

CYNGOR SIR POWYS COUNTY COUNCIL.

EXECUTIVE LEADER

9th April, 2015

**REPORT AUTHOR: Tony Caine
Road Safety and Traffic Systems Manager**

**SUBJECT: The Revocation of Delegated Power to Increase Car
Park Charges and Make Traffic Regulation Orders in
Relation to Off Street Car Parks**

REPORT FOR: Decision

Summary

Under Section B of Table 9 of Section 1 of Part 3 of the Constitution the Executive Leader has delegated decisions for issuing Notices and granting Traffic Regulation Orders (TRO), pursuant to the Road Traffic Regulation Act 1984 on off street car parking matters, to the respective Shire Committees.

TRO's relating to car park charges can be changed by Notice of variation in Pursuant of Section 35C of Road Traffic Regulation Act 1984 and new off street car parks can be created and/or controlled by making a TRO under Section 35 of the said Act.

The legal process for creating a TRO or making changes by Notice are covered within the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Creating or amending a TRO requires the advertisement of the proposals and issuing notice of the Council's intentions providing a period in which representations may be made. Substantive objections would then be referred back to the relevant Committee/Cabinet with the delegated power to determine whether to sustain or overrule them. Making changes to car park charges is achieved by publishing the notice of the changes at least 21 days in advance within the local paper and within each car park.

The County Council, as part of its budget setting for 2015/16 financial year has proposed increasing car park charges across the county as well as introducing charging for other car parks where charges (and respective TRO's) do not currently apply.

In order to ensure consistency it would be appropriate for the decisions on these changes to be made by Cabinet rather than by each individual shire committee, which may lead to differential decisions being made.

Proposal

To revoke the delegated power to make decisions in respect of creating and controlling off street car parks and varying car park charges from the three Shire Committees, and instead to delegate the power to the Cabinet and/or the portfolio holder for Highways.

Powys Change Plan

Not Applicable

Options Considered/Available

Option 1: To revoke the delegated power of the Shire Committees to determine TROs in respect of creating, amending and/or controlling car parks and car parking charges and for the Leader to delegate the power to the Cabinet and/ the portfolio holder for Highways.

Option 2: The Shire Committee to retain delegated powers to determine TRO's in respect of creating, amending and/or controlling car parks and car parking charges within their respective areas.

Preferred Choice and Reasons

The preferred choice is that the Leader elects Option 1 to ensure there is a consistent approach to applying control and charges across Powys.

Portfolio Holder

In order to achieve budget savings targets and at same time achieve consistency of charges cross Powys, it is vital that the responsibility for Car Parking charges/fees rest with the Executive function, with whom the responsibility for delivery of budgets outcomes rest. To have two inter dependant functions sitting with two different decision making functions is totally unworkable and this function should rest with Cabinet/Portfolio Holder.

Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc

Not Applicable

Children and Young People's Impact Statement - Safeguarding and Wellbeing

Not Applicable

Local Member(s)

N/A

Other Front Line Services

Not Applicable.

Support Services (Legal, Finance, HR, ICT, BPU)

Finance are in agreement to this proposal as it will improve consistency in car parking charges across the County.

The Solicitor - Highways & Enforcement has commented as follows:”

“There are no legal concerns as to removing the delegated function from the respective Shire Committees and integrating that function back to the Executive who in turn can delegate to Portfolio Holder or Cabinet.”

Local Service Board/Partnerships/Stakeholders etc

Not Applicable.

Communications

Not applicable

Statutory Officers

The Strategic Director Resources (S151 Officer) notes the comments made by Finance.

The Solicitor to the Council (“Monitoring Officer”) has commented as follows:

Members’ Interests

The decision making process is currently delegated to the Shire Committees who will be divested of the power to determine the merit of any application to make Traffic Regulation Orders for the Council’s car parks.

Recommendation:	Reason for Recommendation:
1. To revoke the delegated power of the Shire Committees to determine TROs in respect of creating, amending and/or controlling car parks and car parking charges and for the Leader to delegate the power to the Cabinet and/ the Portfolio	To ensure control and charging within the Councils car parks are consistent across the whole Authority.

Holder for Highways.	
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Relevant Policy (ies):			
Within Policy:	N/A	Within Budget:	N/A

Relevant Local Member(s):	N/A
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Person(s) To Implement Decision:	Tony Caine
Date By When Decision To Be Implemented:	As soon as possible to advance the process of determining implementing Traffic Regulation Orders for increasing charging and controlling of the Council's off street car parks.

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Background Papers used to prepare Report: