



## Business Overview and Scrutiny Committee

**Date:** Wednesday, 29 March 2017

**Time:** 6.00 pm

**Venue:** Committee Room 1 - Wallasey Town Hall

**Contact Officer:** Andrew Mossop

**Tel:** 0151 691 8501

**e-mail:** [andrewmossop@wirral.gov.uk](mailto:andrewmossop@wirral.gov.uk)

**Website:** [www.wirral.gov.uk](http://www.wirral.gov.uk)

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## AGENDA SUPPLEMENT

### 3. MINUTES (Pages 1 - 12)

To approve the accuracy of the minutes of the meetings held on 24 January (attached to the original agenda) and on 13 March, 2017 (attached).

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## BUSINESS OVERVIEW AND SCRUTINY COMMITTEE

Monday, 13 March 2017

<u>Present:</u>	Councillor	M Sullivan (Chair)	
	Councillors	C Spriggs RL Abbey A Leech J Stapleton S Williams	W Ward G Ellis J Hale D Mitchell
<u>Deputies:</u>	Councillors	L Rennie (In place of T Pilgrim) P Stuart (In place of D Realey) T Anderson (In place of C Blakeley) T Jones (In place of KJ Williams)	
<u>Apologies</u>	Councillor	J McManus	

### 58 APOLOGIES FOR ABSENCE

The Chair welcomed everyone to the meeting and explained the procedure for the meeting.

### 59 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Councillors Tom Anderson, John Hale, Gerry Ellis and Steve Williams declared that although they had voted at the Extraordinary Council meeting on 6 March, when the issue of parking charges had been debated, they were at this meeting with an open mind and willing to listen to all the arguments put forward. Councillor Lesley Rennie declared that although she had seconded the motion proposed at the Extraordinary Council meeting she also had come to the meeting with an open mind and was willing to listen to all the arguments put forward.

Councillor Dave Mitchell raised the matter of an email from Councillor Bernie Mooney which had been issued at 1.39pm that afternoon offering Wirral residents the chance to become a member of the Country Parks and receive free parking. The Chair commented that he had not seen the email. Members queried whether the Committee should have sight of it.

The Assistant Director: Law and Governance stated that the document in question was a media release which did not amount to any evidence of any Member being whipped.

Members were reminded that they should also declare whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

Members confirmed that they were not subject to a party whip.

60 **CALL-IN OF LEADER'S DECISION - CAR PARKING CHARGES BUDGET SAVINGS OPTIONS - TRAFFIC REGULATION ORDERS**

The Chair referred to the decision of the Leader of the Council taken on 20 February in respect of Car Parking Charges Budget Savings Options – Traffic Regulation Orders.

The decision had been called-in by Councillors Jeff Green, Tom Anderson, Bruce Berry, Chris Blakeley, Eddie Boulton, David Burgess-Joyce, Wendy Clements, David Elderton, Gerry Ellis, John Hale, Paul Hayes, Andrew Hodson, Kathy Hodson, Ian Lewis, Tracey Pilgrim, Cherry Povall, Lesley Rennie, Les Rowlands, Adam Sykes, Geoffrey Watt and Steve Williams, on the following grounds:

“The signatories wish to call-in the following recommendations from the decision:

(2) That car parking tariffs at all council operated car parks, where charges already apply, be increased by 20p.

(3) That car parking charges be introduced in country parks with charges of 50p for 1 hour, £1 for 2 hours and £2 all day in Arrowe Country Park, Royden Country Park, Eastham Country Park and Thurstaston Country Park.

Reasons for Call-in:

We believe that ANY increase in car parking tariffs will have a damaging effect for Wirral's shopping centres and the introduction of car parking charges in our parks will do untold damage to the grassroots football clubs, golfing societies, mental health charities and small businesses associated with them.

We are also concerned that the introduction of car parking charges at Wirral's parks is incompatible with the Council's Public Health responsibilities.

Accordingly, we consider it appropriate that the executive decision be reviewed as insufficient weight has been attached to the specific and broader concerns raised by the public, businesses and other bodies in relation to

changes to existing car parking tariffs and the introduction of new car parking charges.”

The Chair then invited the lead signatory to the call-in to address the Committee for up to five minutes.

### **Explanation of Call-in by the Lead Signatory – Councillor Jeff Green**

Councillor Green referred to the number of witnesses that the Committee would hear from on the devastating impact these proposed charges would have on their businesses. Normally a Traffic Regulation Order (TRO) would have been reviewed by an all-party Highways Panel, a change in the process meant that this decision was flawed and should be referred back to the decision maker.

In December, Cabinet had received the Medium Term Financial Strategy report, including budget options to raise £1.5m from car parking charges, just enough to cover the cost of interim appointments and consultants. The Leader of the Council had had to perform an embarrassing partial u-turn faced with unprecedented opposition to the proposals. Of the £150,000 it was anticipated these charges would generate, £80,000 would have to be spent on the equipment and its installation, and a net income of £48,000 would be received, just £12,000 per park. Friends of Royden Park raised money for voluntary work and as well as the Barking Mad café at Royden Park, there were a number of other parks with cafes and a number of employees whose jobs would be under threat. What value did the Committee place on these jobs over £48,000 of income.

The Chair invited questions to the Call-in lead signatory from the Committee and his responses included the following:

- These were Council proposals and he had attended a workshop at which they were treated as such.
- There were other ways in which the Council could make savings by stopping spending on consultants, contractors and interim appointments and ceasing the production of the Council ‘newspaper’, or, the savings could be made by doing what had been done with the other proposals for car parking charges which had been withdrawn and use the transformation budget to make the savings.
- The Committee should make sure this decision was sent back to the Cabinet Member for him to think again.

### **Explanation of the decision taken by the Leader of the Council – Cabinet Member for Transport and Infrastructure, Councillor Stuart Whittingham**

Councillor Stuart Whittingham informed the Committee that the Leader of the Council was away on Council business and that he was appearing before the

Committee on behalf of the Leader. The decision was taken in accordance with the Road Traffic Act. He acknowledged that there had been a huge response to the consultation and it was now clear that there would be unintended consequences had the proposals been introduced in full. Cabinet at its budget meeting in February had then agreed to reduced proposals to car parking charges and a further debate had been held by Council at the meeting on 6 March, 2017. A new scheme would be proposed to come in to operation whereby residents could become members of the Country Parks and receive free parking for less than £1 a week.

The Chair invited questions to the Cabinet Member from the Committee and his responses included the following:

- The proposals had been advertised in accordance with the Council's statutory duty under the Road Traffic Act and Traffic Regulation Order regulations.
- A proposed membership scheme for the Country Parks would give a range of benefits, including a monthly e-newsletter and free parking.

The Assistant Director: Law and Governance clarified the situation for the Committee in respect of the press release in that as it came after the executive decision forming the basis of this call-in, the issue of pre-determination did not arise. The press release referred to a new scheme which would require a separate Executive Decision and potentially be subject to call-in. They were, therefore, two separate proposals.

Continuing with his responses to questions, Councillor Whittingham's comments included:

- The Council took a consistent approach, putting proposals out to public and then taking a view, he was also always happy to speak to businesses.
- £45m of savings needed to be found in the next year and Wirral currently spent £5m on its parks.
- The impact of savage Government cuts was getting tougher and tougher for the Council and not a single library or leisure centre had been closed.
- All the money raised from the parking charges would be re-invested back into the Council's parks.
- The original proposals were officer proposals and they were discounted, the principle behind the car parking charges was settled at Budget Council and the Extraordinary Council on 6 March, 2017 and the meeting today was to consider the issue of the Traffic Regulation Orders.
- The vast majority of other Councils charged for parking in country parks as the parks were very expensive to maintain.

## **Evidence from Call-in Witnesses**

### **1. Andy Wood, Secretary of Arrowe Park Golf Club**

Mr Wood stated that the proposed charges would put people off visiting the park and that Arrowe Park Golf Course would be the only golf course in the country where car parking would not be free. At the Overview and Scrutiny Committee on 24 January, 2017, it was suggested that there would be a 30 per cent drop in visitors to the country parks if the charges were brought in. With an income of £240,000 from golf and £90,000 from foot golf this would mean a drop in income of £72,000 and £27,000 respectively. He did appreciate the Council was experiencing a reduction in its finances but stated that it should cut out waste not essential services.

The Chair invited questions to Mr Wood from the Committee and his responses included the following comments:

- The club ran a number of golf competitions and open charity competitions and raised money for Claire House.
- He was disappointed that there had been no consultation with him as Secretary of the Club.
- Golfers not only paid a 'green fee' but also a booking fee of £2 for every tee time and explained the operation of tee times.
- The club did contribute towards the actual golf course and members were willing to help with its upkeep too but of course not to the detriment of the employed grounds staff.
- There was currently not a youth section at the golf course.
- He had not been consulted on the proposals by any Councillors.
- The members of the club did take a pride in the golf course.
- He would expect a 10 to 20 per cent reduction in members of the club, not taking into account other visitors.
- There were 14 golf courses on the Wirral, in the past private clubs might have been regarded as elitist but the difference in cost was being reduced more and more and many private local clubs had increased their membership by 50 per cent in the last four years.

In response to a question on car parking spaces at Arrowe Park, it was clarified by Steve Atkins, Parking Manager, through the Chair, that there were 227 spaces in total at two car parks within Arrowe Park, with the higher number of spaces being on the other side of the park to where the golf course was.

### **2. Mina Guratsky – Chair of the Friends of Royden Park**

Ms Guratsky stated that over the past four years, the Friends together with the Barking Mad Café at Royden Park had created a haven for visitors in the courtyard and coach house, including many visitors with physical or mental

disabilities and dementia who came with their carers. Many visitors would not be able to afford the proposed charges and it could deter those who gave lifts to families and friends from visiting.

The Chair invited questions to Ms Guratsky from the Committee and her responses included the following comments:

- The café was run by volunteers and the friends were growing in number until this proposal was put forward.
- Two parties had been cancelled because the organisers had felt that their guests would have to pay to park.
- She understood that the Council had to raise money and the Friends were more than willing to help raise money.

Committee Members expressed their thanks for all that the Friends did in helping vulnerable people.

### **3. Sharon Jones – Owner of the Red Rooms Café, Arrowe Park**

Ms Jones stated that she had been at the café for 24 years and owned it for nine years, having invested a lot of money into the business this was her only source of income. Nobody from the Council had been to see her about the proposed charges. She questioned whether business owners and staff would be expected to pay the proposed charges. She had talked to many golfers who had told her that they would no longer be using the golf course. Many people would no longer come to the park if they had to pay charges.

Ms Jones stated that she felt the people who had petitioned against the proposed charges for on-road parking outside shops had been listened to as these proposals had been dropped but not the approximately 17,000 who had petitioned against the proposed charges at four country parks.

The Chair invited questions to Ms Jones from the Committee and her responses included the following comments:

- She did not feel there should be any difference between shops and parks as to the proposed car parking charges.
- Three staff were employed at the café and usually more during the summer.

### **4. Pat Gibson-Saxty – Owner of the Mimosa Café, Eastham Country Park**

Ms Gibson-Saxty stated that there were four well established businesses at Eastham Country Park all of which were homes for their owners too. The Council had consulted with businesses in Bromborough and had withdrawn proposals to introduce car parking on the road and she was simply requesting

that the Council treated those business owners at the Country Parks equally. Many visitors to her café were pensioners, also disabled groups and groups with babies, all of whom were saying that they were worried about the proposed charge of 50p for an hour's parking, or £1 for two hours. Visitors would just start parking on the road and then the Council might have to introduce restrictions or metered parking which would destroy the environment of the area

The Chair invited questions to Ms Gibson-Saxty from the Committee and her responses included the following comments:

- There was only one road into the Country Park, which was effectively a narrow, winding cul-de-sac. The introduction of double yellow lines would lead to the area looing urbanised and lose its charm.
- She employed nine members of staff and questioned whether they would have to pay to park.
- This was such a negative proposal coming from the wrong place and there was a need to join together to make things better.

#### **5. Brian Norris – Chairman of Greasby Junior Football Club**

Mr Norris stated that there were approximately 200 children between the ages of 6 and 15 years and 50 non-paid volunteers involved with the football club. The proposed introduction of charges had the potential to devastate local junior football clubs who used the pitches at Arrowe Park. There were five pitches at the park which the club hired and with the introduction of parking charges many parents would have to pay more to take their children to football, many of whom had said that they could not afford these charges. They would be the only football club being disadvantaged by these proposed charges as their playing pitches were at Arrowe Park. The Club also had to provide its own portable goals and consideration would need to be given to visiting coaches.

Mr Norris also spoke of the health and wellbeing aspect and that the Council should be encouraging children to participate in sport and that Wirral wished to promote itself as the leisure peninsula.

The Chair invited questions to Mr Norris from the Committee but no questions were posed.

#### **6. Jayne Kirwan – Country park user**

Ms Kirwan described the proposed charge as a tax on fresh air at a daily rate of £2 at a time when obesity levels were on the rise. She referred to the large number of comments which had appeared on social media in opposition to the proposals from unhappy residents. Many people who had signed the petitions against the proposals were pensioners, with facilities in the Country parks

being a common hub for volunteer groups and people with disabilities. These proposals would endanger jobs and many people would not return to the country parks once the proposals were introduced. Arrowe Park was sold to the Birkenhead Corporation in 1926 with a covenant that it should be used for the people of the borough and there was a need for legal services to explore whether the introduction of parking charges would be in contravention of this covenant.

The Chair invited questions to Ms Kirwan from the Committee but no questions were posed.

#### **7. Karen James-Hunt – Owner of Eastham Woods Boarding Cattery**

Ms James-Hunt described Eastham Country Park as a unique, vibrant and special place. No councillor or council officer had been to visit any of the five businesses by the Country Park which would be severely affected by the proposals. Putting a sign on a lamp post she did not regard as sufficient consultation, time should have been made for those businesses directly affected to have been consulted in person. People should not be expected to have to pay for visiting these businesses. Marstons Brewery which ran the Eastham Ferry pub had indicated that they would have to introduce some system to control their parking if charges at the Country Park were introduced. The introduction of double yellow lines would destroy the area and cars would be forced to park further up the road. 45 people were employed at the five businesses by the park.

The Chair invited questions to Ms James-Hunt from the Committee and her responses included the following comments:

- She understood that the Council needed to save £45m but was it worth risking people's businesses for £150,000 of income.
- A cashless pay and display system could be confusing for the elderly.
- Her own business had very limited parking and customers had to park in the road or in the country park when delivering cats.
- She had found out about the proposals from one of her local Councillors, Chris Carubia, with something as divisive and controversial as these proposals she would have expected to have been consulted directly by the Council.
- Her business employed six people and she questioned whether they would have to pay for parking.

#### **8. Lynda Thomas – Licensee of the Tap Pub, Eastham**

Ms Thomas stated that she had been the licensee of the Tap Pub for almost 16 years. Many of her customers came from Liverpool and further afield, as far as Yorkshire, with the pub being popular with motorcyclists and dog

walkers. Many had said that they would not come in the future if parking charges were introduced. She employed 14 people at the pub.

The Chair invited questions to Ms Thomas from the Committee and her responses included the following comments:

- The pub raised money for a variety of charitable causes and was also involved in the Wirral charity egg run.
- She had also converted one of the rooms in the pub into a café.

**Evidence from Cabinet Member's witnesses – Mark Smith, Strategic Commissioner: Environment and Steve Atkins, Parking Manager**

Mr Smith outlined the process which had been followed and the requirements to comply with the Road Traffic Act and the formal consultation process. This involved a formal notice in a local newspaper or publication and notices on site.

Mr Atkins informed the meeting that the period of consultation on the proposals ran from 18 January to 10 February, 2017 and an advertisement had appeared in the Wirral Globe. A notice had been erected on each site and an email sent to all Members, MPs and to Constituency Managers. A presentation on the details had been made at an Overview and Scrutiny workshop, followed up by a presentation at the Overview and Scrutiny Committee. Over 33,000 signatures had been received on petitions and over 700 individual objections to the proposals.

Mr Smith stated that all this information had been collated by the Highways Team in Cheshire Lines. There was a significant amount of information to work through and this was carried out by people in the Highways Team, who had a good local knowledge of all the sites. The information had then been shared with the Leader of the Council before he made any decision. The primary purpose of the consultation was to give proper consideration to any traffic implications. Representations received from businesses, including Shore Cottage, Station Road, Thurstaston and the Old Ticket Office Café, Eastham and Marston's plc were shared with the Leader of the Council as were all the petitions and all the letters of objection. As Chief Officer, Mr Smith was satisfied that all the procedures had been followed correctly.

The Chair invited questions to Mr Smith and Mr Atkins from the Committee and their responses included the following comments:

- Mr Smith was satisfied the highways and traffic implications of the proposals had been taken due regard of.
- Consulted on officer proposals from the outset and then proposals of a lesser impact were put forward with the final decision reflecting these lesser proposals.

- The decision taken was very much about the traffic implications of the proposals and did not go into wider issues of businesses.
- Consultation had taken place around the Traffic Regulation Orders and it was a judgment call to make of officers as to how much further to go with the consultation. Based on the technical issues he was comfortable that there was a good grasp and understanding of the traffic implications to enable a decision to be made.
- The aspect of commercial viability of businesses was not a material consideration in the process.
- He clarified that there were two separate issues, the approach the Council took to consulting on budget proposals was separate to a specific Executive Member decision which was advertised in a particular way to comply with Road Traffic Act legislation.
- The December Cabinet had received a report with a whole series of proposals which had been formulated by an officer team and that was very much part of a general approach.
- Officers had held a broad set of discussions approaching Christmas in respect of budget setting proposals but this was a separate process to that required for the purposes of the Road Traffic Act.
- He acknowledged that there had been a high response and the vast majority of the individual letters and representations covered broader issues. There had been a number of specific areas of representation and those of particular note had been discussed with the Leader of the Council. A very clear recommendation to the Leader that it was appropriate to continue with these proposals, subject to very careful monitoring and evaluation over time.
- The level of response and size of petitions, and concern from local businesses led to the proposals being lessened in their impact.
- There were three elements to the proposals which combined would have raised over £1m. Based on feedback received all three were lessened or eliminated.
- The responses had filled a very large 'records box' which the Leader of the Council had seen in full.
- The approximately 700 individual representations made were pretty much all letters of objection against the proposal.
- The Highways Team had taken account of displacement issues and changes would be monitored if the charges were introduced. It might be there would be small localised issues for which some action might be needed.
- The matter was not about broader considerations, the key premise of the decision was about the potential traffic implications and the decision was still appropriate on these grounds.

The Assistant Chief Executive reminded the Committee that the call-in related to traffic regulation orders and that it had not been for officers to take the final decision on the proposals.

## **Summary of the Lead Signatory – Councillor Jeff Green**

Councillor Jeff Green thanked Andy Wood, Mina Guratsky, Sharon Jones, Pat Gibson-Saxty, Brian Norris, Jayne Kirwan, Karen James-Hunt and Lynda Thomas, all of whom had spoken very well and passionately against the proposals. He referred to the change in the usual process for consideration of traffic regulation orders which would ordinarily be looked at by a Highways Panel. The Overview and Scrutiny Committee at its meeting in January had asked for a report on the impact of the proposals but had not yet had it. The decision making process was flawed. He suggested that the proposals were self-defeating and asked the Committee to refer the decision back so that a wider consultation and discussion could be had about what was achievable. These proposals were a mistake which would devastate businesses and if the Conservative Group were to form an administration they would be removed.

## **Summary of the Cabinet Member – Councillor Stuart Whittingham**

Councillor Stuart Whittingham extended his thanks to those members of the public present and business owners who had attended the meeting. The Council was now in the seventh year of austerity and having to make tougher and tougher decisions with £200m of cuts over the last seven years. Wirral had some fantastic country parks but they needed a large amount of money to maintain. He stated that he was always open to working with businesses and local groups.

## **Committee debate**

A Member commented that the Committee had asked for a full and comprehensive report at its January meeting on the effects on local businesses and communities. The Committee had heard today from a large number of businesses which would be affected, including five businesses in the vicinity of Eastham Country Park.

Another Member commented that the consultation was flawed as businesses clearly weren't consulted whereas businesses on the high streets had been. The Committee today had been unable to find out what consultation had taken place with the Director of Public Health and she would have liked to have heard a professional view from the Director of Public Health.

A Member questioned whether anybody from the Council had talked to the vulnerable people who would be affected by the proposals. 48 people were employed at the four country parks and youth football clubs would also be affected.

A Member commented that the process for the introduction of the Traffic Regulation Orders had been followed lawfully.

The Chair thanked all the people who had spoken at the Committee eloquently and passionately about their businesses and interests. He suggested that if the Council didn't bring the charges in the Council would not have enough money to maintain its country parks to the standard which they were at now.

It was then moved by Councillor Lesley Rennie and seconded by Councillor Dave Mitchell, that –

“This Committee is extremely grateful and encouraged at the wonderful work which is undertaken in our country parks by Friends groups and local business owners who spoke with passion and commitment for the people they engage with especially the lonely and isolated, the vulnerable, the young and older people, all of whose lives would be devastated if they couldn't continue to access the parks to promote their health and wellbeing.

This Committee, after hearing from the wide ranging number of organisations here today wishes to refer this decision back to the decision maker, Councillor Phil Davies, as on the evidence we have heard today, insufficient weight has been given to the detrimental effect these changes will have on grass roots football clubs, golfing societies, small businesses, families and vulnerable adults who use our country parks.

Committee further requests the Leader of the Council not proceed with these charges and if necessary looks for alternative savings, many of which were highlighted at Budget Council.

This Committee would also recommend to the Leader of the Council that he considers utilising the usual route for determining Traffic Regulation Orders, namely an all-party Highways Panel.”

The motion was put and lost (6:8).

It was then moved by Councillor Ron Abbey, seconded by Councillor Jean Stapleton and –

**Resolved (8:6) –**

**That this Committee upholds the decision taken by the Leader of the Council in respect of the car parking charges budget savings options – Traffic Regulation Orders.**

The Chair then informed the meeting that there was no urgent business and no exempt items requiring consideration and closed the meeting at 6.35pm.