

## **URGENT BUSINESS**

**21ST MARCH 2014**

The following decision has been taken under the Urgent Business Procedure.

### **UB91 URGENT BUSINESS - CAR PARKING OBJECTION (Pages 1 - 20)**

The Chief Executive consulted with the Leader and Cabinet Member with Responsibility for Parking to take the Urgent Business Decision set out below. The reason for the urgency in this case was that a decision was required to allow for any changes to be in place for 1 April 2014. The Chairman of the Overview and Scrutiny Committee was consulted and agreed to waive the five day call-in period in accordance with Overview and Scrutiny Procedure Rule 17(a):-

- (1) In considering this issue Cabinet is conscious that the Council already supports the city centre through providing a clean and improving environment.
- (2) That Cabinet, having today received a programme of events from the Business Improvement District (BID), which was not available when the previous decision was made, has decided that free parking should be retained on public holidays to support the development of these events.
- (3) That Cabinet agree that for the purposes of the parking order this change does not represent a substantial change. Therefore, officers are requested to continue the process of implementing the overall decision previously made by Cabinet.
- (4) Cabinet extends an invitation to the Chamber and BID to discuss matters of mutual concern.

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**Any queries regarding these Minutes, please contact  
Liz Bateson - Democratic Services - telephone 01524 582047, or email:  
ebateson@lancaster.gov.uk**

**CABINET**

**URGENT BUSINESS**

**21 March 2014**

**Report of Chief Officer (Environment)**

<b>PURPOSE OF REPORT</b>			
To enable reconsideration of the decision made by Cabinet on 11 March 2014 with regard to Car Parking Objections			
<b>Key Decision</b>	<input type="checkbox"/>	<b>Non-Key Decision</b>	<input type="checkbox"/>
		<b>Officer Referral</b>	<input checked="" type="checkbox"/>
<b>Date of notice of forthcoming key decision</b>	n/a		
<b>This report is public</b>			

**RECOMMENDATIONS**

- (1) That, in accordance with Council Procedure Rule 19, Cabinet is requested to consider rescinding its previous decision made on 11 March 2014 (Minute 95 refers) and reconsider the objections to the City Council’s plan to charge for car parking in Lancaster on bank holidays.
- (2) That, if Cabinet agrees to rescind its decision and thereby not introduce charging for car parking on bank holidays in Lancaster, the Chief Executive be requested to consult the Chairman of Overview and Scrutiny Committee regarding the waiver of call-in in order for the decision to be implemented immediately.

**1.0 Introduction**

1.1 At the Cabinet meeting on 11 March 2014 Cabinet considered a report on Parking Charges – Objection and made the following recommendation:-

*That Cabinet resolve not to uphold the objections and that the process of implementing the decisions already agreed continue.*

1.2 In view of the strength of feeling expressed by Lancaster District Chamber of Commerce and Lancaster BID, and in accordance with Council procedure rule 19.1 which permits a motion or amendment to rescind a decision made at a meeting of Cabinet within the past six months to be moved, a quorum of 4

Cabinet members (Councillors Blamire, Bryning, Hanson and Sands) has requested that the decision be reconsidered.

- 1.3 The decision will be taken under the City Council's Urgent Business Procedure Rules as a decision is required by Monday 24 March 2014.
- 1.4 A copy of the request to reconsider the item is attached at Appendix A.
- 1.5 A copy of the original report to Cabinet is attached at Appendix B.
- 1.6 Further information received from the Chamber and BID is attached at Appendix C.

<b>RELATIONSHIP TO POLICY FRAMEWORK</b> As per original report
<b>CONCLUSION OF IMPACT ASSESSMENT</b> <b>(including Health &amp; Safety, Equality &amp; Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)</b> As per original report
<b>LEGAL IMPLICATIONS</b> As per original report
<b>FINANCIAL IMPLICATIONS</b> The financial implications remain as set out in the original report, that is: The estimated budgetary impact of upholding the objection would be a shortfall in income of £5,000 per annum. In addition, any delays in implementing the new schedule of car parking charges, i.e. if the decision cannot be implemented from the 1 <sup>st</sup> April 2014, will result in a loss of revenue in the region of £2,000 per week.  There will also be further advertising costs if required; these are estimated to be £1,500. As the budget has been set and agreed by Council, at its meeting of 26 <sup>th</sup> February 2014, any agreed budgetary shortfall will require compensating savings to be found.
<b>OTHER RESOURCE IMPLICATIONS</b> <b>Human Resources:</b> n/a <b>Information Services:</b> n/a

**Property:**

n/a

**Open Spaces:**

n/a

**SECTION 151 OFFICER'S COMMENTS**

As indicated in the financial implications, upholding the objection will lead to an annual budget shortfall of £5,000. In addition, for 2014/15 further shortfalls of £2,000 per week could arise from delayed implementation of new car parking charges. As it stands, the request to rescind the decision does not identify any compensating savings to meet these shortfalls. Members are advised to consider this issue and be clear on how it is to be addressed in making their decision.

**MONITORING OFFICER'S COMMENTS**

The Deputy Monitoring Officer has been consulted and has no further comments

**BACKGROUND PAPERS**

**Contact Officer:** Liz Bateson  
**Telephone:** 01524 582047  
**E-mail:** ebateson@lancaster.gov.uk  
**Ref:**

In view of the strength of feeling expressed by Lancaster District Chamber of Commerce and Lancaster BID, the Chief Executive has decided to find out whether there are sufficient Cabinet members willing to reconsider the decision made with regard to the Parking Charges Objection (Cabinet Minute 95). This is in accordance with Council procedure rule 19.1 which permits a motion or amendment to rescind a decision made at a meeting of Cabinet within the past six months to be moved, provided the notice of motion is signed by a quorum of Cabinet members; the quorum being 4 members.

Cabinet Members wishing to propose the motion below are requested to inform Democratic Services by 5pm on Thursday 20 March 2014. If 4 Cabinet Members confirm that they wish the motion to be proposed a decision will be taken under the Council's Urgent Business Procedure Rules on Friday 21 March 2014, as a decision is required before Monday 24 March 2014.

"In accordance with Council Procedure Rule 19, we the undersigned propose that Cabinet rescinds its previous decision made on 11 March 2014 (minute 95 refers), and reconsiders the objections to the City Council's plan to charge for car parking in Lancaster on bank holidays."

Councillor Blamire

Councillor Hanson

Councillor Bryning

Councillor Sands



**LANCASTER  
CITY COUNCIL**

*Promoting City, Coast & Countryside*

**URGENT BUSINESS**

Cabinet

Tuesday, 11 March 2014

Agenda Item Number	Page	Title
3	1 - 7	ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER
		<p><b>PARKING CHARGES – OBJECTION</b></p> <p>A decision is required at this meeting to allow for any changes to be in place for April 1, 2014. In the event of the decision being called in, the call-in would need to be held prior to 24 March 2014 in order to meet statutory notice requirements.</p>

**CABINET**

**Parking Charges-Objection  
11th March 2014**

**Report of Chief Officer (Environment)**

<b>PURPOSE OF REPORT</b>			
To allow Cabinet to consider objections to the Council’s plan to charge for car parking in Lancaster on bank holidays.			
<b>Key Decision</b>	<input type="checkbox"/>	<b>Non-Key Decision</b>	<input type="checkbox"/>
		<b>Referral from Officer</b>	<b>X</b>
<b>Date of notice of forthcoming key decision</b>	N/A		
<b>This report is public</b>			

**OFFICER RECOMMENDATIONS**

- (1) Not to uphold the objections and to continue the process of implementing the decisions already made by Cabinet.
- (2) In the event that Cabinet did uphold the objection Cabinet would be requested to consider whether it represents a substantial change.

**1.0 Introduction**

- 1.1 Cabinet (21<sup>st</sup> Jan 2014) agreed a number of revisions to car parking charges for the 2014/15 financial year. One of these changes was to bring Lancaster in line with Morecambe through the introduction of car parking charges in Lancaster on bank holidays.
- 1.2 Prior to Cabinet’s consideration the proposals had been made available for consultation and had as is always the case been sent directly to the Lancaster District Chamber of Commerce and Lancaster BID as key stakeholders. No responses to the proposals were received.
- 1.3 Following Cabinet’s decisions as required by the Road Traffic Regulation Act the proposals were publicly advertised. As part of the advert objections to any aspect of the draft off street parking order can be made (by the 7<sup>th</sup> March 2014).
- 1.4 Two objections (see attached Appendix) have been lodged by the Lancaster

District Chamber of Commerce and Lancaster BID in relation to the fact that the draft order shows that parking charges will now apply in Lancaster on bank holidays, as is already the case in Morecambe.

## 2.0 Proposal Details

2.1 Cabinet are requested to consider the objections and decide whether they wish to –

- a) **Not uphold the objections** – in which case officers will continue the necessary process to implement the decisions already made by Cabinet. As this decision has been taken using the Council's procedures for urgent business it should still be possible to implement the changes on 1<sup>st</sup> April 2014.
- b) **Uphold the objections-** in which case officers may have to advertise the change to the draft order and because of statutory timescales the order may not be implemented on 1<sup>st</sup> April 2014.

Officers will only have to advertise the change to the draft order if Cabinet considers the change to be a 'substantial change'.

If the change to the draft order has to be advertised this will result in a delay. This is because of statutory time scales. A delay will of course have a wider budgetary impact than just the estimated income of £5,000 that had been forecast for the introduction of bank holiday car parking charges in Lancaster.

2.2 In considering the objections (which are both only to the decision to introduce car parking charges in Lancaster on bank holidays) Cabinet should note-

- Bank holiday charging for parking in Morecambe has been in place for several years now.
- The Council has in place a parking strategy which sets out how best to manage car parking within this District. The strategy recognises that appropriate car parking charges can do much to support the strategy and the wider public realm. The introduction of bank holiday car parking charges for Lancaster was made to support the wider aims of the car parking strategy.
- Lancaster BID have provided information to evidence that footfall in Lancaster on bank holidays is lower than normal. This could actually be seen as an indication that free parking on bank holidays has no great influence on attracting visitors to the City.
- No substantive evidence has been provided as to what the negative impact on trade in the City Centre would be with.
- The Council is very much supports a revitalised City Centre, which will prove a draw to residents and visitors. As such it is working with the County Council to deliver Square Routes and is also working on many other regeneration initiatives as well as being an active member of BID.
- The significant contribution that properly managed car parking makes to the



Council's ability to deliver its priorities.

- The estimated budgetary impact of upholding the objection would be a shortfall in income of £5,000 per annum.

2.3 In considering whether the removal of the parking charges on bank holidays is a 'substantial change' and therefore requires to be advertised, Cabinet will note that the removal of the charge will reduce the cost of parking for the district not increase it. This may suggest that such a change is not of significant effect requiring advertisement. In addition to this, the removal of this charge may not be considered significant when viewed in the context of the overall order and the charges it imposes.

### **3.0 Details of Consultation**

3.1 As outlined in the report Lancaster District Chamber of Commerce and Lancaster BID had been specifically consulted with prior to Cabinet considering this issue. No response was received at the time.

### **4.0 Officer Preferred Option (and comments)**

4.1 The officer preferred option is option **a) Not uphold the objection.**

### **5.0 Conclusion**

5.1 Cabinet are requested to consider their response to the objection.

## **RELATIONSHIP TO POLICY FRAMEWORK**

The delivery of priorities within the Council's corporate plan is resourced by the Council's budget which was recently agreed by Council for 2014/15. Income generated from off street car parking contributes significantly to the Council's ability to deliver its priorities. Furthermore appropriate management of car parking contributes significantly to the wide management of the public realm.

## **CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)**

Introduction of charging in Lancaster on bank holidays would be consistent with what is already the case in Morecambe.

Blue Badge holders can park for free on all the District's off street car parks and this remains the case in the draft traffic order

## **LEGAL IMPLICATIONS**

The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (the Regulations) require the Council to consider any valid objection received within the 21 day consultation period.

Should the draft order be amended, and the amendment be deemed to be a significant change to the draft order, the Council will have to take such steps considered appropriate (pursuant to regulation 14 or the Regulations) to (1) inform persons likely to be affected by the modification, (2) give those persons an opportunity to make representations and (3)

ensure that such representations are duly considered by the Council.

In any event the objector should be informed of the Council's decision.

**FINANCIAL IMPLICATIONS**

The 2014/15 agreed revenue budget for off-street parking income (including permits) is £2,448,500.

As detailed in the report, the estimated budgetary impact of upholding the objection would be a shortfall in income of £5,000 per annum. Any delays in implementing the new charges will result in further shortfalls estimated at £2,000 per week.

There will also be further advertising costs if required, these are estimated to be £1,500.

As the budget has been set and agreed by Council, at its meeting of 26<sup>th</sup> February 2014, any agreed budgetary shortfall will require compensating savings to be found

**OTHER RESOURCE IMPLICATIONS**

**Human Resources:**

NA

**Information Services:**

NA

**Property:**

NA

**Open Spaces:**

NA

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments

**BACKGROUND PAPERS**

none

**Contact Officer:** Mark Davies

**Telephone:** 01524 582401

**E-mail:** mdavies@lancaster.gov.uk

**Ref:**

Ref: LCC/pf&c/2014

28<sup>th</sup> February 2014

Mr Mark Cullinan  
Chief Executive  
Lancaster City Council  
Town Hall  
Dalton Square  
Lancaster, LA1 1PJ

Dear Mr Cullinan,

Following the proposal for the Lancaster City Council Off Street Parking Places Order 2014, I would like state my emphatic objections to the parking fees and charges amendments. The particular point of contestation is the plan to implement charges during Bank Holidays, a decision the Chamber Board and Members believe would be significantly detrimental to the local business community.

While I understand that the government cuts have resulted in the Council's need to save over the next couple of years, the decision to introduce regular-tariff parking fees on Bank Holidays does not seem to consider the ensuing repercussions. It would be counterintuitive to introduce new charges that would simultaneously forestall future contributors, and counterproductive to the businesses investing in events aimed at stimulating additional customer visits.

Deterring visitors from the town centre on Bank Holidays would unnecessarily penalise businesses - which are entirely self-reliant in generating their revenue - by averting trade. Simultaneously, potential private investors may be reluctant to become established in Lancaster if trade is expected to decrease.

It is indeed a difficult position in having to decide the precise areas for funding cuts and for increasing charges, and undoubtedly a necessary one in the current economic climate. However, it is objectionable to wittingly impede our local enterprises, which are highly instrumental in helping to sustain the economy. Especially as many businesses are involved in the Business Improvement District, a scheme that endeavours to improve the city on a collective scale, this would be an unfortunate remuneration.

We implore you and your members to reconsider its decision and look forward to hearing from you.

Yours faithfully,



**VICKY LOFTHOUSE**  
**CHAMBER MANAGER**

Lancaster Unlimited  
 (Promoting a Business Improvement District for Lancaster)  
 c/o Lancaster District Chamber of Commerce  
 Commerce House  
 Fenton Street  
 LANCASTER  
 LA1 1AB  
 Tel: 01524 381331  
 www.lancasterbid.org



Lancaster Town Hall  
 Dalton Square  
 LANCASTER  
 LA1 1PJ

Weds 5<sup>th</sup> March, 2014

Dear Mr Cullinan

The members of Lancaster's Business Improvement District have great concerns about the proposed introduction of Car Parking Charges to be made for Bank Holidays. A key objective of the BID Management Committee and the ethos of the Business Improvement District for Lancaster is to increase footfall to Lancaster City Centre during Bank Holidays as well as promoting the City to visitors and visitor groups for the future, encouraging events and promotions to take place during Bank Holiday periods. The ability to advertise free parking for these Bank Holidays is a very necessary element of the total marketing package for Lancaster.

This particularly in the situation where businesses are facing a second year of severe traffic disruption due to the ongoing, large scale United Utilities project with no attempts at mitigation where parking charges are concerned.

A saving of £5000 to the City Council is a paltry figure in comparison to the economic damage that could be done to City Centre businesses by the loss of free parking at Bank Holidays..

For this reason, Lancaster BID would like to appeal against the proposed introduction of Bank Holiday charges for Car Parking in Lancaster City Centre, as we feel it will be a massive disincentive to the improvement of visitor numbers to the City. I have included below footfall figures provided by two of our group members, St Nics and Marketgate which illustrate well the weakness of the Bank Holiday days in comparison to normal trading days. The first set of figures are provided by St Nics and show equivalent Monday counts as a percentage of a given week during 2013.

DAY	MON COUNT	TOTAL WEEK	%
Easter Monday	8237	79372	10.4
Following Monday	11347	79550	14.3
May Day	6988	73372	9.5
Following Week	10475	78682	13.3
Spring Bank	8619	79923	10.8
Following Week	10146	68401	14.8
August Bank	7128	81431	8.8
Following Week	13295	87515	15.2

Of course should it be required these figures are fully auditable and full records are held.


The figures below have been provided by Marketgate and paint an almost identical picture.

Good Friday 29 March	11,622	Monthly Fri avg 13,441
Easter Mon 1 Apr	7,132	Monthly Mon avg 12,300
May Day Mon 6 May	6,907	Monthly Mon avg 12,800
Spring Bank Mon 27 May	7,672	" " " "
Summer Mon 26 August	6,564	Monthly Mon avg 12,500

The members of the group are aware that the free parking offer at Marketgate is actually a concession by a private car park owner who appreciates the value of free parking in encouraging more frequent and longer visits on what are difficult trading days.

I should state on a separate note that Lancaster BID greatly welcome the introduction by the City Council this year of a mobile technology method of payment which will prove an excellent service add-on where pay on departure does not exist.

Yours sincerely



Mr Paul Cusimano  
The Chairman of Lancaster Unlimited  
Lancaster's Business Improvement District

Dear Mr Cullinan

The members of Lancaster’s Business Improvement District have great concerns about the proposed introduction of Car Parking Charges to be made for Bank Holidays. A key objective of the BID Management Committee and the ethos of the Business Improvement District for Lancaster is to increase footfall to Lancaster City Centre during Bank Holidays as well as promoting the City to visitors and visitor groups for the future, encouraging events and promotions to take place during Bank Holiday periods. The ability to advertise free parking for these Bank Holidays is a very necessary element of the total marketing package for Lancaster.

This particularly in the situation where businesses are facing a second year of severe traffic disruption due to the ongoing, large scale United Utilities project with no attempts at mitigation where parking charges are concerned.

A saving of £5000 to the City Council is a paltry figure in comparison to the economic damage that could be done to City Centre businesses by the loss of free parking at Bank Holidays..

For this reason, Lancaster BID would like to appeal against the proposed introduction of Bank Holiday charges for Car Parking in Lancaster City Centre, as we feel it will be a massive disincentive to the improvement of visitor numbers to the City. I have included below footfall figures provided by two of our group members, St Nics and Marketgate which illustrate well the weakness of the Bank Holiday days in comparison to normal trading days. The first set of figures are provided by St Nics and show equivalent Monday counts as a percentage of a given week during 2013.

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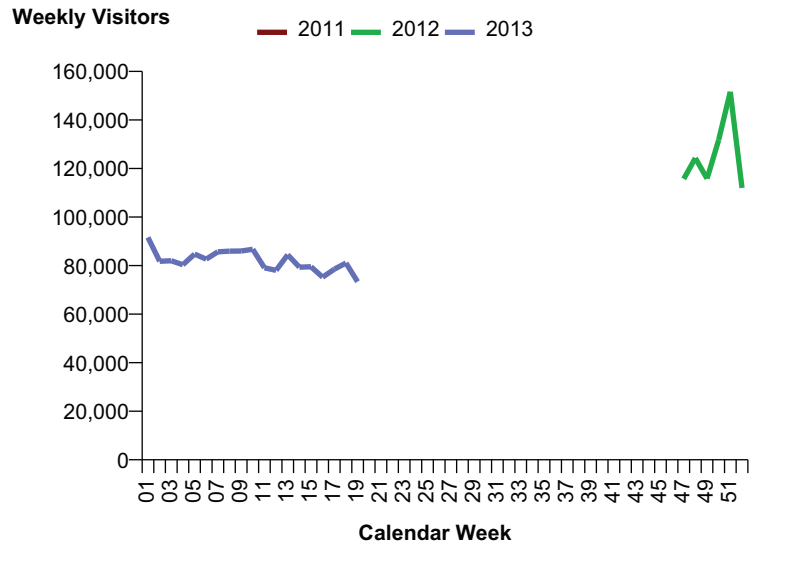
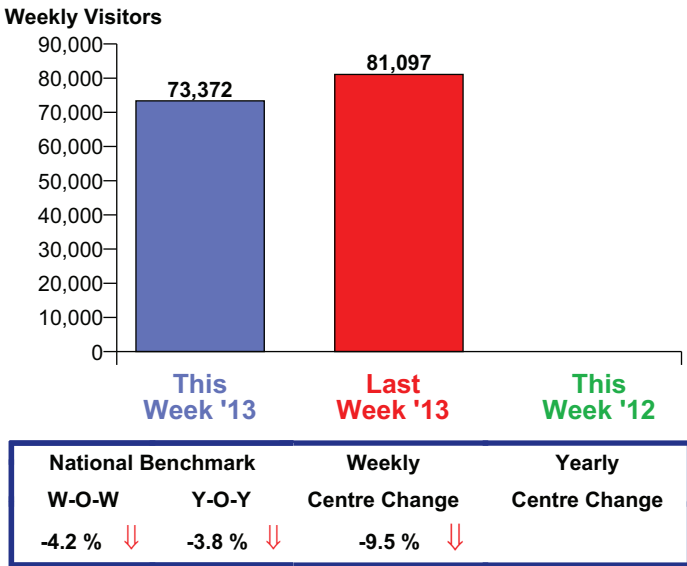
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Yours sincerely

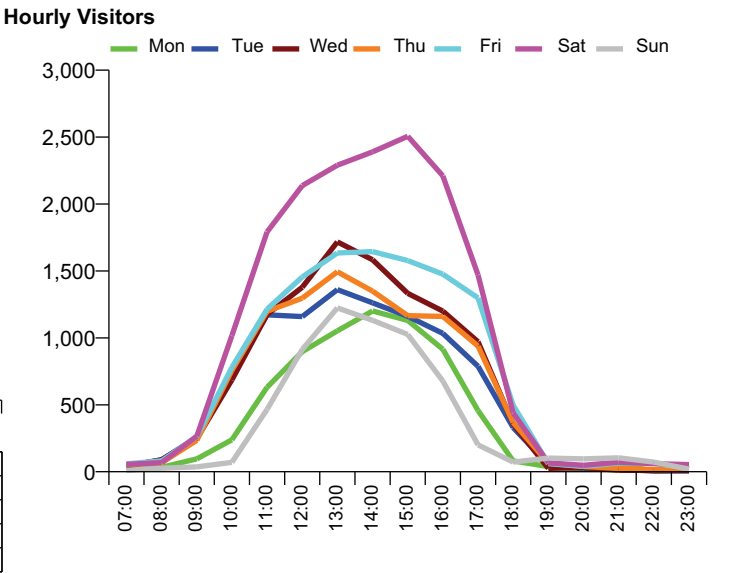
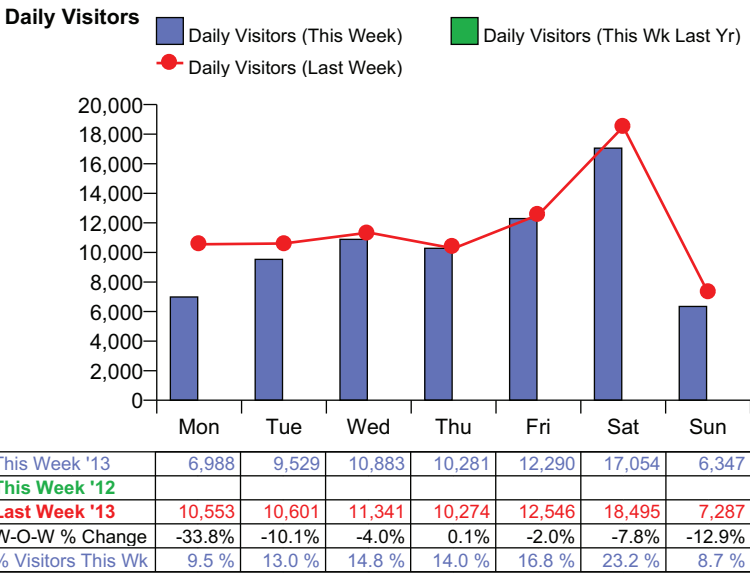
Mr Paul Cusimano  
The Chairman of Lancaster Unlimited  
Lancaster's Business Improvement District

<b>Week Commencing</b> 06-May-2013	<b>Calendar Week</b> 19
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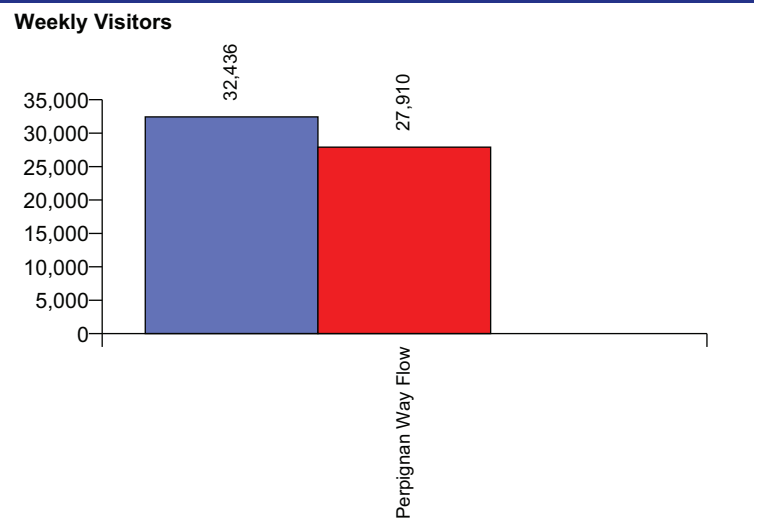
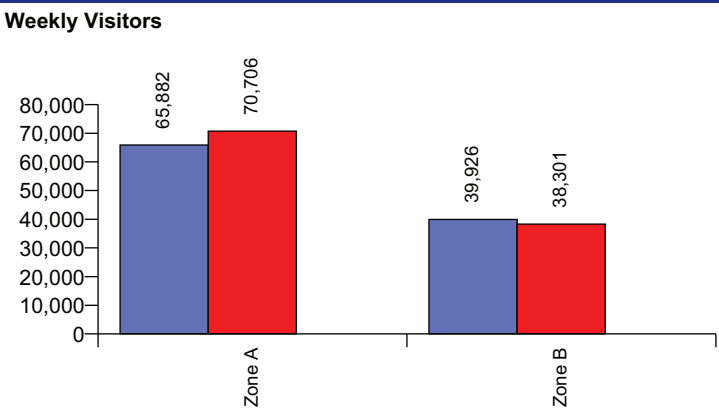
<b>Weekly Visitors</b>	<b>Annual Performance</b>
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<b>Daily Distribution</b>	<b>Hourly Distribution</b>
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<b>Zone Comparison</b>	<b>Flow Comparison</b>
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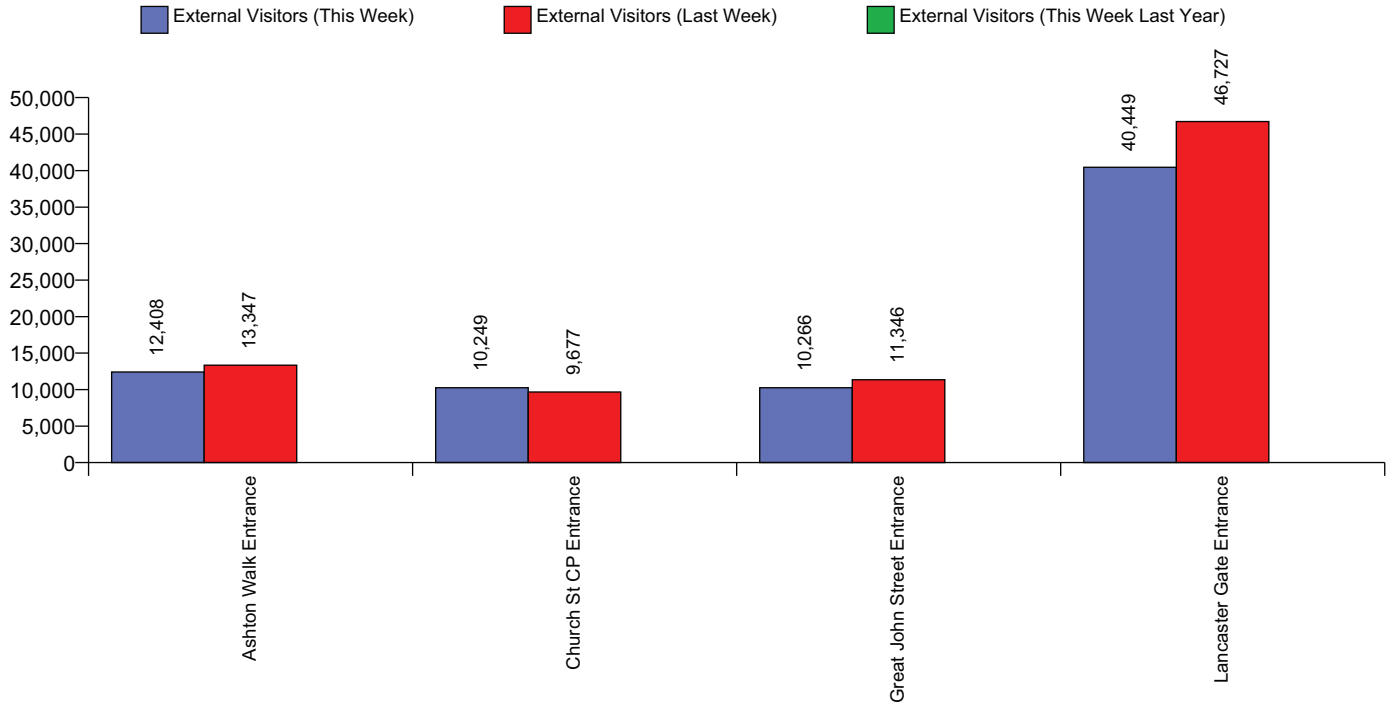




Week Commencing	06-May-2013	Calendar Week	19
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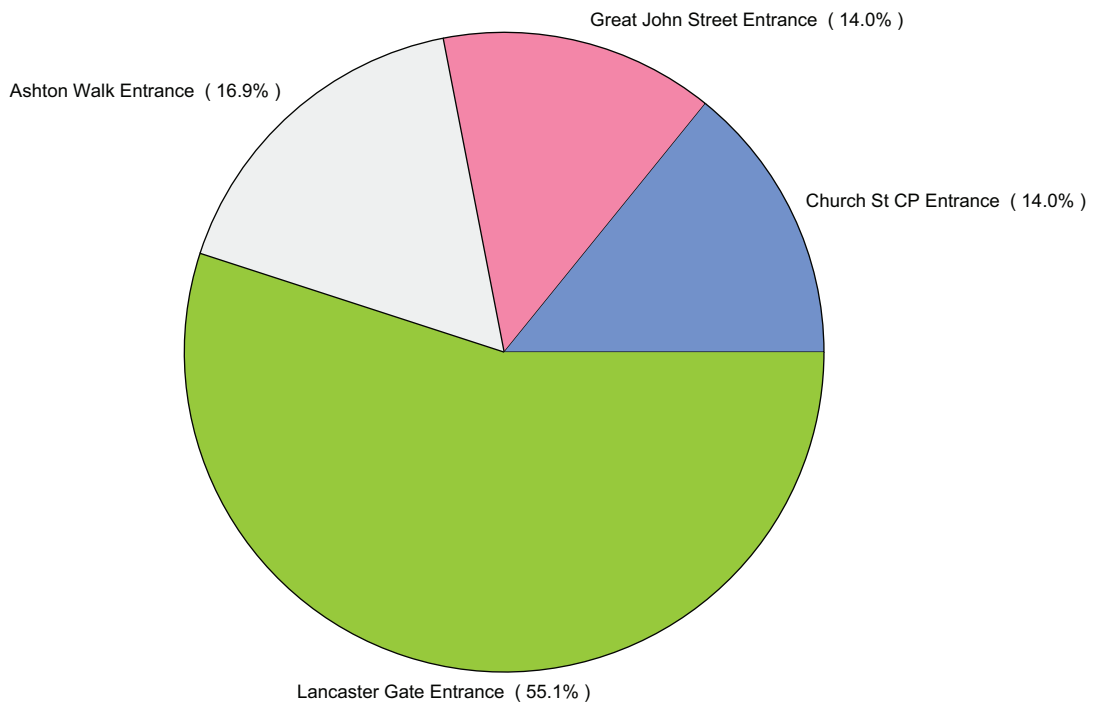
**External Location Comparison**

Weekly Visitors



**Footfall by Entrance**

Weekly Visitors



<b>Week Commencing</b>	<b>06-May-2013</b>
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<b>Calendar Week</b>	<b>19</b>
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### Weather

No weather information available

### Management Highlights

No Management Highlights Available

URGENT BUSINESS – CAR PARKING – OBJECTIONS –  
RECONSIDERATION OF CABINET DECISION 11 March 2014 (Minute 95  
refers)

Councillor Consultation

\*I am/~~am not~~ (\*please delete as appropriate) in agreement with the recommendation:  
-

To agree: -

- (1) In considering this issue Cabinet is conscious that the Council already supports the city centre through providing a clean and improving environment.
- (2) That Cabinet, having today received a programme of events from the Business Improvement District (BID), which was not available when the previous decision was made, have decided that free parking should be retained on public holidays to support the development of these events.
- (3) That Cabinet agree that for the purposes of the parking order this change does not represent a substantial change. Therefore, officers are requested to continue the process of implementing the overall decision previously made by Cabinet.
- (4) Cabinet extends an invitation to the Chamber and BID to discuss matters of mutual concern.

Signed:

Name: Councillor Eileen Blamire  
Position Held: Leader of the Council

Name: Councillor Tim Hamilton-Cox  
Position Held: (Cabinet Member with Responsibility for Parking)

Dated: 21 March 2014.

Chief Executive Decision

\*I agree/~~do not agree~~ (\*please delete as appropriate) to exercise my delegated authority and approve: -

- (1) In considering this issue Cabinet is conscious that the Council already supports the city centre through providing a clean and improving environment.
- (2) That Cabinet, having today received a programme of events from the Business Improvement District (BID), which was not available when the previous decision was made, have decided that free parking should be retained on public holidays to support the development of these events.
- (3) That Cabinet agree that for the purposes of the parking order this change does not represent a substantial change. Therefore, officers are requested to continue the process of implementing the overall decision previously made by Cabinet.
- (4) Cabinet extends an invitation to the Chamber and BID to discuss matters of mutual concern.

Signed: Mark Cullinan-----  
Chief Executive

Dated: 21 March 2014.

**URGENT BUSINESS – CAR PARKING - OBJECTIONS**

**That in view of the decision to rescind the decision made by Cabinet on 11 March 2014 (Minute 95 refers) and thereby not introduce charging for car parking on bank holidays in Lancaster, the Chief Executive be requested to consult the Chairman of Overview and Scrutiny Committee regarding the waiver of call-in in order for the decision to be implemented immediately.**

**Councillor Consultation**

\*I agree (\*please delete as appropriate)

**To this matter being treated as a matter of urgency in accordance with Overview and Scrutiny Committee Procedure Rule 17(a) and therefore not being subject to call-in.**

Signed:

CLlr David Kerr – Chairman of Overview & Scrutiny

Dated:

**Chief Executive Decision**

\*I agree(\***please delete as appropriate**) to this matter being treated as a matter of urgency in accordance with Overview and Scrutiny Committee Procedure Rule 17(a) and therefore not being subject to call-in.

Signed:

Mark Cullinan  
Chief Executive

Dated: