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Place Scrutiny Committee – 31 October 2016

MINUTES OF A MEETING OF THE PLACE SCRUTINY COMMITTEE HELD AT COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON MONDAY, 31 OCTOBER 2016

PRESENT

County Councillor K W Curry (Chair), G R Banks, M J Dorrance, D O Evans, V E Evans, D C Jones, H Lewis, ET Morgan, G Morgan, GD Price and D H Williams

In attendance: County Councillor J H Brunt

Officers: Nigel Brinn, Head of Service, Highways, Transport and Recycling, Shaun James, Senior Manager, Highways Technical, Paul Griffiths, Strategic Director Resources and Stuart Mackintosh, Head of Service, Leisure and Recreation

Apologies for absence were received from County Councillors G Hopkins

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| 1. | APOLOGIES | PLSC47-2016 |
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Apologies for absence were received from County Councillors G Hopkins and R G Thomas.

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| 2. | DECLARATIONS OF INTEREST | PLSC48-2016 |
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There were no declarations of interest.

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| 3. | DISCLOSURES OF PARTY WHIPS | PLSC49-2016 |
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There were no disclosures of party whips.

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| 4. | CAR PARK ORDER 2016 | PLSC50-2016 |
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The Monitoring Officer explained the call in procedure and detailed the relevant sections of the Constitution. He explained that he the Section 151 Officer had been consulted and it had been agreed that the proper procedures had not been followed as an Impact Assessment had not been carried out. For this reason the call in had been allowed.

Members were advised that the meeting of the Committee gave them the opportunity to persuade the Portfolio Holder that the decision was wrong and their reasons for that. The Committee could ask the Portfolio Holder to review his decision or refer the matter to County Council for further debate. It was noted that neither the Committee nor County Council could demand a change to the decision as that ultimately lay with the Portfolio Holder.

Documents:

- Portfolio Holder delegated decision report
- Call in letter
- Extract of Cabinet Minutes – 9 September 2015
- Impact Assessment

Discussion:

- A Member queried the costs of implementing charging on some car parks - the Portfolio Holder challenged the question and sought the Monitoring Officer's advice on its relevance. The detail had been included in a Cabinet report in September 2015 at which time the Portfolio Holder had been granted delegated authority to implement the decision. The Monitoring Officer allowed the question as, although the call in was based on procedural matters, any information may be relevant to the Portfolio Holder reviewing his decision
- The Medium Term Financial Strategy (MTFS) indicates that £30K should be saved in this service area. The MTFS and budget were both approved by County Council. The savings were not made in 2015/16 as planned and were rolled forward into the current financial year. Investment is required to ensure these efficiencies are achieved. Ticket machines, officers and Fixed Penalty Notices (FPNs) are already in place
- Some modifications to the original plans have been agreed and costs would be lower
- Members were of the opinion that it would be unlikely that £30K could be achieved in the current financial year – the Portfolio Holder accepted this and noted that it would be rolled over into the next financial year
- The Committee sought clarification on 20% of car parking charges being made available to Hay Town Council. The Portfolio Holder corrected this misunderstanding – no revenue from car parking charges was made available to any town or community council. Under an agreement between Community Asset Transfer (CAT) and the Town Council, a sum equivalent a percentage of car parking charges is paid to Hay Town Council to facilitate community delivery. These funds are not within the control of Highways, Transport and Recycling (HTR). It was understood that this agreement had been reached in discussions between the Chief Executive and the Portfolio Holders for Finance and Commissioning.
- It was noted that the Cabinet had not followed the Council's process in that an Impact Assessment had not been completed. Members were of the opinion that the way in which the decision had been made was flawed as the Cabinet should have been aware of the scale of any impact prior to making a decision. The Committee were therefore requesting that the decision be revisited as it had not been made on the basis of evidence. The Portfolio Holder accepted this and agreed to review the decision in light of the Impact Assessment which had now been produced.
- It was further considered that implementation would create greater inequality as there were still variations in some areas as to what would be available – some free car parks, some resident permit only and some charged for. The Portfolio Holder informed the Committee that there had been detailed consultation with local members to find the best solutions.
- The Chair asked for clarification of the timescale involved in reviewing the decision. The Portfolio Holder would seek advice from officers and expected that this would be achieved in a short period of time.
- The Wellbeing of Future Generations Act had been implemented since the original decision had been made and Members thought that this should also be taken into consideration

- Members gave examples of car parks in their own areas where it was thought charging would not be viable or where particular local issues may cause concern
- The Portfolio Holder was clear that there was an issue of equality and fairness across the Authority. Many car parks have had charges for many years and it had been his intention to bring others into line. He could not envisage any one town having an exemption in the interests of fairness.
- It appeared that some car parks would make a loss under the proposals and Members challenged whether individual car parks had been assessed on a cost basis. The Portfolio Holder reported that some ticket machines were over 30 years old – as car usage increases, car parking will increase. Each car park has been assessed for income generation. All car parks and towns will be treated fairly.
- The Committee believed that the Impact Assessment lacked quality. It indicated that introducing charges may affect the lower paid but no mitigation measures had been included. It was further considered that residents move their vehicles to on-street parking to avoid parking charges. There was a lack of vision regarding regeneration and encouraging visitors to business premises. Other towns in Powys already have charging in car parks and have had for many years.
- A Member reported that vandalism had occurred at one car park following the introduction of charges – the Portfolio Holder did not think the Authority could make decisions based on threats of violence. Vandalism is a criminal act and would be dealt with as such if it occurs
- The Council is currently reviewing its bring sites although no detail is available at the present time. This could have an impact on the number of parking spaces available in some car parks.
- Whilst it may be difficult to argue against equality across car parks across the Authority there must be consistency in charging for resident permits. To ensure equality all car parks should have been included in the review.
- Members criticised the quality of the report and comments by Statutory Officers. It was considered that the omission of the Impact Assessment should have been highlighted at that stage. The Portfolio Holder should have challenged the advice to ensure it was robust.
- The proposals did not appear to tie in with legislation and focussed on tourists and visitors rather than residents. The report also refers to the Active Travel Act although this only applies to towns with populations exceeding 2000. Although some of Powys towns are smaller, this does not preclude benefits from being obtained through similar active travel schemes. The Portfolio Holder reiterated that the impact of charges does apply across many areas of the Authority and that not all car parks were in areas of employment.
- There are 10 Civil Enforcement Officers employed across the county
- It was considered that town and community councils were being used as a source of revenue by the County Council
- The position regarding use of funds raised through charging was questioned – charges from on street parking were ring-fenced, but charges from off street parking could be used to support other services
- Members were of the opinion that free parking across the County would be a useful tool in regenerating towns and this should be given greater consideration

- Members asked if any consideration had been given to the impact of vehicles being displaced from car parks into surrounding streets
- The Committee questioned what alternatives were being considered if increased income cannot be achieved through car parking charges – the Portfolio Holder did not offer an alternative
- Members considered that the costs of car parks across the Authority should be clarified to enable the decision to be reviewed

RESOLVED that

- the Chief Executive be informed of the Committee’s concerns regarding the quality of the delegated decision report, particularly Statutory Officer comments and that the lack of an Impact Assessment had not been highlighted, and the poor standard of the Impact Assessment now that it has been completed: and**
- the issue be referred to County Council for full discussion**

The Monitoring Officer obtained the Committee’s permission that the matter could be considered by County Council on 18 November 2016 as it would not be proportionate to call a special meeting of County Council within 10 days.

County Councillor G D Price left the meeting at 15.40.

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| 5. | EXEMPT INFORMATION | PLSC51-2016 |
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RESOLVED to exclude the public for the following items of business on the grounds that there would be disclosure to them of exempt information under category 3 of The Local Authorities (Access to Information) (Variation) (Wales) Order 2007.

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| 6. | LEISURE SERVICE SAVINGS | PLSC52-2016 |
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Documents:

- Report of the Portfolio Holder for Commissioning and Procurement

Discussion:

- The Medium Term Financial Strategy (MTFS) has agreed savings for 2016/17 and indicative savings for 2017/18 and 2018/19
- There is a reduction of £200K required in the leisure and sports centre budget
- Discussions are ongoing with Freedom Leisure as to how to achieve these savings with the least impact
- It is proposed that the sports centre at Llanfair Caereinion could be transferred to the school – this has been achieved successfully at Crickhowell and Gwernyfed
- Unless an alternative delivery model can be found, it is proposed that Knighton sports centre may have to close

- Alternative options for Staylittle would be sought
- Freedom Leisure are not obliged under their contract to work with the Authority to achieve the savings – however, they are willing to assist in order to maintain a good working relationship
- Freedom Leisure is a not for profit organisation and any surpluses that may be generated would be reinvested into facilities
- Consideration of sports facilities had been in hand since 2007 when it was acknowledged that the Council was unable to provide the level of investment required to maintain facilities.
- In considering the current level of savings all options have been considered – V4 were retained to review delivery and concluded that the only realistic solution would be to change or close three centres
- Local Members were of the opinion that all centres should be subject to cuts with closures on one day a week, for example, in order to maintain current facilities. If this option were to be pursued, the cost of the service could become more expensive. It is essential to ensure that income covers costs. There have been year on year reductions to the leisure budget and a significant analysis was undertaken prior to the contract being let in the summer of 2015. The sites that would remain would make the lowest level of loss.
- It was acknowledged that facilities are highly regarded locally, but costs are the main driver
- Many young people have benefitted from the facilities at Staylittle - Members hoped that this could be taken over as a commercial venture and expand its base to include leadership development etc. It was acknowledged that there was insufficient business acumen within the authority to run commercial enterprises. This had been instrumental in seeking a commercial partner to run leisure facilities.
- The local member for Llanfair Caereinion sought clarification of the current negotiations regarding transferring that facility to the school and reassurance that if it were to be transferred the Authority would not abandon repairs that are needed
- The Committee asked what had been learned from the V4 report that the Authority were not already aware of? Little had been learned but it provided an independent and objective view of options available and could have highlighted further options which had not been identified. There was concern that if options had been developed in house they may not have been accepted. Those options have now been subjected to an independent challenge by an organisation with detailed, specialised knowledge.
- Members considered that more responsibility needed to be taken in-house for assessing options
- The options were likely to be considered by Cabinet on 20 December 2016

County Councillor K W Curry (Chair)

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