

## **Wincanton Car Parks – Income Compensation Scheme**

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Henry Hobhouse, Property and Climate Change

*Ward Members:* Colin Winder, Nick Colbert

*Strategic Director:* Vega Sturgess, Operations & Customer Focus

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### **1. Purpose of the Report**

To consider the request by Wincanton Town Council, in their letter dated 28 February 2014 (Appendix 1), to end the joint rolling 3-year agreement between Wincanton Town Council and South Somerset District Council that compensates SSDC for the loss of budgeted income in the car parks in Wincanton without giving the required 3 year's notice.

### **2. Forward Plan**

This report appeared on the District Executive Forward Plan for July 2014, but on cancellation of that meeting was then scheduled for August 2014.

### **3. Public Interest**

Car parks are not statutory provision for councils but are provided as a discretionary service. Nevertheless, South Somerset District Council (SSDC) has made significant capital investments in many of our town centres in order to support the local economies. Similar car parks in Areas South and West have had charges levied for many years. The legal powers to do this are contained in Section 35 Road Traffic Regulation Act 1984.

In 2012, Wincanton Town Council (WTC) entered into a fixed three year compensation agreement with SSDC in order to keep the car parks in their town free to the user. Shortly before this was implemented, Wincanton Town Council requested that this fixed term agreement was changed to a rolling three year agreement, with a rolling three year notice period. They now want to give notice on this agreement outside the terms agreed, as per their letter dated 28 February 2014 (Appendix 1) such that the agreement ends in May 2015.

### **4. Recommendations**

That District Executive agrees:

- (1) To refuse the request from Wincanton Town Council to end the agreement in May 2015 without giving the agreed three years notice. This would mean that the agreement would end on 28 February 2017.
- (2) To request that work continues with the Town Council and local groups to try to reduce the cost burden of the compensation agreement on them.
- (3) To note that when the agreement is terminated that charges will be levied in the Wincanton car parks.

## 5. Background

Over recent years SSDC has responded to requests from a range of parish and town councils who wish to take local control of their car parking or toilet provision. This fits with the Localism Agenda, where Government is intending that local organisations such as parish and town councils achieve greater influence or direct control over local services.

The proposals within the 2012/13 budget to charge in both Castle Cary and Wincanton car parks was agreed in principle for both these towns in the 2007-2012 Car Parking Strategy but the implementation was postponed until Civil Parking Enforcement (CPE) was in place. CPE was eventually delivered in June 2012, meaning that the charges could be levied.

In 2012, there was a strong feeling by those who lived and worked in Wincanton that there would be a benefit in keeping the car parks free to the user. This was backed up by a previous petition, received by SSDC in May 2005 from Wincanton Chamber of Trade and Commerce of 3,165 signatories asking that car parks remained free in the town.

Although the decision to charge had been made, SSDC sought new solutions to generate the income from their investment in the town centre car parks while meeting the local desire not to have pay and display charges. Wincanton Town Council (WTC) also felt that a local free parking scheme could be useful in supporting local businesses and residents. As a result WTC agreed a scheme with us to keep the car parks free of charge via a three year income compensation agreement. Following that agreement on 30 May 2012, WTC themselves wrote to us requesting a change to this initial three year agreement (April 2012 to April 15) asking instead for this to be changed to a rolling agreement where three year's notice was required from any juncture in the agreement. They felt that this would give them greater certainty and control over outcomes and budgets.

Over the past few months, WTC have met several times with officers from SSDC. They are now concerned about the cost of the scheme to WTC and have told us, that in their view, that there is no longer any strong public opinion about retaining free car parks in the town. They have told us that they also do not feel that the scheme has made a measurable difference to the original desired outcome of supporting local businesses.

On the other hand, there seems to be considerable local opposition to the ending of the agreement from both residents and businesses. Posters in windows and activity on the Wincanton Window suggest that retaining the free (at point of use) car parking in Wincanton is a local priority. It is understood that Wincanton Business Together are pulling together a petition on the matter and that this has attracted 1,508 signatures in support of "*keeping parking free at the point of use*". Fuller details of this will be given to members verbally at the meeting.

## 6. The details of the scheme

There are two car parks in Wincanton owned and managed by SSDC; Memorial Hall and Churchfields. In addition, SSDC leases the car park at Carrington Way from Somerset County Council. There is nothing within the lease on Carrington Way that prevents car parking charges being applied. For many years, SSDC has managed and maintained the car parks in the town meaning that they have been a net drain on resources.

	<b>Memorial Hall</b>	<b>Churchfield</b>	<b>Carrington Way</b>
No. of car park spaces	143	38	94

A schedule of proposed car park charges for Wincanton (comparable to those in Ilminster) was produced within the budget papers agreed at Full Council on 23 February 2012, ranging from 60p / hour to £1.60 for a full day's parking. The income from these charges was expected to be £36,535 in 2012/13 with expenditure on enforcement, cash collection and travelling estimated at about £12,380 resulting in a net benefit to SSDC of £24,155 per year.

Following a public meeting in January 2012, WTC agreed to compensate the district for loss of income in order to keep the car parks free to the user. SSDC continued to retain ownership and pay for maintenance responsibilities in the car parks. Therefore the district was able to realise an income from its capital investment in the town centre, but the town council controlled the implementation of charging and enforcement. In addition, our closer partnership brought greater local influence on a broad range of car park issues, including the division of short and long stay spaces, signage and maintenance and Memorial Hall access issues. It also marked a final resolution of a series of historic issues in the Memorial Hall Car Park.

SSDC understood the new cost that the compensation agreement brought to the Town Council. As a measure of goodwill, SSDC offered three free months in the first year, reducing the contribution by £2,416 to £18,000 in the first year. In succeeding years the amount of the compensation reverted to £24,155. As part of the agreement all preceding issues about ownership of the car parks, previous capital investments into car parking schemes and previous agreements on charging were declared to be resolved and therefore declared historic.

During the life of the agreement if car parking charges were raised elsewhere in the district then the compensation amount was to rise by inflation up to a maximum of 3%. In reality no car park charge increases have been made in this time. However, a pilot free parking scheme in our pay and display car parks over Christmas 2013 resulted in a good will gesture of £697 being taken off the full amount of the 2013/14 compensation. This was an estimate of the amount of money that SSDC would have lost via the scheme if charges had been applied in Wincanton.

Annually, there are two meetings each year between SSDC and Wincanton Town Council. One meeting covers operational site issues, the other monitors the success of the partnership agreement. Minor changes to the compensation agreement can be made at that point if both councils are in complete agreement. It is felt that a change to the length of the notice period is not a minor change to the agreement, hence this report.

## **7. Reducing the cost of the scheme to Wincanton Town Council**

WTC have told us in the recent meetings that retaining free car parking within the town is not a high priority for residents and businesses. SSDC also acknowledges that the scheme is now considered too expensive by WTC and developed some options to reduce the cost of the scheme. At meetings on 18 October 2013, 22 January 2014 and 09 April 2014, the suggestions from SSDC included:

- Enforcement of the existing parking orders, especially where long term parkers use short stay spaces making it more difficult for convenience shoppers to find parking. SSDC has offered to do this enforcement at cost price, with the balance of income being paid directly to WTC. This option has the double benefit of freeing up spaces closer to the shops and bringing in income.

- Changing the existing car parking orders in the car parks so that long term or all day car parkers pay a small tariff. Again, this would bring in some additional income without affecting the free short term parking for those using the businesses in the High Street. SSDC has offered support with signage and markings to make this possible.
- As part of the above, we suggested that there may also be some benefit in selling a number of residents permits allowing those residents who do not have an off-street parking space to park for longer periods in Wincanton car parks, freeing them from the requirement to move their vehicles at the expiry of the long stay period. SSDC has offered to help with the administration of this scheme at cost price.

On 13 January 2014, we offered WTC the opportunity to add these changes to our district-wide annual car park order changes at no cost. This would have enabled the options but would not have made them inevitable. Although we did not receive such a request we could still work with WTC on these changes for implementation in April 2015. We recognise that these measures would not eliminate the compensation amount, but they should reduce it to a more acceptable level to the town council.

We recommended to WTC that before the request to end the compensation agreement was taken to District Executive that local soundings were carried out on the success of the current scheme investigating what residents and businesses felt about the continuation of the scheme. We had hoped that once there was understanding of those local views, we would meet with WTC informally to discuss the above proposals (or any additional ideas) in more detail.

Nevertheless, on 13 May 2014, WTC requested that a report was taken to District Executive in order to make a decision on ending the agreement in April 2015.

Although we do not believe that the Town Council are carrying out any consultation, Wincanton Business Together group have organised a petition and the full nature and results of this will be fed back directly to District Executive.

SSDC area and operational officers still believe that there is potential to work together with WTC to develop solutions that will be acceptable to businesses and to residents as well as reducing the burden to WTC. It is suggested that the rolling three year agreement is retained as it gives sufficient time to develop options that suit the needs of the community, the town council and the district council. If there is still no enthusiasm from WTC to test the ideas, or indeed that the ideas do not have the desired reduction in the cost to WTC, this would then result in the agreement being finalised on 28 February 2017 and charges would be implemented in the Memorial Hall, Carrington Way and Churchfields car parks at that point.

As a matter of note, there are 2,654 households in Wincanton and currently the precept is £88.48.

## **8. Financial Implications**

Wincanton Town Council have agreed to compensate SSDC for the anticipated income less the associated costs of achieving this income, resulting in an annual revenue receipt to SSDC of £18,000 in Year 1 and £24,155 thereafter, subject to any inflationary increase to be applied only once every three years from the start of the scheme in 2012. In order to preserve the income in the budget, as soon as the compensation scheme finishes, charges must be applied immediately.

## 9. Corporate Priority Implications

None directly.

## 10. Carbon Emissions and Climate Change Implications

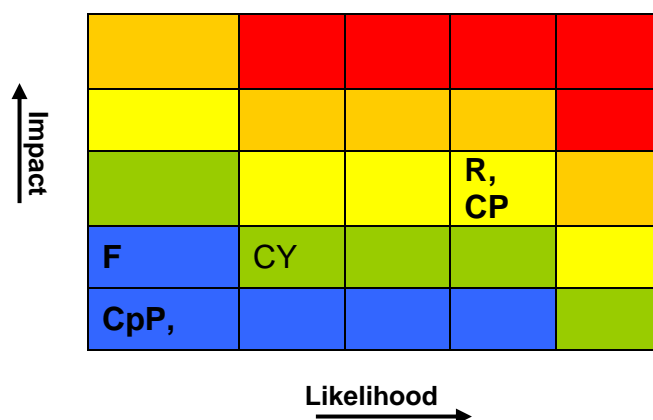
Not applicable.

## 11. Equality and Diversity Implications

None directly for this council as the change from free car parking to pay and display would be as a result of the request from Wincanton Town Council. If the compensation scheme is terminated, then charges will apply and members will need to have regard for the equality assessment for parking charges in Castle Cary and Wincanton that were completed when the charging regime was agreed at Full Council on 23 February 2012.

## 12. Risk Implications

This matrix only identifies the risk associated with taking the decision as set out in the report as the recommendation(s). Should there be any proposal to amend the recommendation(s) by either members or officers at the meeting then the impact on the matrix and the risks it identifies must be considered prior to the vote on the recommendation(s) taking place.



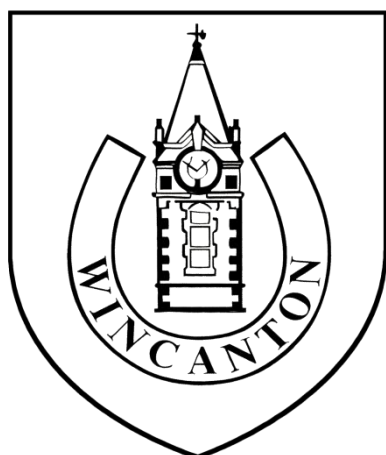
### Key:

Categories:	Colours:
R = Reputation	Red = High impact & high probability
CpP = Council Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact & insignificant probability

## 13. Background Papers

District Executive report, 1 March 2012

Portfolio Holder Decision, 15 May 2012



## WINCANTON TOWN COUNCIL

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28<sup>th</sup> February 2014

Dear Vega,

### **Wincanton Car Parks – Compensation Agreement**

Wincanton Town Council discussed the above compensation agreement at the Full Council Meeting on Monday 24<sup>th</sup> February 2014 and have instructed me to write with their decision.

Council would like to request the term “rolling” is removed from the agreement and to revert back to the original 3 year contract.

Council would also like to give formal notice of their intention to terminate the contract in May 2015.

Please would you acknowledge receipt and advise of when this will be discussed at Chief Executive level.

Yours sincerely

Sam Atherton  
**Wincanton Town Clerk**