

**MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
HELD ON 25 OCTOBER 2022 FROM 7.00 PM TO 10.25 PM**

Committee Members Present

Councillors: Andrew Mickleburgh (Vice-Chair), David Cornish, Andy Croy, Peter Dennis, Graham Howe, Norman Jorgensen, Adrian Mather, Stuart Munro, Pauline Jorgensen, Charles Margetts and Alistair Neal

Other Councillors Present

Councillors: Keith Baker, Imogen Shepherd-DuBey, Abdul Loyes, Paul Fishwick and Bill Soane

Officers Present

Neil Carr, Democratic and Electoral Services Specialist
Graham Ebers, Deputy Chief Executive and Director of Resources and Assets
Andy Glencross, Service Manager - Green and Blue Infrastructure
Martin Heath, Traffic Management, Parking and Road Safety Team Manager
Callum Wernham, Democratic and Electoral Services Specialist

1. APOLOGIES

Apologies for absence were submitted from Jim Frewin, Gregor Murray and Alison Swaddle.

Jim Frewin was able to attend part of the meeting.

Pauline Jorgensen, Charles Margetts and Alistair Neal attended the meeting as substitutes.

2. DECLARATION OF INTEREST

A declaration of interest was submitted from Graham Howe, Norman Jorgensen, Pauline Jorgensen and Charles Margetts. Each Member made the following statement:

“I signed a recent petition asking to stop planned increases in car parking charges. However, I have not made up my mind about the subject, and wish to hear the officers’ response to tonight’s call-in, and the debate, before making a decision. I am advised that, in the circumstances, I can take part in the debate and vote this evening.”

3. PUBLIC QUESTION TIME

There were no public questions.

4. MEMBER QUESTION TIME

There were no Member questions.

5. CALL-IN - OFF STREET CAR PARK CHARGES

The Committee considered a Call-In on a decision made by the Executive, at its meeting on 29 September 2022, relating to Off Street Car Park Charges. The Call-In covering report stated that the Executive decision was:

“That the Executive agree to increase the parking charges, as detailed in the amended report (which included a schedule of revisions on Page 11) circulated and published as a supplementary paper”.

Andrew Mickleburgh (in the Chair) explained the procedure to be followed at the meeting and the issues for Members to focus on. The Committee was tasked to review the Executive decision against the decision making principles set out in the Council's Constitution, viz:

- a) proportionality (i.e. the action must be proportionate to the desired outcome);
- b) due consultation and the taking of professional advice from Officers;
- c) human rights will be respected and considered at an early stage in the decision making process;
- d) a presumption in favour of openness;
- e) clarity of aims and desired outcomes; and
- f) when decisions are taken by the Executive, details of the options which were taken into account and the reasons for the decision will be recorded.

Bill Soane, one of the five Call-In signatories, presented the Call-In. Councillor Soane addressed the Committee and made the following points:

The proposed increase in off-street car park charges would have a significant impact on residents and businesses. The scale of the changes should have triggered a consultation with residents, businesses and affected organisations. There was a precedent for consultation – a consultation exercise was carried out in 2016, the previous occasion when evening and Sunday charges were considered. At that time a month long consultation was carried out with the outcome reported to the Executive on 31 March 2016. Relying on the TRO process was unsatisfactory as residents would find it hard to understand the process and respond effectively.

There was also concern about the failure to provide all Members with a copy of the Executive Forward Programme in line with the Council's Constitution. At least 25 Members have confirmed that they did not receive a copy of the Executive Forward programme between 29 July and 23 September. This was a clear breach of the Council's Constitution.

The decision to dramatically increase the car park charges was rushed and ill thought out. If implemented it would have a devastating impact on the businesses in Woodley town centre. It would also create uncertainty in relation to the current arrangements with Waitrose. The decision should be given further thought.

Councillor Soane informed the Committee that four witnesses would give evidence in support of the Call-in, as follows:

Councillor Keith Baker – Leader of Woodley Town Council:

Councillor Baker stated that he had not seen the TRO process used as a consultation mechanism. The TRO process was a legal process and it was not suitable for effective consultation. There was a precedent for public consultation on proposed changes to car park charges, dating back to 2016. Councillor Baker also confirmed that several shops in Woodley were still unaware of the proposed changes – this demonstrated a lack of

openness. Also, the decision making principles referred to the requirement to record other options that were considered during the decision making process. On behalf of Woodley Town Council, Councillor Baker felt that the decision should be referred back to the Executive for further consideration.

Brian Fennilly – Woodley Town Centre Manager:

Mr Fennilly stated that his main concern was the lack of consultation about the proposed changes. He had specific concerns about the introduction of Sunday evening charges and the impact on businesses in Woodley. Local businesses were still struggling post-Covid and the proposed changes would have a negative impact on the local economy. There was a specific concern about volunteer staff who worked in local charity shops.

Alex Shatonowski – Wargrave resident:

Mr Shatonowski stated that there were serious concerns about parking in Wargrave. Issues included parked vehicles blocking private driveways. The buildings and streets were not designed to cope with the current volume of traffic. The extension of chargeable hours would also impact on local businesses and organisations such as the boat club which held meetings in the evening. The proposals were not in the best interest of local residents.

Michaela Dalton – Woodley Pets:

Ms Dalton expressed concern about the lack of consultation. Some of the larger retailers in the Woodley precinct were still unaware of the proposed changes. There would also be an impact on employees who parked in the public car parks, e.g. on Sundays. Trade amongst the local shops was still well down on pre-Covid levels and these proposals would not help businesses to recover, especially on Sundays. Customers were unhappy about the loss of free parking and may go elsewhere.

In the ensuing discussion, Members raised the following points and questions:

Andy Croy queried the wording of the Call-In which referred to the “Lib Dem/Labour coalition Executive”. Councillor Croy confirmed that there were no Labour Members on the Executive.

Whilst it was accepted that some Members did not receive a copy of the relevant Executive Forward Programme directly, it was suggested that there were other means of checking the upcoming business items, for example by checking the Council website.

In relation to the potential impact of the changes on Woodley town centre, was there any data about footfall compared to the situation pre-Covid? It was confirmed that, anecdotally, footfall was down by around 30%. If consultation had taken place the traders would have provided information about the local situation and concerns about the impact of increased charges. Similar feedback would have been submitted in relation to Wargrave.

What were the specific issues around using the TRO process for consultation? Keith Baker stated that the TRO process was typically used for technical issues such as changes to speed limits, etc. It was not used for this type of consultation. Examples of proper local consultation were given, such as waste collection and the Woodlands Avenue proposals.

In relation to the options available to the Council, it was felt that the context was the significant financial challenges facing the Council. As such, the fundamental options were to increase charges or not to increase charges. Bill Soane commented that the potential reduction in footfall following the proposed changes would not help to fill the gap in the Council's Budget.

6. RESPONSE TO THE CALL-IN - OFF STREET CAR PARK CHARGES

Paul Fishwick, Executive Member for Highways and Transport, addressed the Committee in response to the Call-In.

Councillor Fishwick stated that the Council had not increased off street car park charges for five years. The previous administration had considered increases in 2021, but this did not materialise. Regular budget monitoring this year had indicated a significant shortfall in parking income. This meant that urgent steps had to be taken to address this issue. If the shortfall was not addressed by measures to increase income there were potential impacts on key frontline services.

In relation to consultation, it was confirmed that changes to fees and charges could be made by a variation order and could be linked to the fees and charges review process. However, changes to hours of operation and other restrictions were made using the TRO process. This would provide 21 days of public consultation. This would be supported by extensive communications, including signs in each of the public car parks. Blue Badge holders would not be affected by the proposed changes.

In relation to options, it was confirmed that other options were considered including higher charges and a "do-nothing" scenario. The latter would have resulted in a funding gap of £600k to £800k. The Executive decided to agree proposals at the lower end of the funding gap. Changes were also made to reflect feedback received, e.g. the introduction of a two-tier system for Wokingham and locations outside Wokingham. This reflected feedback received from residents and businesses in Woodley. Consideration would be given to any points arising during the TRO process.

It was estimated that the proposals would generate additional income of £540k, which was still below the lower estimate of the funding gap.

In the ensuing discussion, Members raised the following points and questions:

In relation to car parking revenue for 2022/23, what were the issues contributing to the budget shortfall? It was confirmed that car park footfall was at 90% of pre-Covid levels but park and ride income was only at 25% of pre-Covid levels. In addition, the Covid support grant had ended this year.

What other steps could be taken to address the car parking budget shortfall? It was confirmed that one option could be to reduce the levels of reactive maintenance on the Borough's roads.

If the TRO generated issues requiring further changes to the proposals, what process would be followed? It was confirmed that any proposed changes would be submitted to the Executive or would be subject to an Individual Executive Member Decision.

The new administration had made a commitment to increase levels of consultation with residents and stakeholders. Should something as significant as the proposed changes to car park charges not have been subject to wide consultation. It was confirmed that the reasons for urgency had been outlined. The TRO process did enable consultation and would be backed up by a communications exercise. Feedback from the TRO process would be given detailed consideration.

Imogen Shepherd-Dubey outlined the financial pressures facing the Council. At the time of the Executive decision, the overall budget gap was estimated at £2.2m. Work was ongoing to find savings or increase income across all service areas. Graham Ebers confirmed the difficult financial position. The use of balances to fill the financial gap was not advisable. In addition, around 80% of the Council's services were statutory, which meant that there was limited scope to achieve further savings. The 2023/24 Budget process was currently being scrutinised by the Community and Corporate Overview and Scrutiny Committee.

The Executive report did not contain a business case with estimates of the impact of the changes on demand - footfall and income. How would the impact of the proposals be measured? It was confirmed that monthly monitoring of car park usage data would be used to measure the impact. The proposed changes were felt to be reasonable bearing in mind that charges had not increased for five years. It was also noted that neighbouring authorities were increasing their charges. If the projected additional income was not generated, further savings would be required from other areas.

In relation to the Executive Forward Programme, Andrew Moulton confirmed that the Council had met its legal requirements under the 2012 regulations by publishing the programme on the Council's website. It was accepted that a technical breach had occurred in that a copy of the Forward Programme had not been circulated to Members. However, this was not a legal requirement. The impact of this technical breach was a matter for the Committee to consider.

Following the proposed increases, how would the Borough's charges compare to neighbouring authorities? It was confirmed that, after the proposed increases, the Borough's car parking charges would still be at the lower end of the scale compared to neighbouring authorities such as Bracknell and Reading.

What was the rationale behind the introduction of evening and Sunday charges? This was a fundamental change that would impact on local communities. It was confirmed that the introduction of evening and Sunday charges would lessen the impact on daily charges, i.e. these charges would not have to increase as much.

7. SUMMING UP AND DECISION

Paul Fishwick summed up the response to the Call-In as follows. Budget monitoring had indicated a significant shortfall on the car parks budget, estimated at £600k to £800k. Urgent action was required to address the shortfall. The proposed changes were at the lower end of the options available to fill the gap. Car park charges had not been increased for five years. Consultation would be undertaken via the TRO process, supported by signage in car parks and a communications exercise. This budget shortfall was part of the wider financial challenges faced by the Council. These challenges required tough decisions. The impact of inflation and rising costs were affecting services across the Council. If the car parks budget shortfall was not met, savings would have to be found elsewhere.

Bill Soane summed up the Call-In as follows. The Call-In covered four key points – due consultation, openness, details of options and the Executive Forward Programme procedure. The proposed changes would have a significant impact on residents and businesses. It was not clear that the proposals would generate the income necessary to fill the budget gap. Residents were facing difficult times – they may decide to heat their homes rather than pay additional car park charges. Businesses would be penalised if the proposed increases went ahead. The delay caused by the Call-In process could have been avoided if the correct procedures had been followed in the first place.

Note – Extension of the meeting

At this point in the meeting, 10.15pm, in accordance with Procedure Rule 4.2.12 (m), it was proposed by Andy Croy and seconded by Pauline Jorgensen that the meeting continue beyond 10.30pm for a maximum of 30 minutes (if necessary) to enable the business on the Agenda to be transacted.

Upon being put to the vote, the proposal was carried.

Decision

Having considered the Call-In and the response from the Executive Member, the Committee considered its decision.

Andrew Mickleburgh confirmed that the Committee could not overturn the Executive decision subject to the Call-In. If the Committee had concerns, it could refer the decision back to the Executive for further consideration with any recommendations the Committee agreed. Alternatively, the Committee could confirm the Executive decision.

It was proposed by Adrian Mather and seconded by Peter Dennis that the Executive decision, relating to Off Street Car Park Charges, be confirmed.

Upon being put to the vote it was:

RESOLVED: That the Executive decision relating to Off Street Car Park Charges be confirmed.