



# FINANCE & RESOURCES

## Overview and Scrutiny Committee

<b>Report for:</b>	Finance and Resources Overview and Scrutiny Committee
<b>Title of report:</b>	Call-in of PH-023-24 - Parking Tariffs & Charging Policies Implementation
<b>Date:</b>	11 November 2024
<b>Report on behalf of:</b>	Cllr Adrian England, Leader of the Council Cllr William Allen, Portfolio Holder for Corporate & Commercial Services
<b>Part:</b>	I
<b>If Part II, reason:</b>	N/A
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>Portfolio Holder Decision Notice PH-023-24 and consultant reports</li> <li>Councillors Call In Record PH-023-24</li> </ol>
<b>Background papers:</b>	<ul style="list-style-type: none"> <li>7 Feb 2024 Finance &amp; Resources OSC – Parking Proposals</li> <li>13 Feb 2024 Cabinet - Parking Service Tariff &amp; Business Case Proposals</li> </ul>
<b>Glossary of acronyms and any other abbreviations used in this report:</b>	<p>FBC – Full Business Case</p> <p>TRO – Traffic Regulation Order</p>

### Report Author / Responsible Officer

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<b>Corporate Priorities</b>	<ul style="list-style-type: none"> <li>Community engagement</li> <li>Service improvement and delivery</li> <li>Vibrant communities</li> <li>Sustainable future</li> <li>Clean, safe and green</li> <li>Homes to be proud of</li> <li>Proud and thriving borough</li> </ul>
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<b>Wards affected</b>	All
<b>Purpose of the report:</b>	<ol style="list-style-type: none"> <li>1. To present the reasons for the Call-in of PH-023-24 - Parking Tariffs &amp; Charging Policies Implementation.</li> <li>2. To set out the options for this committee to consider to conclude this call-in process</li> </ol>
<b>Recommendation (s) to the decision maker (s):</b>	<p>That the Committee considers the reasons for call-in set out in Appendix 2 and decides which of the following options it agrees to take:</p> <ol style="list-style-type: none"> <li>a) The Committee reviews the decision but decides it is content for the original decision to stand, the decision will take effect on the date of the OSC meeting (<b>Rule 15 (e) Part 4</b>).</li> <li>b) If, having considered the decision, the Overview and Scrutiny Committee is concerned about it, it may refer it back to the Leader of the Council and Portfolio Holder for Corporate and Commercial Services ( “the decision maker”), setting out in writing the nature of its concerns. The decision maker shall then reconsider the decision within 4 weeks amending the decision or not, before adopting a final decision (<b>Rule 15 (d)</b>).</li> <li>c) The Committee may instead of referring the matter to the decision maker refer the decision to full Council.</li> </ol> <p>If Council does not object then the decision then the decision takes effect on the date of the Council meeting. However, if the Council does object, noting that it has no power to overturn or change the original decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget, it may refer the decision back to the decision maker with Council’s views on the matter. The decision then makes final decision having considered views of Council within 4 weeks. (<b>Rule 15 (f)</b>).</p>
<b>Period for post policy/project review:</b>	During the first 12 months, but after the first 6 months, so that there is sufficient time to see customer trends and behaviour

## 1. Background

1.1 The Committee will recall that a Parking Full Business Case (FBC) was developed during the latter part of 2022 and refined during the first few months of 2023. This included 2 distinct areas of focus: the review of 'parking tariffs' and 'charging policies' and the introduction of 'smart' technology, and how that can support a more agile approach to tariffs in the future. The introduction of 'smart' technology is included as part of the re-procurement of the parking enforcement contract and will be reported separately. The Committee will also be aware of work that is progressing on drafting a future wider pricing strategy for parking services, as part of the Council's ongoing commercial scrutiny of income generating services. .

1.2 During 2023/24 several reports were presented to both this Committee and Cabinet where the proposed changes to 'parking tariffs' and 'charging policies' were amended to meet the changing requirements of the Administration.

This culminated in a final report being presented to this Committee and Cabinet in February 2024 which clearly set out the proposed changes to 'parking tariffs' and 'charging policies' and a decision was made by Cabinet to progress these proposals to statutory consultation. Cabinet also agreed to delegate authority to the Leader of the Council and the Portfolio Holder Corporate & Commercial to make any final decision on the implementation of the parking tariff increases and changes to charging policy.

1.3 The statutory consultation was initially delayed due to the announcement of the Parliamentary election and the commencement of the pre-election period. The statutory consultation process took place from 10<sup>th</sup> July 2024 to Wednesday 31<sup>st</sup> July 2024 – a period of 3 weeks. During this process, site specific notices were erected within each of the car parks, the 'notice of proposal' (statutory consultation) documents were made available on the Council's corporate consultation portal (and in hard copy format), and a notice detailing all the changes was also published in the local press.

1.4 Following the conclusion of the consultation, reports were produced on the three consultations, on-street, off street and CPZ (see appendix 1) by the consultants who were supporting the consultation process and submitted to Officers to present to the Portfolio Holder. Following a detailed review of objections that were raised as part of the consultation, a decision was made by the Portfolio Holder and the Leader of the Council, that there had been nothing highlighted in the objections that had not previously been considered by the Council during the previous round of informal consultation or subsequent amendments.

1.5 A Portfolio Holder Decision Notice was submitted in September to implement the changes to 'parking tariffs' and 'charging policies' as set out in the statutory consultation under the delegated authority granted at the Cabinet meeting in February 2024 (see appendix 1). The timescale for this decision are set out below:

### Time Scale:

Date notification received: **03/09/24**

Day 1 - 21 **04/09/24 - 24/09/24** With S151 Officer and Monitoring Officer for comments

Day 22 **25/09/24** (Decision sent to Portfolio Holder, Overview & Scrutiny Chairman/Vice-Chair and Group Leaders/Deputy Leaders and Ward Councillors for information and consideration)

Day 29 **02/10/24** Signed Copy with Member Support = Decision Published

Day 36 **09/10/24** 5:00pm end of 'call-in' period; decision may be implemented if no 'call-ins' received

*Day 1-29 includes weekends and Bank Holidays, Day 29-36 (call in period) includes weekends but excludes Bank Holidays.*

## 2. Portfolio Holder Decision Notice PH-023-24 Call-In Process

- 2.1 Following the publication of PH-023-24 on 25 September, Officers were notified on 9 October 2024 that decision PH-023-24 had been called-in by 5 Councillors in accordance with the constitution. A record of the call-in including the reasons is set out in appendix 2.
- 2.2 Following discussions with the Assistant Director Legal & Democratic Services (Monitoring Officer), the call-in process for this Committee to follow is set out below:
- 2.2.1 In considering this call-in the Committee has the following options available for its eventual decision:

There are three potential outcomes from the Finance & Resources OSC:

- a) The Committee reviews the decision but decides it is content for the original decision to stand, the decision will take effect on the date of the OSC meeting (*Rule 15 (e) Part 4*). **No further decision is required**
- b) If, having considered the decision, the Overview and Scrutiny Committee is concerned about it, it may refer it back to the decision making person (Leader of the Council and Portfolio Holder for Corporate and Commercial Services “the decision maker”), setting out in writing the nature of its concerns. The decision maker shall then reconsider the decision within 4 weeks amending the decision or not, before adopting a final decision (*Rule 15 (d)*). **Decision maker makes final decision**
- c) The Committee may instead of referring the matter to the decision maker refer the decision to full Council. **Discussed at 13<sup>th</sup> November Council.**
- d) If Council does not object then the decision takes effect on the date of the Council meeting. However, if the Council does object, it has no power to overturn or change a the decision unless it is contrary to the policy framework\*, or contrary to or not wholly consistent with the budget, but it may refer the decision back to the decision maker with Council’s views on the matter. **The decision maker makes final decision having considered views of Council within 4 weeks. (Rule 15 (f) ).**

\*Policy Framework as defined In the constitution (Part 2 Article 4.1) The policy framework means the following plans and strategies:-

- Corporate Plan;
- Community Safety Strategy;
- Development Plan Documents for which the Council is responsible;
- Council’s Corporate Work Programme;
- Any other plan or strategy which has Borough-wide application and which the Council may decide should be adopted by full Council, as a matter of local choice.
- Policy Statements (including any revisions thereto) relating to the licensing of alcohol and gambling required under the Licensing Act 2003 and the Gambling Act 2005 respectively;

If there are no grounds that the decision taken is not in accordance with the policy framework, or contrary to or not wholly consistent with the budget, the decision ultimately will revert back to the original decision maker, the Leader of the Council and the Portfolio Holder for Corporate and Commercial services for final decision, whichever route is followed. It is the collective view of the joint authors of this report and the S.151 officer that the original decision is consistent with the budget and policy framework.

### **3 Options and alternatives considered**

- 3.1 In compliance with the relevant sections of the constitution for a decision that has been called-in, the Committee should consider the options set out in section 2.2.1 above for its eventual decision.

### **4 Consultation**

- 4.1 There are no separate consultation requirements to be undertaken as part of the process for considering a decision that has been called-in.

### **5 Financial and value for money implications**

- 5.1 As set out in previous reports, the decision to implement the changes to 'parking tariffs' and 'charging policies' are projected to raise an additional £660k per annum from 2025-26 onwards, with the part year roll out in 2024/25 providing an additional £165k income. Hence, the proposed parking tariff proposals will have a positive financial impact on the Council's ability to raise its own income and contribute to the Council's wider service delivery and financial sustainability; and support continued investment and improvements to local communities, including Hemel Hempstead town centre and other neighbourhood and urban centres.
- 5.2 There are low-level implementation costs that will be incurred in implementing these proposals, and these will be included in the service expenditure for 2024/25.
- 5.3 The call-in of PH-023-24 has resulted in a delay to the implementation of the proposed changes to 'parking tariffs' and 'charging policies', this will impact on the projected additional income from being delivered in 2024/25 and will result in an additional pressure of £55k - £165k depending on the decision making process and implementation timeline.
- 5.4 Should any final decision be made to not implement the 'parking tariffs' and 'charging policies' or to amend them, then this will have an impact on the projected level of additional income that can be raised from these changes to parking and will cause a financial pressure for the Council to propose a balanced budget for 2025/26. Any requirement that requires re drafting of the traffic regulation orders and another parking consultation process would delay implementation by circa 6 Months, this would create a minimum loss of income in 25/26 of £330k, with the likelihood that this would increase depending on the details of the revised tariff proposals.

### **6 Legal Implications**

- 6.1 Should a final decision be made to amend the 'parking tariffs' and/or 'charging policies', then this will require the Council to undertake a further statutory consultation process. This further statutory consultation will take between 22 and 26 weeks. Although the duration of the consultation where objections can be submitted is only a 3-week period, there are several aspects that need to be undertaken before the consultation is opened, that will take time, these include:
- commissioning third parties to draft the new TROs
  - getting the content approved by officers at the Council
  - obtaining approval from the Highways Authority on the TROs
  - obtaining any comments from the emergency services and road haulage association
  - arranging advertisements to be published in the local press
  - commissioning third parties to put up notices across the borough in the areas that are impacted
  - uploading the consultation documentation on the corporate portal
  - arranging for hard copies of the consultation to be placed in specific locations
  - drafting the report following the conclusion of the consultation
  - arranging decision to implement the changes

## **7 Risk implications:**

- 7.1 The call-in process is clearly set out in the constitution and as long as this process is followed there should be no governance risks associated with this process. There are budgetary risks associated with any potential changes to the current proposals.

## **8 Equalities, Community Impact and Human Rights:**

- 8.1 A Community Impact Assessment was included in the Cabinet report presented in February 2024; the Committee should consider whether the reasons included in the call-in record impacts on this area.

## **9 Sustainability implications (including climate change, health and wellbeing, community safety)**

- 9.1 The recommended changes in 'parking tariffs' and 'charging policies' are to support and nudge behavioural change that will have a positive sustainability implication. The Committee should consider whether the reasons included in the call-in record impacts on this area.

## **10 Council infrastructure (including Health and Safety, HR/OD, assets, and other resources)**

- 10.1 Consultation with statutory stakeholders has ensured that any implications on Council infrastructure are considered. The Committee should consider whether the reasons included in the call-in record impacts on this area.

## **11 Conclusions:**

- 11.1 In compliance with the Constitution relating to when a decision has been called-in, the Committee must consider the options set out in section 2.2.1 above to make its eventual decision. This report is therefore presented for consideration by Members.