provided within the Cabinet Report.

Similar concerns were raised when the Council proposed to introduce charges for the first time in its car parks, when these were extended to rural car parks and on Sundays. Despite these concerns the Council has always been very careful to ensure that any changes are proportionate and will not have the negative impacts at first envisaged in some quarters. This has been the experience on each occasion.

Chichester Festival Theatre in the past has supported the introduction of evening charges, albeit with the income being credited to the Theatre, as evidenced by their letter dated 23 August 2011 (attached as Appendix 3).

Appendices

Appendix 1 – Terms of reference and membership of Chichester District Parking Forum

Appendix 2 – Statutory consultees

Appendix 3 – Letter from Chichester Festival Theatre dated 23 August 2011

Chichester District Parking Forum

Terms of Reference

Broad Objective

To advise Chichester District Council and its Cabinet on all matters relating to parking throughout the district, including specifically the parking strategy for Chichester city and other towns and rural areas and the charges to be applied in the Council's off street car parks, and to comment on matters relating to on-street parking provision.

Membership

Cabinet Member whose portfolio includes parking and five other district councillors from Bosham, Chichester, Midhurst, Petworth and Selsey/The Witterings respectively

- 1 representative from Chichester City Council
- 1 representative from Chichester Chamber of Commerce
- 1 representative from Federation of Small Businesses
- 1 representative from Chichester Access Group
- 1 representative from Chichester BID
- 2 representatives from Residents Associations
- 1 representative from businesses in the north of the district
- 1 representative from businesses in the Manhood Peninsula
- Representative from West Sussex County Council Parking Strategy

Parking Charges – List of Statutory Consultees

- Chichester Chamber of Commerce
- Chichester City Council
- East Wittering and Bracklesham Parish Council
- Midhurst Parish Council
- Petworth Parish Council
- The Road Haulage Association
- Selsey Chamber of Commerce
- West Wittering Parish Council
- West Sussex County Council
- Freight Transport Association, London & South East Region
- Petworth Business Association
- Selsey Business Partnership
- Sussex Police

In addition to the above, Chichester Festival Theatre and New Park Community Association were also contacted and invited to comment.

CHICHESTER FESTIVAL THEATRE

23rd August 2011

Paul Over Esq
Director of Employment and Property
Chichester District Council
East Pallant House
East Pallant
Chichester
West Sussex
PO19 1TY

Dear Paul

Chichester Festival Theatre - funding

Firstly, I would like to express our thanks, once again, for the confidence that the District Council has placed in Chichester Festival Theatre (CFT) by agreeing to provide a grant of £250,000 per annum from 2010/11 until 2017/18. This is not only vital for the continuing operation of CFT, but was, and will continue to be, an important factor in Arts Council South East's (ACESE) decision to award CFT National Porfolio Funding status. ACESE sets great store by the funding arrangement between us.

As you know, we have been looking at the capital needs as we approach the 50th Anniversary of the Festival Theatre. In 2009, the Trustees commissioned two reports: a detailed dilapidations study and a visioning exercise that aims to solve all the problems of space in the Festival Theatre and, in particular, health and safety and access issues for our audiences and staff. The costs of the preferred scheme are in the region of £20-22 million and we are currently in a period of public consultation before a final decision is taken. The summary of the Conservation Management Plan is already on our website and many audience members have already completed the comment cards which are available in the foyer.

contd/ ...

Arts Council England (ACE) will be announcing a new national Capital Programme during September/October this year, to which we intend to make an application. ACE has reiterated the importance of the funding agreement which I have mentioned above in any application which we may make to the Capital Programme.

Following the increasing popularity of CFT's artistic programme, many more people from outside the District are coming to see the plays and shows, and a large proportion of them use the Northgate parking facilities. As a result of this, it has been suggested that a nominal evening parking charge – say, until 8.00pm – might be introduced, and that this charge should be seen to be for the benefit of CFT. It is something which we believe audiences would be prepared to support, and would also indicate to ACE that CDC was helping CFT to achieve the funds necessary to progress the refurbishment and redevelopment of the Festival Theatre.

I understand that Cabinet will be considering the wider issues of car parking at its meeting on 8th September 2011 and wondered if the above proposal might be included in its considerations.

With thanks and best wishes



Alan Finch
Executive Director

cc: John Marsland