

OPEN

Highways and Transport Committee

25th January 2024

Medium Term Financial Strategy – Parking Review

Report of: Tom Moody, Director of Highways and Infrastructure

Report Reference No: HTC/18/23-24

Ward(s) Affected: All Wards

Purpose of Report

- 1 The purpose of this report is to recommend to Committee, proposals on the implementation of changes to the public parking provision in Cheshire East, following statutory consultation. Specifically, this report is intended to:
 - (a) Present the outcomes of the statutory consultation undertaken between September and November 2023 and how they have helped to inform the final proposals.
 - (b) Provide the committee with recommendations for implementing final proposals to deliver the Parking Review, as included in the adopted Medium Term Financial Strategy (Initiative MTFS-108).
 - (c) Provide options and assurance to the Committee that the proposals meet the savings targets of the adopted Medium Term Financial Strategy, as failure to achieve this would worsen the Council's overall budget position and require savings to be made in other areas of Highways and Transport.
- 2 The final proposals respond to the council's adopted MTFS (Medium Term Financial Strategy) and contribute to the strategic aims and objectives in the Corporate Plan 2021-25 as follows:
 - (a) **Open** – providing stakeholders and the general public with the opportunity to express their views and shape final proposals presented in this report.

- (b) **Fair** – improve the fairness and equity of the charging regime across the Council’s parking estate, providing opportunities for greater investment in the Council’s parking estate, as well as local transport projects to help improve connectivity between our communities.
 - (c) **Green** – improve parking management and encourage greater use of active and sustainable modes of transport, especially for shorter trips.
- 3 If the Highways and Transport Committee are unable to agree the recommendations to increase parking revenue put forward within this report, Cheshire East Council would be left with significant budgetary pressures. The consequences of this would result in a need to reduce spending and therefore a reduction in other areas of service including, but not restricted to local bus subsidy and highways maintenance.
- 4 The final proposals align with the framework set out within the adopted Local Transport Plan (LTP) and associated High-Level Parking Strategy, which includes policies to address recovery of the service costs from users including costs associated with operating and maintaining off-street car parks. At the same time, these proposals contribute to wider policy objectives by encouraging users to consider alternative sustainable and active modes of transport for journeys, especially for shorter journeys.
- 5 The proposals are also aligned with the priorities and policies set out in the Environment Strategy, Health and Well-being Strategy and the Carbon Neutral Action Plan.

Executive Summary

- 6 Cheshire East Council operates 111 public car parks located throughout the Borough, serving towns and village centres plus a number of residential areas. Provision of public car parks is a discretionary service, though it is widely acknowledged that effective management of parking contributes positively to the achievement of Council policy priorities for transport and travel, regeneration, economic growth and improving the public realm.
- 7 Provision of public car parking in Cheshire East reflects a host of legacy arrangements inherited from the former county and district councils. Overall, 7 towns/villages are subject to pay & display parking whilst 12 towns/villages remain free of charges. The absence of a more consistent approach across the borough leads to:
 - (a) Arrangements that rely on the cross-subsidisation of some localities by others, thereby failing to provide an equitable or fair

service across all communities benefitting from the provision of car parks,

- (b) Sub-optimal recovery of value (revenue) from the Council's car park estate, and
- (c) Inconsistent management of car parks as a mechanism to promote active or sustainable transport options as part of a wider integrated transport strategy for Cheshire East.

- 8 This report recommends to the Committee a series of changes to the Borough wide parking (on and off-street) provisions that are appropriate to ensuring parking is provided more consistently, equitably and sustainably within Cheshire East.
- 9 The report recommends the introduction of a number of changes to parking across the Council's car parks, in order to deliver the financial savings, set out in initiative MTF5-108 in the Council's adopted medium term financial strategy. These changes also reflect the council's published policy priorities for the local transport network, including a transition towards measures that promote active travel, public transport and contribute to the reducing the impact of transport on climate change.
- 10 The report recommends revisions to the levels of car park tariffs to reflect an inflationary uplift in relation to the costs of operation, maintenance and enforcement for off-street parking. Cheshire East Council has increased its parking charges only once since 2009 (by 10p per hour) despite incurring significant cost inflation on service delivery.
- 11 The report presents the outcomes of a 6-week statutory consultation on proposed changes, including a specific set of modifications to the proposals based on the responses to consultation (Appendix 3). Also, there will be some minor variations to proposed on-street controls to reflect the responses to consultation.
- 12 The report further recommends that proposals for changes to the arrangements for staff and member parking permits are integrated with the overall Corporate travel plan for Cheshire East Council, with consultation on these measures to take place with staff representative organisations (Appendix 6).
- 13 The report sets out the approach to assessing the need for any mitigation measures, in order to manage any potential impact of displaced parking pressures. Town-by-town reports were published as part of the consultation summarising how these assessments were conducted. A series of priority mitigations have been identified (Appendix 7), and Committee should note that these measures will be

subject to separate statutory consultation where traffic regulation orders are required.

- 14 The report makes provision for further annual reviews of car parking tariffs, in future years, as part of the Council's annual review of fees and charges.
- 15 The report seeks approval to remove a local dispensation of parking charges for users of Crewe and Nantwich leisure centres, which is a legacy arrangement that incentivises car use whilst incurring avoidable administration costs for Leisure Services, circa £70,000 per year.

RECOMMENDATIONS

The Highways and Transport committee is recommended to:

1. Consider the outcomes of the statutory consultation on proposals to extend and revise the Council's Pay & Display parking provision with a view to ensure car parks are provided and managed more consistently and equitably throughout the Borough.
2. Approve the introduction of changes to the Council's parking regime, in accordance with the measures defined in Appendix 3 of this report and authorise the Director of Governance and Compliance to make all necessary arrangements to bring into effect the recommendations.
3. Note that a series of mitigation measures have been identified to manage any potential displacement of car parking as a result of these changes (Appendix 7). Members are advised that these measures are expected to require further statutory consultation prior to the making of relevant Traffic Regulation Order. As such ward councillors and town/parish councils will be consulted as part of these procedures.
4. Authorise the Director of Highways and Infrastructure to monitor the impact of these changes, commence the necessary statutory consultations and implement these mitigation measures where there is evidence of a need to do so. Monitoring will take place before and after the implementation of new parking charges to assess any impacts arising.
5. Authorise the Executive Director of Place to engage and agree devolution of any car parks to Town and Parish Councils, where they have expressed a willingness to pursue this option, noting that these negotiations will be pursued so that Cheshire East Council is neither better nor worse off than if proposals for car parking charges were implemented. Otherwise, in circumstances where a car park is underutilised and demand can be met in other facilities, arrange for the closure and disposal of car parks. Subject to approval, town and parish councils will be informed of these opportunities to ensure they may fully consider these options.
6. Agree that the legacy arrangement to refund parking costs for users of Crewe and Nantwich leisure centres be terminated, to ensure consistency with other Council leisure centres.

7. Authorise the Executive Director of Place to review parking charges annually in future years as part of the annual review of Fees and Charges. These reviews will take account of annual inflation and other relevant factors, and Committee will be notified of future changes in advance of a statutory consultation period.
8. Agree that proposals relating to the future provision of staff and member parking permits (Appendix 6) be subject to consultation with staff, members and representative bodies as part of updating the Council's Corporate Travel Plan.
9. Note that the initial trial of demand-responsive parking tariffs will commence following the opening of the new Royal Arcade MSCP in Crewe.
10. Note the implementation plan for these proposals (Appendix 8), which is designed to provide the maximum timely contribution to the MTFS outcomes.
11. Subject to decisions on the earlier recommendations in this report, approve a Supplementary Capital Estimate to provide for the costs of extending pay and display parking provision and associated mitigation measures, which are estimated to be £0.9m. This will be funded by prudential borrowing and repaid through service budgets.

Committee should note that approval of these recommendations (as above) does not meet the full MTFS savings target for the parking review. Details are provided in the Financial Implications (from Paragraph 64), which identifies an estimated shortfall of £800,000 (full year effect). The following measures may be considered in addition, to ensure a balanced budget for this MTFS initiative. Members are recommended to identify any of the following measures to be implemented in 2024/25 to resolve the £800,000 budget gap.

12. Removal of cash payments in all Pay & Display car parks. Instead, users will have the options to pay by card, phone or contract parking permit purchase. Removing the need to collect cash payments will reduce operating costs (cash collection) by circa £100,000 annually. Mindful that cash payments are a high proportion of parking transactions in Cheshire East, typically over 40% of total payments; consideration of moving to cashless payment should take account of the progress of the National Parking Platform (NPP). This is intended to provide a consistent parking App for users nationwide. Timing a transition to cashless to coincide with NPP will enable the Council to draw on promotional, awareness-raising media supporting the national initiative.
13. Commencing parking charges at 8am in all locations would yield an extra £50,000 (estimated) compared to the proposals in Appendix 3. This approach would make no special provision at car parks where there are high levels of school drop off / pick up activity. This approach could incentivise healthier and more sustainable travel to schools including walking, cycling and public transport use.
14. Revoking the offer of "4 free days" that is currently available to town and parish councils where charges apply would increase annual revenues by £120,000 (estimated). This offer would be retained in circumstances where the

town or parish council offered to fund the revenue lost by suspending parking charges for 4 days.

15. Introduction of a Sunday parking charge could yield additional revenues, as follows:

Option A is based on a flat charge of £2 per day which is estimated to yield £100,000 per annum (full year effect).

Option B is based on weekday parking charges being extended to Sundays which is estimated to yield £180,000 per annum (full year effect).

There will be additional operational costs for enforcement cover during Sundays, in order to ensure compliance with the extended charging periods. In this regard, a flat daily charge on Sundays is preferable as it minimises the requirement of extra enforcement patrols.

16. Extension of parking charges to cover evening periods (6pm to 10pm) is estimated to yield annual revenues of £300,000. There will be additional operational costs for enforcement cover during evenings, in order to ensure compliance with extended charging periods.

Subject to agreement on any of these supplementary measures (12-16 above), Committee is recommended to authorise the Director of Highways and Infrastructure to make all necessary arrangements to implement and commence the required statutory consultations to progress these measures.

Background

- 16 Cheshire East Council is responsible for the operation, management and civil enforcement of on-street and off-street parking regulations across Cheshire East. On-street responsibilities include Pay & Display parking spaces, loading bays, waiting restrictions and Blue Badge (disabled driver) schemes. Off-street responsibilities cover 111 Council-operated car parks included in the Cheshire East Consolidated Car Parks Order. Of these, 64 car parks are Pay & Display, and 47 car parks are free to use.
- 17 Provision of public car parks is a discretionary service, though it is widely acknowledged that effective management of parking contributes positively to the achievement of Council policy priorities for transport and travel, regeneration, economic growth and improving the public realm.

Due to a number of legacy arrangements inherited by the council, there are significant differences in the location of charged (pay & display) and free car parks. There are several key and local service centres where car parking remains free of charge.

- 18 These legacy arrangements mean that service users in towns with parking charges effectively cross-subsidise the provision of free car parks in other centres. Hence, the Councils current approach to service delivery is a spatially inequitable and suboptimal approach to utilising the car parks estate.
- 19 When adopting the MTFs and its budget for 2023/24, the council included a High-Level Business Case (HLBC) for a review of parking charges. The final proposals aim to provide a fair, responsive and equitable parking service and respond to this HLBC.
- 20 The operation and maintenance of free council car parks costs approximately £400,000 per annum. These costs decrease the overall budget available for investing in the parking estate and other local transport schemes. In addition to these direct costs, the operation of a significant number of free car parks is an opportunity cost to the Council, as these car parks do not make a full contribution to the Council's budget pressures.
- 21 The High-Level Business Case included four initiatives:
 - (a) To develop proposals for implementing Pay & Display parking charges on a more consistent basis across the borough, considering the specific nature of each centre, the demands for car parking, alternative options available and the need for a package of mitigation measures to control displacement of car parking.
 - (b) To review parking tariffs at council-operated car parks to develop proposals to adjust for inflation, since the previous revision to tariffs proposed in 2018.
 - (c) To review the Council's use of staff and member parking permits in order to develop an approach that better aligns with the Corporate Travel Plan and reduces costs.
 - (d) To pilot a system of Demand Responsive Parking Charges at a number of locations, including the new Royal Arcade car park in Crewe plus sites in Macclesfield and Wilmslow, to assess whether such an approach has wider applications across the parking service.

- 22 To deliver a policy response to the LTP, improve the fairness and equity of the parking service and the challenge defined in the MTF5, a comprehensive set of proposals were developed town-by-town (Appendices 1a and 1b). Following a resolution at highways and transport committee on 20 July 2023, a statutory public consultation was launched to seek the views of stakeholders and the general public on the following proposals:
- (a) Introduce parking charges in some car parks where parking is currently free;
 - (b) Increase current parking charges by the rate of inflation in some car parks across the borough;
 - (c) Reduce parking charges in some car parks due to their location and usage; and
 - (d) Make changes to the limited waiting bay periods at certain on-street locations.
- 23 The council is also currently undertaking a review of staff and member parking permits to develop an approach that better aligns with the Corporate Travel Plan, encourages travel by more active and sustainable modes of transport and reduces costs to the council. The development of a new approach to the provision of staff and member permits will be integrated into an updated Travel Plan, which will reflect imminent changes to the use of the corporate office estate. At all times, parking permits will be considered with reference to the needs to deliver services to clients whilst minimising costs and improving the sustainability of operations.
- 24 The council intends to introduce trials of demand responsive parking charges across Crewe, Macclesfield and Wilmslow. The first trial will be held at the Royal Arcade multi-storey car park in Crewe following its construction and commencement of operation.

Consultation and Engagement

- 25 A statutory consultation took place with stakeholders and the general public for a six-week period between Wednesday 20 September 2023 and Monday 06 November 2023 inclusive.
- 26 The notices of proposal for the off-street and on-street orders that were consulted on during the statutory consultation period are in Appendix 1a and Appendix 1b, respectively.
- 27 A consultation report is provided in Appendix 2, which provides a town-by-town analysis of the key themes and representations made.

- 28 Of the 8,384 representations received by the council; 2% supported the proposals and 96% objected to the proposals. 2% of responses were neutral (i.e., not against or in favour of the proposals).
- 29 Approximately 84% of the objections received were from towns that currently have free parking. 73% of those in support were from towns that currently have parking charges.
- 30 Key themes raised by those objecting to the proposals during the statutory consultation were:
- (a) Concerns around the vitality of each place in the borough; specifically, that footfall would drop as members of the public would choose to drive to other towns or out of town retail parks with free parking.
 - (b) Displaced traffic would likely use surrounding residential streets and park inconsiderately/ illegally, making these streets more congested and difficult to access for residents.
 - (c) Parents would likely choose to park on neighbouring residential streets during school drop off/ pick up times, exacerbating existing parking issues and potentially compromising the safety of children walking between cars and schools.
 - (d) Proposals adding pressure to household budgets during a cost-of-living crisis, particularly residents and workers who currently use free car parks.
 - (e) In some places across the borough, some representations highlighted there is insufficient public transport or walking and cycling infrastructure to encourage trips by these modes.
 - (f) The proposed 30-minute stay duration for on-street parking is too short and could potentially impact town vitality. It was also noted that the decrease in time would potentially hinder access for those with pushchairs and/ or people with less mobility.
- 31 Those representations that were in support of the proposals cited:
- (a) A lack of fairness with the current parking regime. Representations from charged towns did not think that cross-subsidising other free car parks is fair. Additionally, some representations stated that parking charges should be the same across all towns.

- (b) The council should recover costs for operating and maintaining car parks. Reducing the amount of free parking means the recovery of costs are apportioned more fairly across the borough.
 - (c) Some representations stated that an increase in surplus revenue should help fund active travel schemes and improve local bus service provision.
 - (d) Free parking encourages and incentivises driving rather than travel by other modes of transport. Introducing parking charges will start to make other modes of transport more competitive from a cost perspective and potentially influence driver behaviour.
 - (e) In some key and local service centres, residents who live outside of town struggle to find a parking space in a free car park and drive to other towns (or back home). The lack of turnover encourages use of services in other areas and towns, impacting on the vitality of the town with no spare parking capacity.
 - (f) In some key and local service centres, representations stated that car parks were used by residents for parking second and third vehicles where there was insufficient parking space at home addresses. This was causing spaces to be taken up for long periods (particularly post-COVID where there is more home working), which reduces available spaces for workers and visitors, impacting on town vitality.
 - (g) In some key and local service centres, free car parking close to railway stations encourages trips by commuters from nearby settlements who park all day and travel by rail. This restricts the number of available spaces for other users who would support the local town economy.
- 32 All representations made as part of this statutory consultation have been considered and have informed the development of an amended set of proposals.
- 33 After considering the representations, a set of revisions have been identified to respond to the key concerns raised during consultation. The schedule of modification is presented in Appendix 3, on a town-by-town basis.
- 34 Key changes at a borough-wide level based on stakeholder and public feedback are:
- (a) Stay durations for on-street parking in all towns will remain as they currently are.

- (b) The Free after 3pm initiative will be extended to towns that currently have free parking. Those towns with one car park (Audlem, Bollington and Poynton) would also be Free after 3pm. The following car parks in free towns with more than one car park are proposed for Free after 3pm:
 - (i) Alsager – Fairview car park to support the school pick up during the afternoon and town vitality.
 - (ii) Handforth – School Road car park to support town centre vitality.
 - (iii) Holmes Chapel – London Road car park to support town centre vitality.
 - (iv) Middlewich – Southway car park to support the school pick up during the afternoon and town vitality.
 - (v) Prestbury – Springfields car park to support the school pick up during the afternoon and town vitality.
 - (vi) Sandbach – Westfields car park to support the school pick up during the afternoon and town vitality.
- (c) The Free after 3pm initiative will be retained in all towns that currently charge for parking. In Macclesfield, it is proposed that Duke Street car park rather than Whalley Hayes will become the new Free after 3pm car park because it is closer to shops and the town centre.
- (d) In Wilmslow, currently there is no Free after 3pm car park. Broadway Meadow is proposed as the Free after 3pm car park.
- (e) No other changes to the existing Free after 3pm car parks are proposed.

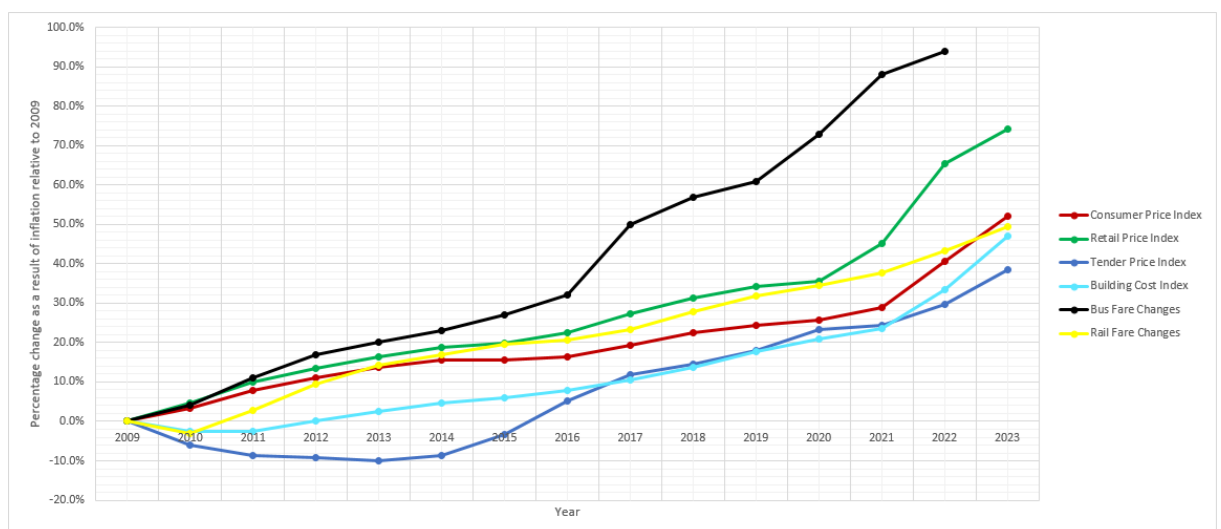
35 The council published its assessment of potential mitigation measures as part of the statutory consultation. Representations provided alternative suggestions and other areas/ streets to consider, which have been considered as part of the amended proposals.

36 The council is committed to monthly monitoring of the impacts of the proposals outlined in each of the town strategy reports over a six-month period from when the proposals are implemented. Monitoring will also consider other streets put forward during the statutory consultation period.

- 37 During the monitoring period, which will review the number of vehicles parking on-street, a mitigation strategy will be produced for each town based on evidence from patrols completed by parking services. This strategy will keep under review the need for any timely introduction of mitigation measures, should displacement of parking lead to particular road safety or traffic flow impacts.
- 38 Any mitigations that are proposed for implementation would be subject to their own statutory consultation process, which will provide members, stakeholders and the general public the opportunity to provide feedback before any final decisions are made. Committee is advised that should there be instance of severe impacts, the Council has recourse to Temporary or Experimental Traffic Regulation Orders which can be introduced to much shorter timescales than permanent orders. The Director of Highways may consider whether evidence from monthly monitoring justifies use of these legal instruments to introduce mitigation measures.

Reasons for Recommendations

- 39 Parking charges have been increased only once in 2018/19, since Cheshire East Council was formed in 2009. Since then, costs of maintaining, managing and operating car parks have significantly increased. Adjusting tariffs to align with inflation will help to maintain a viable and financially sustainable parking offer to service users.
- 40 The figure below shows how prices have changed (2009-2023) across a range of inflation indices, covering relevant service, construction and passenger transport sectors. In comparison to these trends, Cheshire East Council's approach to reviewing parking charges throughout this period has failed to reflect wider inflationary trends.



- 41 Introducing parking charges in Alsager, Audlem, Bollington, Handforth, Holmes Chapel, Middlewich, Poynton, Prestbury and Sandbach will help to create a fairer parking regime across the borough where the service user pays for parking. It will also allow the council to recover its costs associated with operating and maintaining the car parks in each town, potentially creating a greater overall budget to invest in the car parks estate and other local transport or highway schemes.
- 42 The Council cannot introduce parking charges on Scotch Common and Little Common car parks in Sandbach because it is registered Village Green. It was registered as a Village Green in 1979. The application to register it was made in 1968. The right for people to use the registered village green for sports and pastimes cannot interfere with the landowner's previous uses of the land. Should the Council choose to regulate the parking use of Scotch Common by imposing charges or to limit the length of parking, it would need to be able to formalise the parking by incorporating it into the consolidated order. In order to do this the Council would need to show that the land had been used for car parking for a 20-year period prior to 1968; being the date the application for village green status was made. The earliest mention of car parking on Scotch Common, which can be identified and verified, is in the early 1960's. 20 years use has not been proven and therefore there is no proposal to change the arrangements from the status quo.
- 43 Introducing charges in Ryleys Lane (Alderley Edge) aims to encourage turnover of spaces and improved accessibility to the park. Introducing charges in Cotterill Street West (Crewe) and Wood Street (Crewe) helps to encourage a turnover of spaces to support the retail offer on Nantwich Road.
- 44 Free parking is recommended to be retained in Waterloo Road (Haslington), Queen Street (Shavington) and Fanny's Croft (Alsager) car parks because they are smaller car parks that are predominantly used by local people for trips outside of the town centres. These facilities do not generally support town centre businesses, a visitor economy or local services such as restaurants, bars or supermarkets.
- 45 Representations made during the statutory consultation period stated that 30 minute on-street parking restrictions were not appropriate or long enough to support town centres. Taking onboard this feedback, it is recommended to retain all existing on-street stay durations in their current form.
- 46 The parking place near to M6 Junction 17 is predominantly used by car-sharers who are travelling to destinations outside of the borough. The parking place has costs associated with operating and maintaining the

car park and supports the policy within the High-Level Parking Strategy of recovering costs from service users.

- 47 Amending waiting restrictions as set out in Appendix 1 will help to improve the safety of all users with negligible impact on parking capacity. No formal representations to these proposals were raised during the statutory consultation period.
- 48 The cost of collecting cash from Pay & Display machines is significant to the council circa £100,000 per annum should the recommendations in this report be approved. During the first pandemic lock-down, the Council went cashless on its pay & display car parks, instead relying on card, phone or permit payment methods. There was a significant adverse reaction from service users, who generally value the option to use cash, particularly those demographic groups with limited access to mobile phones or bank accounts. The option to do wholly cashless has been assessed and the relevant equalities impact assessment is at Appendix 5.
- 49 Parking charges will be reviewed and adjusted annually through a statutory consultation process. This process is used for a number of other services, including car parks at our Country Parks.
- 50 The proposals are fairer than the current system where, for historical reasons, the rationale for car parks that are charged and those remaining free is not clear.
- 51 All car parks require maintenance, management and enforcement and therefore cost money for the council to operate. The current mixed and inconsistent approach to car park charging, with many being free, does not demonstrate how the council is achieving value for money from its car parking service across the whole borough.
- 52 The proposals assist in the delivery of the strategic objectives, and revenue savings, set out in the 2023-27 MTFS.

Other Options Considered

- 53 The alternative options that have been considered are provided below. This also takes into account feedback provided through the statutory consultation period where appropriate.

Option	Impact	Risk
Do Nothing	MTFS savings for parking changes would not be realised across the strategy time period.	Shortfall in revenue over the period of the MTFS.

Option	Impact	Risk
Reduce expenditure across other highways and transport programmes	MTFS savings could still be met. However, this would be met through reducing levels of other services (e.g., roads maintenance, bus services, sustainable travel measures).	<p>Reduced delivery against key council priorities.</p> <p>Risk to government funding streams for transport.</p>
Close/ dispose of all free car parks that don't recover full costs	Reduction in overall parking availability and accessibility. Reduce operation and maintenance costs associated with the whole parking estate.	<p>Closure of car parks could impact Town Centre Vitality.</p> <p>Making town centres less accessible for our workers, residents, commuters, shoppers and visitors would also impact Town Centre Vitality.</p>
Raising MTFS savings through increases to council tax	<p>This would result in a general increase to council tax that all users would have to pay, regardless of whether they use council car parks (or own a car).</p> <p>It would also require a local referendum if the increase exceeded the 5% cap.</p>	Unfairness - all households in Cheshire East authority would be paying for the upkeep of car parks. 15% (25,000) of households do not own a car (Census 2021).
Extend Pay & Display parking charges to Blue Badge-holders (disabled drivers)	Extension of parking charges to cover Blue Badge holders using our car parks is estimated to yield £75,000 annually.	<p>Likely to be perceived as discriminatory against some of the more vulnerable residents who are already impacted by mobility impairments.</p> <p>Under the Blue Badge scheme,</p>

Option	Impact	Risk
		<p>drivers have the option to park on highway including in areas with waiting restrictions. There is a risk of increased congestion and hazard if road users were incentivised in this way.</p>
<p>Out-source the Council's Parking Service to a commercial car park operating company.</p>	<p>Extended procurement / commissioning procedure will be required, leading to delays in realising increased revenues/cost savings.</p>	<p>Little evidence of commercial interest in the parking estate, no approaches made by the commercial sector, so the value of benefits is unknown.</p> <p>Likely loss of flexibility and accountability should a commercial operating contract be put in place.</p> <p>Commercial operators unlikely to be interested in full extent of current estate i.e., 111 sites.</p> <p>Impacts of other planned investment programmes e.g., EV (Electric Vehicles) charge points funded by LEVI.</p>
<p>Harmonise tariffs across the Borough by removing tariffs</p>	<p>Further incentivises car travel in Cheshire East, leading to increased car travel</p>	<p>Loss of revenue will put at risk the civil enforcement of parking places and</p>

Option	Impact	Risk
from all Council car parks.	<p>especially in towns and villages,</p> <p>Council would lose all car parking revenues, typically over £5m annually.</p>	<p>waiting restriction in the borough.</p> <p>Incentivising car use will make it more difficult to meet ambition for Net Zero by 2045 and Air Quality targets.</p> <p>Approach is contrary to national transport strategies and may put at risk future government funding for local transport.</p> <p>Incentivises car travel into towns with potential for increased trade but greater traffic congestion in towns and villages,</p>

Implications and Comments

Monitoring Officer/Legal

- 54 Under the Local Government Act 2003, the Council can charge for discretionary charges for the services that it provides. Discretionary services are services where the council has the power but is not obliged to provide. The Local Government Act 2000 gave local authorities a general power to promote the economic, social and environmental well-being in local communities. The 2003 Act allows authorities to set the level of the charge for each discretionary service as they think fit within the restriction that the income from charges for each kind of service must not exceed the costs of its provision nor can the Council charge for services that it mandated to provide or has a legal duty to provide.
- 55 The Localism Act 2011 introduced the General Power of Competence, which allows the Council to do anything an individual can do, provided it is not prohibited by other legislation. These powers have replaced the previous well-being powers; however, the use of these powers must be

in support of a reasonable and accountable decision made in line with public law principles. This includes the ability to charge for services.

- 56 The Council has a fiduciary duty at all times to the taxpayers and must fulfil its duty in a way that is accountable to local people as to how it spends its public funds.
- 57 In proposing variations to the Council's on-street and off-street parking orders the Council must follow the procedures set out within The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("1996 Regulations").
- 58 The Council's consultation has exceeded the minimum consultation requirements set out within the 1996 Regulations.
- 59 Any objections to the consultation must be made within the consultation period and (a) be made in writing; (b) state the grounds on which it is made; and (c) be sent to the address specified in the notice of proposals. Verbal objections or objections which do not accord with these requirements cannot be considered.
- 60 The Council must give due consideration to any objections which have been validly lodged in accordance with the requirements of Reg 8 of the 1996 Regulations and after making an Order must within 14 days provide reasons to objectors where the Council has not fully or in part acceded to their objection.
- 61 The Council may under Reg 14 of the 1996 Regulations, before the Order is made, make modifications, whether in consequence of any objections received or otherwise. Where any modifications are proposed which results in a substantial change in the order then the consultation process will have to be restarted to consult upon those modifications. Cumulative small amendments may result in a substantial change to the Order overall. Members must be mindful that a substantial change to the proposed Order will require re-consultation which will, necessarily, delay the implantation of the proposals.
- 62 The amendments in Appendix 3 in the main relax the restrictions vis a vis the consulted proposals and so would not represent a substantial change to the proposals.
- 63 In accordance with Regulation 19 of the 1996 Regulations the Council may make an Order in part whilst deferring a decision on the remaining part(s). Where an Order has been made in part the Council may subsequently deal with the remaining proposals by abandoning them, further deferring a decision on them, or making an order or orders giving effect to them in whole or in part. Deciding not to proceed with some

parts of the proposals (i.e., the restrictions remain the same at that location) would not represent a modification under Reg 14.

- 64 Following the making of an Order a six-week challenge period begins, where anyone who believes that the proposals in the Order are not within the powers conferred by the Act, or any requirement of the Act or any instrument made under the Act has not been complied with then they may make an application to the High Court.
- 65 The use of any Surplus generated from on-street parking charges and any enforcement activities (whether on-street or off-street) is governed by Section 55 of the Road Traffic Regulation Act, 1984 which specifies that the Surplus may be used for:- (a) the making good to the general fund of any amount charged to that fund (to make good any deficit in the SPA) in the 4 years immediately preceding the financial year in question; (b) meeting all or any part of the cost of the provision and maintenance by the local authority of off-street parking accommodation, whether in the open or under cover; (c) the making to other local authorities or to other persons of contributions towards the cost of the provision and maintenance by them, in the area of the local authority or elsewhere, of off-street parking accommodation, whether in the open or under cover; (d) if it appears to the local authority that the provision in their area of further off-street parking accommodation is unnecessary or undesirable, the following purposes— (i) meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services, (ii) the purposes of a highway or road improvement project in the local authority's area, (iii) in the case of a London authority, meeting costs incurred by the authority in respect of the maintenance of roads maintained at the public expense by them, (iv) the purposes of environmental improvement in the local authority's area, (v) in the case of such local authorities as may be prescribed, any other purposes for which the authority may lawfully incur expenditure;
- 66 Case law has determined that the Road Traffic Regulation Act 1984 is not a fiscal act or taxing act. Any Surplus generated may be used, after the fact, for the purposes set out within Section 55 of the Road Traffic Regulation Act 1984. Whilst the uses to which off-street parking charge income, generated through Section 35 of the Road Traffic Regulation Act 1984, is not limited in the same way the Council is mindful that the Road Traffic Regulation Act 1984 is not a fiscal act and that any excess generated from off-street parking charge income is only allocated after the fact.
- 67 Legal title reviews have been carried out on the car parks on which the Council proposes to introduce charges to, and nothing has come to light

which would in the Council's opinion prevent the introduction of parking charges.

- 68 The requirements for any mitigations will be assessed following the implementation of the proposed measures once the effect of the proposals on the network is known. Mitigation measures cannot precede that assessment.

Section 151 Officer/Finance

- 69 During the 2022/23 financial year, the parking service generated a total revenue of £5.012 million. Levels of parking activity have been gradually recovering since the COVID-19 pandemic, which significantly impacted income over recent financial years.
- 70 The council completed a statutory public consultation on the proposals, which is a legislative part of the process. The parking service funded £15,000 from its existing budget for the cost of the statutory public adverts.
- 71 The full year effect of the savings associated with the parking review (MTFS 108) is £2.3 million. The savings attributed to these proposals amounted to £1.575m in 23/24 and a further £0.725m in 24/25. These figures were based on the HLBC. At this stage, the savings for the current financial year will not be achieved.
- 72 The proposals for adjusting existing tariffs and introducing charges in free towns are projected to achieve a full year effect, total net revenue, of £1.5 million. This projection excludes potential savings associated with a review of staff and member permits, as well as changes to income from demand responsive parking charges.
- 73 The capital cost for implementing the proposals is approximately £500,000. This capital cost will be funded by prudential borrowing, to be repaid over a 10-year period from the increased parking revenues.
- 74 The cost for priority mitigations is estimated to be £395,000. Subject to the outcome of monitoring the requirement for mitigation measures and necessary consultation, these capital cost will be funded from the Council's prudential borrowing to be repaid over a 15-year period from the increased parking revenues.
- 75 The total annual costs of borrowing associated with these proposals is estimated to be £101,000, this includes the interest repayable as well as the repayment of the principal capital sum. A summary of the costs and revenues associated with these initiatives is provided at Appendix 9.

- 76 Committee is recommended to approve a Supplementary Capital Estimate to provide for the costs of extending pay and display parking provision and associated mitigation measures, which are estimated to be £0.9m. This will be funded by prudential borrowing and repaid through service budgets.
- 77 The savings associated with implementing the proposals and the review of staff and member permits are projected to be lower than the full year effect included in the HLBC. Therefore, any shortfall in the additional income forecasts in the current MTFS will have to be addressed in February 2024 as part of the process to approve the 2024 to 2028 MTFS.

Policy

- 78 The Corporate Plan priorities that these proposals align with are presented in the table below.

An open and enabling organisation	A council which empowers and cares about people	A thriving and sustainable place
<ul style="list-style-type: none"> • Ensure that there is transparency in all aspects of council decision making. • Support a sustainable financial future for the council, through service development, improvement and transformation. • Look at opportunities to bring more income into the borough. 	<ul style="list-style-type: none"> • Work together with residents and partners to support people and communities to be strong and resilient. 	<ul style="list-style-type: none"> • A transport network that is safe and promotes active travel. • Thriving urban and rural economies with opportunities for all.

- 79 The proposals are also consistent with, and support, the high-level parking strategy within the adopted Local Transport Plan and associated High Level Parking Strategy, the 2023-27 MTFS, Town Centre Vitality Plans, Council's Environment Strategy and Carbon Neutral Action Plan.
- 80 Alongside measures to support walking, cycling, bus, rail and road traffic, the LTP sets out how parking measures should be considered as part of an integrated transport strategy. It establishes how parking provision supports accessibility for residents, businesses, shoppers, workers and commuters.

Equality, Diversity and Inclusion

- 81 An Equality Impact Assessment has been produced to assess the impact of the proposals (see Appendix 4). This concluded that there would be no equality implications for groups with protected characteristics if the proposals are implemented.
- 82 A separate Equality Impact Assessment was produced for the potential transition from cash to cashless payments at Pay & Display machines (see Appendix 5). This concluded that there may be some implications for those in within the 'Age' protected characteristic group who may not have a mobile device and/or a bank account. However, the purchasing and upkeep of a motorised vehicle often involves a bank transaction, particularly for the purchase of petrol, MOT, servicing and insurances. The remaining payment options of debit/credit, chip and pin and contactless payments at the machine along with a mobile payment app solution still gives an adequate number of ways all age groups can pay for parking.
- 83 The Equality Impact Assessment for the transition to cashless payment sets out how the council would mitigate the impacts on those in the age related protected characteristic group.

Human Resources

- 84 There are no implications specific to human resources.
- 85 Advice from a corporate working group on Staff and Member permits will inform the proposals for implementation to be presented at a future meeting.

Risk Management

- 86 If the proposals are not implemented, the existing inconsistencies in the way that parking costs are recovered in different towns will not be addressed. Consequently, the parking regime would remain unfair.
- 87 Savings from other areas of the highways and transport budget would need to be identified if the proposals are not implemented.
- 88 The lead in times for some equipment (particularly pay and display machines and electrical connections) means that implementation may take between six to nine months.
- 89 A procurement exercise would need to be undertaken to purchase new pay and display machines. The council is investigating whether new machines can be purchased through existing frameworks. If this is not

the case, the procurement exercise will last between three and six months.

Rural Communities

- 90 There are no implications that are specific to rural communities. It is acknowledged that rural residents will experience parking charges when visiting any of the affected towns and villages; although these charges will be equivalent to those incurred by other residents using the same facilities.
- 91 Regarding the distribution of impacts between different groups, the council believes any differentials to be modest but, at the margins, impacts are likely to be greater for any rural residents with only limited opportunities to use alternative means of travel.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 92 Representations raised concerns about the school pick up and drop off periods in some towns. The council has responded to this by proposing a modified charging period during school term time to ensure that all children and young people can continue to be dropped off safely.
- 93 The council is continuing its efforts via the sustainable modes of transport to school (SMOTS) strategy to encourage greater levels of walking, cycling and wheeling to/ from school.
- 94 Taking into account the above, there are not considered to be any implications that are specific to children and young people.

Public Health

- 95 The proposals, within the wider integrated transport strategy, are likely to have a positive overall impact on the health and wellbeing of Cheshire East residents as it will incentivise them to travel via more sustainable or active modes of transport.
- 96 Specific local representations were received about the potential effects on local medical practices and medical centres. The Council has considered these representations. However, the proposals do not prevent anyone from using our public car parks to attend these medical facilities neither do the proposed tariffs impact on any private parking provision at these locations.
- 97 Regarding the distribution of impacts between different groups, the council believes any differentials to be modest, but at the margins, impacts are likely to be greater for:

- (a) Car-reliant lower income households; and
- (b) Rural residents with only limited opportunities to use alternative means of travel.

Climate Change

98 In May 2020, the council adopted its Carbon Neutral Action Plan, which further sought to:

- (a) Reduce emissions by encouraging a modal shift away from combustion cars (5.6) by targeting a 6% reduction in car share for all trips by 2025 compared to 2015 levels; and
- (b) Encourage active forms of travel (5.8), targeting 6% of all trips to be made by active travel by 2025.

99 The proposals will help to influence travel choices and driver behaviour, particularly for short trips, which will contribute towards achieving the targets for modal shift by 2025 and the councils' net zero targets.

Access to Information	
Contact Officer:	Richard Hibbert, Head of Strategic Transport and Parking Richard.hibbert@cheshireeast.gov.uk
Appendices:	Appendix 1a – Notice of Proposal for Off-Street Car Parks (Consultation Version). Appendix 1b – Notice of Proposal for On-Street Parking Places (Consultation Version) Appendix 2 – MTFS Parking Consultation 2023 Report Appendix 3 – Proposed Changes to Orders following consultation – For Approval Appendix 4 – Equality Impact Assessment - MTFS Parking Review Appendix 5 – Equality Impact Assessment – Parking Cashless Payments Appendix 6 – Staff & Member Permit Scheme – Proposals for consultation Appendix 7 – Schedule of mitigation measures

	<p>Appendix 8 – Draft Implementation Plan</p> <p>Appendix 9 – Summary cost estimates and revenue projections</p> <p>Appendix 10 – Business rates for car parks</p>
Background Papers:	All background papers are held on file by the Strategic Transport and Parking Service, Cheshire East Council.