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

**Members Present:** 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, Mrs J Tassell and Mr N Thomas

**Members not present:** Mr S Lloyd-Williams

**In attendance by invitation:**

**Officers present:** Mr N Bennett (Legal and Democratic Services Manager), Mr S Hansford (Head of Community Services), Mrs J Hotchkiss (Head of Commercial Services), Mrs B Jones (Principal Scrutiny Officer), Mrs T Murphy (Parking Services Manager), Mr P E Over (Executive Director), Mrs D Shepherd (Chief Executive) and Mr J Ward (Head of Finance and Governance Services)

## 138 **Chairman's announcements**

Apologies had been received from Mr S Lloyd-Williams.

## 139 **Urgent Items**

There were no urgent items for consideration at this meeting.

## 140 **Declarations of Interests**

Mrs Apel, Mrs Tassell and Mrs Dignum declared a personal interest in agenda item 5 in respect of their membership as friends of Chichester Festival Theatre.

## 141 **Public Question Time**

No public questions had been received.

## 142 **Call-In of the Cabinet decision relating to evening car parking charges in New Park Road and Northgate Car Parks**

The committee considered the report in the agenda (copy attached to the official minutes).

Mr S Hansford, Head of Community Services, advised the committee the call in related to a decision taken by Cabinet at its meeting on 10 January 2017 relating to agenda item 8 Off Street Parking Charges. Cabinet resolved:

(1) That having considered the representations made in respect of the proposal to amend the *Chichester District Council (Off Street Parking Places) (Consolidation) Order 2012*, the *Chichester District Council (Off Street Parking Places) (Consolidation) (Variation No 1) Order 2017*, to include reference to the charges detailed in paragraph 5 of the agenda report (as amended in sub-para (a) thereof), shall come into effect from 1 April 2017.

(Paragraph 5.1(a) of the report states - 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.)

Councillor Mr Richard Plowman had initiated the call in, supported by Mr Leslie Hixson, Mrs Tricia Tull, Mr Mike Hall, Mrs Jane Kilby and Mrs Julie Tassell.

The criteria identified by Mr Plowman for calling in the decision was that a) the decision is likely to cause distress, harm or significant concern to a local community or to prejudice individuals within it, b) the matter has not been subject to consultation or debate with relevant interested parties and h) the views of the members requesting the call in were not taken into account in arriving at the original decision.

Mr Hansford explained the procedure for hearing the call in. He also reminded the committee that they had three options – 1) to accept the Cabinet decision in which case it would come into effect immediately; 2) to refer the decision back to the decision maker for reconsideration, setting out in writing the nature of the committee's concerns, or 3) to refer the matter to Council, setting out in writing the nature of the committee's concerns. If the matter was referred to Council, Council would not be able to make a decision, but would, in turn, need to refer the decision back to the decision maker, Cabinet.

Mr Plowman was invited to present his evidence to demonstrate the alleged breaches. These were:

- 1) There had been an inadequate consultation process and flawed interpretation of the responses.
- 2) There was inequality of charges in New Park Road Car Park due to different car parking hourly rates.
- 3) The effect on Chichester Festival Theatre and New Park activities and the night time economy.

Mr Plowman wished to call witnesses from the following organisations – Chichester Festival Theatre, New Park Centre and Chichester City Council. These witnesses each presented their case for supporting the call in.

Mr T French, representing Chichester City Council, spoke against the decision stating that the City Council had voted against the decision as a consultee. He was also the City Council representative on the Chichester District Parking Forum. He

supported car parking charges when these charges were fair and didn't result in Chichester being out of kilter with neighbouring cities. In 2015, when evening car parking charges were suggested, West Sussex County Council was against charging beyond 6pm due to traffic management reasons. He agreed with the reasons stated by Mr Plowman that this would be bad for the city and affect the night time economy.

Ms A McDonald-Hughes spoke on behalf of the New Park Centre, saying that total footfall was about 130,000 per annum, half being cinema goers and the other half attending activities at the centre. There were over 30 groups which would be affected by evening car parking charges - support groups and counselling services for the disadvantaged, many of whom have very low disposable incomes.

Ms R Tackley, the new Executive Director at the Chichester Festival Theatre, stated that as evening car parking charges were not planned at all car parks, it would disproportionately affect evening theatre goers, a large number of whom came to the theatre by car. The proposed charges would equate to 15% on the fee for a theatre ticket. Many people would arrive at 7pm to avoid a charge between 6pm and 7pm and this would have a knock on effect on queues and late entry to performances, making patrons stressed before their evening out. Some of the theatre's staff on the living wage would suffer.

Mrs Keegan Cabinet Member for Commercial Services was invited to respond to the call in and put the case for the decision as set out in the report to the committee.

An opportunity was then given for witnesses to be questioned by the members of the committee.

The committee made the following comments, which were responded to by Mrs G Keegan, Cabinet Member for Commercial Services and Mrs T Murphy, Parking Services Manager.

- There were concerns over the consultation process.
- A trial period was a ruse as once in place there was no going back.
- To be fair a policy must apply to all car parks.
- In 2011 the theatre had supported the introduction of an evening car parking charge which it had requested was donated to the theatre to assist fundraising for new building works.
- Other accessible car parks were within 10-15 minutes' walk from the theatre.
- Questioned the fairness of policy by singling out these two car parks for raising revenue.
- Cabinet made a decision in October 2015 to freeze car parking charges in all car parks from April 2016 to March 2018.
- Suggested that capacity of the two car parks was being targeted to encourage usage of other car parks in the city.
- There was a need to review the car parking charging policy to look at the freeze on increasing charges which had been implemented for two years from 2016-2018 and not to target these two car parks for evening charges.

- Day time users were subsidising night time users by charging during the day time only.

Mr Plowman made a concluding statement that if this was a revenue generating exercise he considered there were fairer ways of doing it. Chichester Vision was in progress and car parking would be part of that discussion in improving the night time economy. He suggested waiting to see what the outcome of the Vision was before implementing this decision.

Mrs Keegan made a concluding statement stating that as a responsible council we needed to ensure we balanced our budgets in a fair way. The introduction of evening car parking charges was for a trial period of one year. There was a drop off zone in New Park Centre and at least 30 spaces on the street adjacent to the centre. The Cattle Market car park was not far away at which there was free car parking was available in the evenings. There were designated Blue Badge spaces in all CDC-owned car parks, and there were also designated Blue Badge spaces in the New Park Centre's car park. The results of the trial would be considered by the parking forum and its members, which included businesses, community groups as well as representatives from the City and District Councils.

Members of the committee then discussed the call-in and points raised. Mr Connor was concerned that the charging regime would affect less affluent members of community. There was no incentive for people attending the Chichester Festival Theatre to arrive early. He also stated that members of the car parking forum were not aware that this item would be decided by Cabinet, having understood it was a Council decision. He suggested the introduction of a single payment of £1 for the entire evening period at all CDC car parks which would be easier on the public and still allow revenue to be made by the council.

Mr Shaxson agreed with the points made about introducing car parking charges across all car parks and not cherry picking the two car parks for evening charges by a largely captive clientele. He suggested a motion that reconsideration be given to the entire car parking charges regime. He was seconded by Mr Connor. Mr Hansford explained that the decision had yet to be made by the committee on where the decision should be directed in accordance with agenda item 5 a) and b) and that the call in related only to the specific part of the decision made by cabinet relating to evening charges.

Mr Ransley questioned the exaggerated claim that Chichester Festival Theatre represented 30,000 people who were against the decision. He put forward a motion "That this committee compliments Cabinet on making their decision and recognises their consideration for commissioning a one year trial before making a final decision on whether or not to introduce evening car parking charges". This was seconded by Mr Thomas. On this motion being put to the vote, it was declared not carried.

Mrs Dignum doubted claims that people would arrive at the theatre in distress at being asked to pay 70p for one hour. There was room for improvement in putting up notices regarding charge increases in car parks and requested that this be reviewed. The local paper had run an article which made people aware of the charges. She doubted whether the increase in these charges would make much

difference to the night time economy, particularly as the Cattle Market car park was so large and empty in the evenings. If charges are increased in more than these two car parks it would affect a lot more people. When Sunday charges were introduced there was concern that this would affect Sunday shopping, however this had not come to pass.

Mrs Apel was concerned that the City Council was against this charging regime and that the consultation had been difficult to access online.

Mr Hansford reminded members that this decision had been made by Cabinet and it was an Executive decision; regardless of where the committee referred the decision, it would ultimately still need to be made by Cabinet.

Mr Cullen suggested a motion, a variance on the motion made by Mr Shaxson earlier, which read "To refer the decision back to the decision maker for reconsideration taking into account the comments made by the committee which are that:

- To identify only two car parks for the introduction of evening car parking charges is unfair and targeted to the City.
- An increase in all current car parking charges in the district's car parks during current charging hours would be a more fair and equitable means to increase car parking charges.

This was seconded by Mr Shaxson.

On the motion being put to the vote, it was declared carried.

## **RESOLVED**

To refer the decision back to the decision maker for reconsideration taking into account the comments made by the committee.

## **RECOMMEND TO CABINET**

That this decision is reconsidered taking into account the following comments made by the committee:

- By identifying only the two car parks for the introduction of evening car parking charges is unfair and targeted to the City.
- An increase in all current car parking charges in all the district's car parks during current charging hours would be a more fair and equitable means to increase car parking charges.

## **143 Late Items**

There were no late items.

The meeting ended at 12.25 pm

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CHAIRMAN

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Date: