

## **CABINET MEMBER FOR TRAFFIC & TRANSPORTATION**

RECORD OF DECISIONS taken by the Cabinet Member for Traffic & Transportation, Councillor Ken Ellcome, at his meeting held on Thursday 8 January 2015 at 5 pm in the Executive Meeting Room, 3<sup>rd</sup> Floor of the Guildhall.

### **Present**

Councillor Ken Ellcome  
Councillor Lynne Stagg  
Councillor Ken Ferrett

#### **1 Apologies for Absence**

There were no apologies for absence.

#### **2 Declaration of Members' Interests**

There were no declarations of Member's Interests.

#### **3 Residents' Parking - Permit Charges**

(TAKE IN REPORT)

The Cabinet Member for Traffic & Transportation welcomed everyone to the meeting. He first asked the City Solicitor to provide an opinion on the legality of the recommendations in the report in light of the Barnet case. The City Solicitor advised that the Barnet case was different as the monies in that case were not being used to pay for the cost of administering the permits as would be the case in Portsmouth. His advice was that the recommendations before the Cabinet Member were lawful. The Cabinet Member advised that a substantial number of written representations had been received and had been made available to himself and to the Opposition Spokespersons.

The Cabinet Member invited the Head of Transport & Environment, Mr Simon Moon to introduce the report. He explained that the purpose of the report was to consider the current permit charges and the introduction of charges where none exist, in order to secure the future of residents' parking. He explained that the purpose of the meeting today was to seek authority from the Cabinet Member for a Traffic Regulation Order to be promoted to enable the notification process for the items set out in paragraph 2 of the report and to allow for the subsequent public consultation. Mr Moon advised that paragraph 3.1 of the report provided a brief summary of how the 35 residents' parking zones have operated since 1999. Paragraph 3.2 of the report states that the residents' parking programme has been on hold since 2012.

Mr Moon advised that paragraph 4.4 of the report shows a table comparing resident permit charges among local authorities in the south of England region and advised that only Reading currently offers the first parking permit

free of charge.

Mr Moon said that pages 6 and 7 of the report set out permit charges both current and proposed. He drew attention to an error in this part of the report. On page 6 with the table of charges, against resident permits it suggests third permits will be issued automatically and only subsequent permits to that have to be authorised. The norm with residents parking schemes is that up to two permits will be issued and third and subsequent permits have to be authorised.

The Cabinet Member for Traffic & Transportation asked for additional clarification about the reasons for suspending the residents' parking programme in 2012. Mr Moon said that the affordability of schemes meant that there was considerable pressure on the Traffic & Transportation cash limit because of the increasing costs of enforcing the schemes. He confirmed that when the schemes were suspended the Council was losing approximately £150K per year. Councillor Ellcome said that although one or two schemes had been in profit at the time of the suspension, the other 33 schemes were not profitable.

In response to queries the following matters were clarified:-

- Councillor Ellcome said that as part of the measures included in the budget, residents in each parking zone would be asked whether or not they wished to continue it or not. There would be no point in reviewing the parking zones if residents wished to scrap them. The choice was either to scrap the scheme or pay for it;
- Councillor Ellcome confirmed that questionnaires would be sent out asking whether residents would be prepared to pay for a scheme or would prefer not to have a scheme;
- Councillor Ellcome confirmed that he expected to take a decision in March once the consultation, if approved today had been carried out.

The Head of Transport & Environment explained that the purpose of the meeting today was to request authority from the Cabinet Member to start the process and once this had been given, specific steps had to be followed. Letters would be sent to residents explaining what was happening and asking them whether they want a scheme with a charge or not. A report would be brought back to the Cabinet Member in March. A further report would be needed following a review of the existing residents schemes with details such as the times when the restrictions would be operative.

- The Cabinet Member confirmed that if the majority of residents were against paying a charge for a scheme, it would not be imposed upon them. If there was no scheme there would be no charge and residents would have to park where they could;

- Councillor Ellcome confirmed that where residents in zones agree to pay, they will be kept, but where residents were not prepared to pay for a parking zone scheme, there would not be a scheme. A query was raised as to whether there was any way in which a charge could be imposed just for second cars and commercial vehicles and Councillor Ellcome said that he would need to take advice from officers. Denise Bastow advised that to do this a high charge would have to be made for second and third permits due to the small number of second and third permits issued.

The Cabinet Member said that he had read all the written deputations and a number of them had commented about lack of enforcement. The Parking Manager said that this was not borne out by the figures. Last year 40,000 parking charge notices were issued. 10,000 of those were issued in residents' parking zones relating to those parking without the correct permits. He said that a careful eye is kept on all schemes and it is possible to gauge from the number of PCNs (Parking Charge Notices) being issued as to where enforcement needed to be increased. He confirmed that there were more enforcement problems late at night as although there are staff on duty, current terms and conditions for staff make working until 2am unattractive.

Councillor Ellcome said that he would be happy to allow 4 minutes for each deputation to be made. The first deputation was made by Ms Barbara Jones whose deputation included the following points:-

- She was against the first permit charge and felt that to go from no charge at all to £40 was unreasonable;
- She disagreed with the assertion in 4.4 of the report that charging for permits would lead to fairness to everyone as non-car owners were penalised as their visitors with cars had to buy scratch cards which was a very expensive option;
- She queried why there was a need to carry out a further consultation when a survey in September showed that the majority did not support a charge for a first permit.
- Ms Jones did not see how the situation in Portsmouth differed from that in the Barnet case.
- She was concerned also with displacement of the problem from one area to another.

Mr Wareham then gave his deputation which included the following points:-

- He was not in favour of residents' parking zones. He said that it was not a question of the money but that he wanted something in return. He

wanted the right to park anywhere where it was legal to do so and;

- He said he thought the best way forward was to reassess everything.

Honorary Alderman Tom Blair gave his deputation which included the following points:-

- There had been problems with parking in the city for a long time and the residents' parking zones were intended to solve this. Initially the parking zones were adequately enforced but as the scheme expanded, enforcement reduced. People experienced problems in finding somewhere to park from around 6 pm at night and having to pay £40 on top of the difficulty in finding a space to park makes matters worse;
- He thinks the cost of the schemes should be reduced;
- He said that paragraph 4.5 concerning consultation appeared to be confused.

The Cabinet Member for Traffic & Transportation said that a proper survey would be done in the same way as the original survey had been carried out. There would be a form for completion and the consultation results would be brought back to a future meeting.

Ms Gill Norman then gave her deputation which included the following points:-

- She was speaking for the operators of Clarence Pier which came under Proposal F Seafront Trader Permits. She said that this proposal would result in an increase from £210 per annum to £1160;
- She said this would be bad for the general seafront economy;
- She suggested that given the seasonal nature of the businesses on the seafront, there should be an opportunity to pay monthly.
- She said that the Park & Ride facility does not go as far as the seafront;
- Her concern was that she wanted her staff to be able to park safely and securely especially as they often worked late at night and that the parking should either be free or reasonably priced.

Councillor Ellcome said that he would look at this but mentioned that it was possible to use the park-and-ride and then change to the hovercraft bus to get to the seafront.

Mr Billy Edwards, an owner of some concessions on the seafront, then gave

his deputation which included the following points:-

- He said that the increase was too high. He had many staff who could not always find a car park space;
- He said that his business was seasonal;
- He said that in winter he had maintenance issues and health and safety matters to deal with.

Councillor Ellcome thanked members of the public for their deputations

The City Solicitor was asked about whether there was a contract where a person had paid a parking charge for a space but no space was available. The City Solicitor advised that this was not a contractual relationship but was governed under the Road Traffic Regulation Act which only gives a right to be able to park if there is a space available as the benefit was to Council Tax payers in a whole area where they benefit from having a parking zone.

Mr Michael Robinson, Parking Manager said that parking regulations restricts parking and traffic and there were always winners and losers.

Councillor Lynne Stagg, speaking as an opposition spokesperson, queried the figures in the report but was advised that these were estimates.

Councillor Gerald Vernon-Jackson then made his deputation which included the following points:-

- There were two options in the consultation - either pay £40 or lose a parking zone. He asked whether there would be an additional question, being whether residents wished to keep the scheme as it is.

Councillor Ellcome said that on the basis of the potential deficit he is not anticipating including that additional question.

Councillor Gerald Vernon-Jackson continued with his deputation.-

- He believed it is worrying that there is no question in the survey about keeping the scheme as it is and thinks that should be an option;
- He said that a parking review had not yet been completed yet this report seemed to arrive at a conclusion before a review had started;
- He said that the words from seafront traders in their deputations were very worrying and that an increase from £210 to £1160 seemed excessive. He believed this was the wrong thing to do when we are trying to promote a thriving seafront;

- He said that the two schemes that were making money for the Council had been suspended. He felt this should be looked at within the review but that a decision to charge everyone before the review had completed seemed to imply that an outcome has been decided;
- He felt that things appeared to be being done the wrong way around.

Councillor Lee Hunt then made his deputation which included the following points:-

- He felt the decision should be deferred;
- There appears to be a discrepancy in the figures.
- There appeared to be a perception that the MB and MC zones were making a loss rather than making a profit;
- The consultation needs to be fair and he feels there is a need to ask an additional question in the questionnaire ie whether residents wish to keep the scheme as it is;
- He said there appeared to be confusion about the parking review and his view is that the entire matter needs to be re-thought.

Councillor Michael Andrewes then gave his deputation which included the following points:-

- He commented that there had been a large number of written representations in a short period;
- He wants what is best for Portsmouth & Southsea and does not think that there should be taxation without a democratic and a fair process being carried out;
- There needs to be a city-wide review of this matter which should be democratic and transparent. He said that this matter should wait until that had been completed;
- People in Southsea have a great burden on parking spaces owing to the numbers of people coming to shop. This provided an economic benefit. He was concerned about people being able to park in Southsea but now there would be a charge where it used to be free;
- The MB and MC zones appeared to have worked well and produced money for the Council. However, if residents wanted these zones to be reinstated they would have to pay a charge of £40 for the first permit;

- He said there was a problem of displacement and areas surrounded by parking zones would have a huge parking problem.

The City Solicitor confirmed that the residents' parking permit charges report was not a key decision.

Councillor Ellcome said that the MB and MC zones would be included as part of this consultation.

- He said that the Liberal Democrats suspended parking zones in 2012 owing to the loss of £150K per annum;
- He said that the MB and MC zones have not been in force long enough to see whether or not they would be profitable over a 12 month period;
- Councillor Ellcome said he was concerned about an option to keep the status quo as some areas were running with a deficit;
- Councillor Ellcome said that he and the administration took the view that it is up to residents to decide what happens in their areas. He said that if a charge of £40 were to be imposed, this would equate to 75 pence a week.

Susan Aistrope, Finance Manager explained that the actual running cost of the schemes would be £180K net of income. The annual budget set to implement news scheme is £200K giving a total of £380K. She said that these were estimates as the costs of charging enforcement officers and enforcing PCNs was not known exactly. She said there is an annual budget of £200K for a new scheme set up. This would cover consultation signage and implementation. Once that limit had been reached then they would stop introducing schemes in that financial year.

Councillor Ellcome was asked whether if the amount of £200K for setting up a new scheme was taken out of the figures, would there still be a shortfall? Councillor Ellcome said that he did not have that information and would have to advise at a later stage.

The City Solicitor said that it would be acceptable to put in a question on the survey - Do you want the scheme or not? However this would usually be delegated to officers, so by going out to consultation PCC was already going further than it needed to legally. However, any questionnaire would first go to the City Solicitor for approval

Councillor Stagg felt there must be other ways of generating revenue other than by introducing a £40 charge. She felt there was not enough time to look at alternatives.

Councillor Ellcome said that he was not aware of other suggestions to raise revenue and that this was initial consultation.

Councillor Ken Ferrett, speaking as an Opposition Spokesperson, said that consultation was likely to be fair and that a simple 'yes/no' answer would seem to be straight-forward. He said that the schemes were currently costing the Council Tax payers money and that the survey would also take into account representations made by those people who do not currently have parking zones and who may wish to.

In response to a question about whether the £200K in the budget this year for surveying new parking areas had been spent, Susan Aistrop said that this was on-street and therefore outside cash limits but that none of that had been spent at this point.

Councillor Ellcome said that he had received a letter from Mike Hancock MP about this matter and also from Councillor Eleanor Scott. He had taken into account their comments. Councillor Ellcome also said that although he was going to approve the first recommendation the actual amounts of the charge would be decided at the March meeting. This was to allow for further clarification on costs so that if he could reduce the costs following receipt of that information, he would do so.

#### **DECISION:**

**(1) A Traffic Regulation Order is promoted to enable the notification process for the following items and allow for the subsequent public consultation:**

**(i) An annual charge is introduced for the first resident permit per household, effective from 1<sup>st</sup> April 2015 (to be charged on renewal);**

***(see pages 6&7 of the report for the schedule of proposed charges)***

**(ii) An annual charge is introduced for all permits currently issued free of charge, effective from 1st April 2015 (to be charged on renewal);**

**(iii) Existing permit charges are increased proportionately on an annual basis.**

**(2) Following the statutory Traffic Regulation Order notification process, a further report is brought back to the Cabinet Member for Traffic & Transportation to consider the responses to the formal public consultation on proposals contained within this Order.**

The meeting concluded at 6.30 pm.