



## OFFICER DECISION RECORD

This form should be used to record Executive decisions taken by Officers

<b>Decision Ref. No:</b>			
<b>Service Area:</b>	Transportation & Engineering	<b>Date:</b>	24 June 2022
<b>Contact Name:</b>	Julian McLaughlin	<b>Tel No:</b>	
<b>E-mail:</b>	<a href="mailto:julian.mclaughlin@bcpcouncil.gov.uk">julian.mclaughlin@bcpcouncil.gov.uk</a>		
<b>Subject:</b>	Parking Charges Increase 2022		
<b>Decision taken:</b> To increase parking charges in Seafront car parks and adjacent on-street areas by approximately 10% per tariff band.			
<b>Reasons for the decision:</b> To increase car park revenue in 2022/23 financial year so that the Council can maintain the parking service (including maintenance of the assets) and undertake essential transport related maintenance in light of increased costs due to in year inflation.			
<b>Background:</b> The 2022/23 budget set for parking related income agreed by Council on 22 February 2022 was £19.2million. This budget included some provision for anticipated inflation and increased fuel and utility costs. However, since then the issue of inflation and increased fuel and utility costs have resulted in an anticipated in year pressure of £14million across the Council including Parking.  All council services have been asked to identify savings or opportunities to increase income to mitigate this pressure.  The proposed increase in income from seafront parking (including car parks and adjacent on-street areas) charges increases is estimated to be £609k for a full year if the charges are increased by 10%.  Implementing the charges changes requires a statutory notification process including advertisement of the notices in the press and the actually making the physical changes to the signage and pay and display machines on the ground. This process will take approximately 10 weeks.  Notes:  1. The £609k assumes that there is no reduction in usage as a result of the 10% increase.			

2. The last increase of seafront car parking charges was July 2020.
3. If this decision record is approved then the 2022/23 Parking Income budget will be increased by £359k.
4. Parking income is highly weather dependent, and poor weather would significantly impact on the actual income achieved.
5. Additional revenue is required to offset in year inflation and wider ongoing costs of providing the parking service to manage traffic including; increased staffing costs, increased operating costs as a result of mass visitor events and increased material and labour costs associated with maintaining the car park assets.
6. Additional revenue is also required to offset in year inflation for wider essential transport related maintenance.

### **Consultations undertaken:**

#### **Consultation:**

##### Officers consulted:

- Jess Gibbons – Chief Operations Officer
- Julian McLaughlin – Service Director, Growth and Infrastructure
- Richard Pincroft – Head of Service, Transportation
- Robert Pickernell – Parking Manager
- Tina Worthing – Finance Manager, Operations
- BCP Equalities Panel

##### Councillors:

- Drew Mellor – Leader
- Mike Greene – Portfolio Holder for Sustainability and Transport

Options including increasing charges in Town Centre and District Car Parks (including the adjacent on-street areas) and/or implementing even higher charges for Seafront parking were considered as part of this decision record process.

On balance 10% increases in Seafront areas was deemed to be the most appropriate option considered. Increases were not taken forward in Town Centre nor District Car Parks to assist the Town Centre and District local economies remaining attractive to would be visitors – all against a backdrop of the cost of living crisis.

Following approval statutory consultation will be carried out by means of a Variation of Charges Notice posted in the local press and affected locations. The proposed tariffs are listed in Appendix A.

**Note:** It is the responsibility of the 'Responsible Officer' – that is the Officer making the decision – to obtain the comments and signature of the Chief Finance Officer and Monitoring Officer **before** taking the decision and then send the completed record of the decision to Democratic Services for publication.

### **Finance and Resourcing Implications:**

The full year impact of £609k will not be realised in 2022/23 as the proposals require time to implement. It is expected that additional parking income of

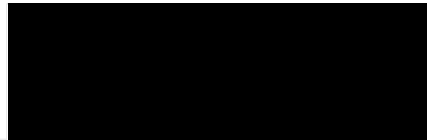
£359k will be achieved during 2022/23, with full year realisation of the increased charges in 2023/24.

It is acknowledged that the level of resistance to the increases in town and district areas may have resulted in an overall negative position in parking income if they were implemented. It is recommended that parking usage in these car parks continues to be monitored closely in Autumn/Winter 2022 ahead of any changes during 2023/24.

**Name: Adam Richens**

**Date: 23 June 2022**

**Signature (of Chief Finance Officer):**



**Legal Implications:**

**Statutory provisions**

Section 122 of the Road Traffic Regulation Act 1984 (the "Act") specifies that the functions conferred on local authorities under the Act should be exercised: "to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway". This includes:

- (a) the desirability of securing and maintaining reasonable access to premises;
- (b) the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- (c) the strategy prepared under Section 80 of the Environment Act 1995 [National Air Quality Strategy];
- (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
- (e) any other matters appearing to the local authority to be relevant.

Under section 45 of the Act, local authorities may designate parking places and may make charges for vehicles left in a parking place so designated. In exercising its functions under the Act, including the setting of charges for parking places, the Council must do so in accordance with Section 122 of the Act above.

In addition, section 45(3) of the Act provides that in determining what parking places are to be designated the local authority shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include:

- (a) the need for maintaining the free movement of traffic;
- (b) the need for maintaining reasonable access to premises; and
- (c) the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places.

In accordance with the council's statutory responsibility under section 122, the Council must have regard to these relevant considerations in the setting of charges.

**Procedure**

Under Section 35C and 46A of the Act, a local authority has powers to vary off and on-street parking charges.

The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 contain the order making procedures as well as those to be followed when varying charges by way of a 'notice of variation'.

In addition to requiring publication in a local newspaper, Regulation 25 requires the following:

- (a) for off-street parking, the local authority is required to display in the parking place a copy of the 'notice of variation' and take all reasonable steps to ensure it continues to be displayed in a legible condition (from the date of giving notice until it comes into force); and, if appropriate additional copies are to be displayed within the parking place and in roads giving access to the parking place; and
- (b) for on-street parking, the local authority may, if it thinks fit, display copies of the notice of variation in prominent positions in the road affected.

### **Duty to give conscientious consideration to the consultation results**

As outlined above, following approval, statutory consultation will be carried out by means of a notice of variation posted in the local press and affected locations. The nature of consultation was defined by Lord Woolf MR in *R v North and East Devon HA ex p Coughlan* [1999] EWCA Civ 1871, where he set out three essential features:

- to be proper, consultation must be undertaken at a time when proposals are still at a formative stage;
- it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; and
- the product must be conscientiously taken into account when the ultimate decision is taken.

### **Fiscal implications**

The Act is not a fiscal or revenue-raising statute. In *Djanogly v Westminster City Council* [2011] RTR 9, Lord Justice Pitchford, in the Administrative Court, held that:

*"In my view, when designating and charging for parking places the authority should be governed solely by the s.122 purpose. There is in s.45 no statutory purpose specifically identified for charging. Charging may be justified provided it is aimed at the fulfilment of the statutory purposes which are identified in s.122 (compendiously referred to by the parties as "traffic management purposes"). Such purposes may include but are not limited to, the cost of provision of on-street and off-street parking, the cost of enforcement, the need to "restrain" competition for on-street parking, encouraging vehicles off-street, securing an appropriate balance between different classes of vehicles and users, and selecting charges which reflect periods of high demand. What the authority may not do is introduce charging and charging levels for the purpose, primary or secondary, of raising s.55(4) revenue."*

This was in accordance with the previous Court decision in *Cran v Camden LBC* [1995] RTR 346, and was subsequently approved by the High Court (Mrs Justice Lang DBE) in the case of *R (Attfield) v London Borough of Barnet* [2013] EWHC 2089 (Admin).

### **Application of Revenue**

Regarding any income that may be generated by the increased charges, section 55(4) of the Act is amended by the Traffic Management Act 2004 and directs that income should be used:

- (a) to make good any payment used for parking places;
- (b) for the provision of or maintenance of off-street parking (whether in the open or under cover) and

(c) if it appears to the local authority that the provision in their area of further off-street parking accommodation is unnecessary or undesirable:

- i. to meet the costs of provision of or operation of public passenger transport services,
- ii. for highway or road improvement projects in the local authority's area,
- iii. for the purposes of environmental improvement in the local authority's area, or
- iv. any other purposes for which the authority may lawfully incur expenditure.

**Name: Susan Zeiss**

**Date: 23 June 2022**

**Signature (of Monitoring Officer):**

**Risk Assessment:**

There are no significant risks associated with these changes; minor risks (i.e. reduction in usage of car parks due to resistance to increased charges) have been considered under other relevant headings.

**Name: Robert Pickernell**

**Date: 27 May 2022**

**Signature (of Officer Completing Assessment):**



**Impact Assessments:**








There are no significant Equalities impacts, the Equality Impact Assessment is included as **Appendix B** and the output summary is as follows:

<b>Summary of Equality Implications:</b>	The proposed changes impact all service users, however blue badge holders will not be impacted on-street due to the free parking their blue badge entitle them to; off-street all disabled tax exempt vehicle (DTEV) permit holders are able to park for free; there is no proposed increase to DTEV parking permits.
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A decision impact assessment has also been undertaken and is included as **Appendix C**; the outputs of which are presented below. As can be seen, the process followed indicates that the carbon footprint of the proposal is low.

### Impact Summary

Climate Change & Energy	Green - Only positive impacts identified	
Communities & Culture	Green - Only positive impacts identified	

Waste & Resource Use	No positive or negative impacts identified	
Economy	Amber - Minor negative impacts identified / unknown impacts	
Health & Wellbeing	Green - Only positive impacts identified	
Learning & Skills		
Natural Environment		
Sustainable Procurement	Amber - Minor negative impacts identified / unknown impacts	
Transport & Accessibility	Green - Only positive impacts identified	

Answers provided indicate that the score for the carbon footprint of the proposal is: **1.5**

Answers provided indicate that the carbon footprint of the proposal is:	<b>Low</b>	
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### Information for publication / not for publication

There are no reasons this decision should be withheld from publication.

### Background Papers

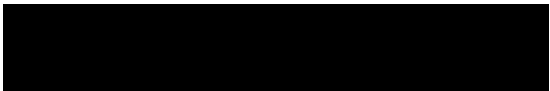
Appendix A – Proposed Tariff changes  
Appendix B – Equalities Impact Assessment  
Appendix C – Decision Impact Assessment

Any declaration of interest by the Officer responsible for the decision	Nature of Interest
Yes/No*	

**Note:** No Officer having an personal financial interest in any matter should take a decision on that matter. Other interests of a non-disqualifying matter should be recorded here.

Any conflict of interest declared by a Cabinet Member who is consulted by the Officer taking the decision	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer
Yes/No*			

**Decision taken by: (print name and designation)**     **Julian McLaughlin**

**Signature:** 

**Date of Decision: 24 June 2022**

**Date Decision Effective:**

**Date of Publication of record of decision: (to be inserted by Democratic Services)**

**Note: A record of this decision should be kept by the Service Area within which the decision falls.**

**Include additional guidance if considered appropriate**