

## APPENDIX 1a

### ECONOMY AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE 19 FEBRUARY 2024 AT 2.00 P.M.

#### CALL IN OF DECISION MADE BY CABINET 17 JANUARY 2024:

#### PARKING TARIFFS, OPERATIONS & DEVELOPMENT

#### Called in on behalf of the Labour Group on Shropshire Council by the Group Leader

CLlr Julia Buckley, on behalf of the Labour group wishes to call in the decision concerning “**Parking Tariffs, Operations and Development**”, taken by the Cabinet on Wednesday 17 January 2024.

The proposed hikes for Shrewsbury, ranging from 29% to 67% for Monday to Saturday and 180% on Sundays, will have a profound and serious impact on the Town’s economy and attraction without any other mitigating improvements to town centre access, for example public transport, park and ride, highways infrastructure, active travel. These new charges pose a significant risk to the Shrewsbury town centre economy and its on-going post- Covid recovery. The scale of implications of increasing charges is so great it should be subject to public consultation to understand any impacts and first implement any necessary mitigations.

This is mirrored across other market towns, such as Bridgnorth, which is subject to proposed increases of between 17% and 50% and the end of free Sunday and Bank Holiday parking. Both of these measures will increase displacement parking into residential areas already heavily affected by people parking elsewhere to avoid charges, and will increase congestion in the search for a free/cheaper space. The measures could also be detrimental to the economic prosperity of the town, as it will be cheaper to go to Telford and pay £2 all day, losing trade for our local businesses.

**The reasons for calling in the decision, and the proposed alternatives, are as follows:**

**1. Excessive increases in tariffs with major impact on local economy and lack of consultation with residents and businesses**

The report states at 3.1-3.6 that it wishes to increase tariffs and seek approval to start TRO notices and consultation. The dramatic increases in tariffs (67% for out of the loop car parks) and 180% increases on Sundays could have a detrimental impact on our local economy, both in terms of deterring shoppers and visitors, but also in terms of adding costs to local businesses, their employees and other commuters who are more likely to park regularly on the out of loop car parks.

BID and local businesses are complaining they were not consulted. They have completed a survey of their members to demonstrate the impact on businesses, employees and shoppers. An open letter was submitted to the Council, but no formal consultation process taken place.

Furthermore, the changes are contrary to theme within the Shropshire Plan:- *“We’ll develop Shropshire as a vibrant destination that attracts people to live in, work in, learn in and visit. We’ll deliver excellent connectivity and infrastructure, and increasing access to social contact, employment, education, services and leisure opportunities. We will communicate clearly and transparently about*

*what Shropshire Council delivers ... and listen to what communities say about their place and what they need.”*

The 67% increase for Abbey Foregate and 50% increase in costs at Frankwell will have a particularly serious impact on those commuting to work, especially those on low income, where they have no affordable or convenient alternatives.

Alternative: Defer decision to increase tariffs until a full consultation process has taken place with local businesses, their representative organisations and tourism organisations, and with residents. Reduce increases to align with current inflation.

## **2. Evening and weekend Economy is particularly targeted for impact**

Report states at 3.7-3.8 the changes to the Car Parking policy (evening times, weekend charging regimes) these affect the conditions of car parking, not just tariffs. Changes to Sunday and early evening charges will have a particularly seriously impact on the those employed in the night-time, hospitality and cultural economy and on visitors and residents in the town.

To make any changes to conditions then a full public consultation is required before any changes are implemented.

Alternative proposed: Defer decisions to amend the conditions of car parking in our current strategy (evening times, weekend conditions) until a full public and business consultation has taken place.

## **3. Not followed TRO Act 1984 – legal requirement**

This decision has altered tariffs but does not propose to carry out a full formal Traffic Regulation Order (TRO) consultation. This is a legal requirement because there needs to be a full consideration of the implications of increasing charges because this influences parking behaviour. The correct procedure under the Road Traffic Regulation Act 1984 must be used and no order can come into effect until the appropriate procedures have been undertaken.

(Although the 2017 strategy set the charges, and the cabinet approval on 6 July 2022, p.243 gave approval for the last increases with a full TRO consultation, they did not allow for or address future increases and are therefore not applicable to this increase).

This decision is an amendment to the 2017 parking strategy and requires an amendment to that strategy, which requires a full public consultation rather than application of notices.

Alternative: Full public consultation on changes rather than publication of notices.

What legal advice has been sought, internally or externally, on the current proposal to only publish a 7 day notice on these large scale policy changes without consultation?

## **4. The price increases proposed do not respect the Council’s environmental, movement and parking strategies which are predicated on the “transport hierarchy”**

At 7.35 The report states that *“The primary objective is to encourage motorists to park outside the river loop, reducing the number of vehicles entering the town centre, and when they do there is an increased likelihood of finding a space quickly to minimise emissions. As such the largest tariff increases should be in the centre with lower increases elsewhere”*. This is the fundamental “transport hierarchy” that underpins the current Car Parking strategy and the Council’s strategy on transport provision.

Unfortunately, the current decision has delivered the opposite of this. The greatest tariff increases are 50% for Frankwell and 67% for Abbey Foregate car parks which are furthest from the centre and outside the loop. The lowest increase (0%) is for Raven Meadows which is the most central car park.

Alternatives: No decision should be approved which runs counter to the basic transport hierarchy, Shropshire Council parking strategy and the primary objective of this review. This element should be stopped and this report be reviewed for how it aligns with Shropshire Council’s policies. Tariff increases (where appropriate) should be no more than in line with current inflation.

#### **5. Predicated on multi-layer modal shift to Shrewsbury “Park & Ride”**

The report states at 7.2 that *“the MPSS, proposes interventions within the Parking Plus theme focused on remodelling parking charges within Shrewsbury to make sustainable alternatives more cost-effective, incorporated and supported by bus (especially Park and Ride) and rail facilities.”*

However the report itself at 7.37 admits that the Park & Ride is not yet ready for this, in terms of not offering early enough, late enough or frequent enough services to be reliably used by commuters or short-term shoppers, so this is premature while ever the service is not viable and cannot possibly lead to behavioural change if the required alternative is not yet in place.

Alternative: Delay proposals for increased car parking tariffs at out of loop car parks, until the Park & Ride has first been invested in to increase its “offer” so that drivers have a fighting chance to switch their behaviours. First, improve active travel then look at car parking review of tariffs for town centre car parking.

#### **6. Displacement parking – on street residential street parking.**

At 7.53 the report concedes that *“there are many areas on the edge of Shrewsbury town which may suffer from an expansion of ‘displacement’ parking by motorists trying to find alternative, unrestricted and free parking opportunities in largely residential areas adjacent to the Shrewsbury Town area”*.

Many residents, particularly those on lower incomes, will be deterred from using designated car parks and will seek on-street parking around the town centre, much to the detriment of local residents. Due to the historic nature of many of our older streets, there is already a lot of pressure for spaces on small streets (e.g. terraces) and residents themselves struggle to park already without any further pressure being added.

Alternative: Was modelling conducted to check the potential impact of these tariffs? (if not, why not?) It needs to be completed in advance of any consultation. Further, residents in the affected areas need to be consulted on these proposals. In line with the TRO legislation, where objections are raised this can block changes going ahead.

## 7. Income Generation

The report states that these measures aim to generate over £2million of income, of which £1.76m will be considered “surplus”. At 7.27 the report states: *“However, if a surplus is generated in meeting those objectives, there is no restriction on how off-street parking surplus income that arises is utilised. As such any surplus arising from this source can be spent at the Council’s discretion.”*

Car parking at Shropshire Council already raises £5m per year. Surplus revenue cannot be used in this way legally, and morally, should the Council be increasing costs to residents by 180% to generate income to plug a gap in another part of the budget?

Existing case law from 2013 demonstrates that under article 65 of Road Traffic Legislation, it is unlawful to set charges for the express purpose of creating a surplus. In *Djanogly Pitchford J* had said: “Charging may be justified provided it is aimed at the fulfilment of the statutory purposes which are identified in s.122 (compendiously referred to by the parties as “traffic management purposes”). What the authority may not do is introduce charging and charging levels for the purpose, primary or secondary, of raising s.55(4) revenue.”

In the case of Westminster Council the cabinet members argued that they had been misled and the decision was revoked.

### Alternative:

Can officers detail how the current £5m per annum revenue from parking services has been spent?

How would the proposed £6.7m revenue be spent?

What internal legal advice was given in the preparation of this cabinet report?

Can external legal advice be sought as to whether the decision taken on 17<sup>th</sup> January by cabinet is lawful or whether it needs to be urgently revoked under article 65, s. 122 ?

If the Council were open to legal challenge, how much budget is set aside to pay the legal costs?

... END ...

CLlr Julia Buckley, Leader of Shropshire Labour Group, 23.01.24