



## Policy and Resources Committee

17 February 2015

<b>Title</b>	<b>Referral from Hendon Area Committee – Mill Hill Free Parking</b>
<b>Report of</b>	Head of Governance
<b>Wards</b>	Mill Hill
<b>Date added to Forward Plan</b>	January 2015
<b>Status</b>	Public
<b>Enclosures</b>	Appendix 1: Mill Hill Free Parking – Application to Area Committee Budget Appendix 2: Conditions of Grant Appendix 3 - Area Committee Budgets Guidance
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### Summary

On 15 January 2015 the Council's three Area Committees considered applications to their respective Area Committee Budget funding pots. The Hendon Area Committee received an application from a member of the public for £6,000 for a proposal to "...offset the loss of parking income by offering free parking on Saturdays at the Bunns Lane Station Car Park, NW7 to both residents and shoppers to support small/local businesses on the Mill Hill Broadway, NW7."

An officer panel reviewed the application against the Conditions of Funding and Area Committee Budgets Guidance and recommended to the Hendon Area Committee that the application should not be supported as it contravened the agreed criteria for the use of Area Committee funding – mainly that the funding must not be used to support proposals that meet a budget deficit in a specific area or would lead to on-going financial pressures for the council.

The Hendon Area Committee decided to refer the application to the Policy & Resources Committee for decision. In making the referral the committee stated that they were minded to approve the application as they considered that it: i) helped the local economy; ii) supported local businesses; iii) and provided a parking solution.

The Policy & Resources Committee are requested to consider the information set out in the report and make a determination on the application.

## **Recommendations**

- 1. That the Committee consider the application for funding from the Hendon Area Committee Budget as set out in Appendix 1 (Mill Hill Free Parking).**
- 2. That the Committee notes the officers recommendation that the application does not meet the Area Committee Budgets criteria as detailed in sections 1 and 5 below.**
- 3. That the Committee decides whether it wishes to approve, contrary to the officers recommendation, funding for the application detailed in Appendix 1, subject to the Conditions of Grant (Appendix 2) and with reference to the Area Committee Budgets Guidance (Appendix 3).**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 On 10 June 2014 the Policy and Resources Committee agreed that £100,000 per year over the next four years should be allocated to each of the Council's three Area Committees, subject to agreement of detailed arrangements for the governance, accountability and prioritisation of these budgets by the Community Leadership Committee.
- 1.2 On 11 September 2014 the Community Leadership Committee approved proposals for the allocation and governance of the Area Committee Budgets scheme, to be returned to the Policy & Resources Committee for final agreement.
- 1.3 On 14 October 2014 the Policy & Resources Committee noted the proposals approved by the Community Leadership Committee and agreed the proposed process for allocating the Area Committee budgets during 2014/15.
- 1.4 The deadline for the receipt of applications to the 2014/15 Area Committee Budgets allocation was 15 December 2014. A total of 48 applications were received across the three areas (Hendon, Finchley & Golders Green and Chipping Barnet). The applications received were reviewed by a panel of officers to confirm that they complied with the Area Committee Budgets Guidance and Conditions of Grant.
- 1.5 The detailed procedure followed can be found in the link to the report referred to in the 'Background Information' section below.
- 1.6 Applications reported to the Area Committees fell into one of the following three categories:
  - 1. Passed – project meets application criteria and guidance. No issues raised by officers and can be considered by Committee
  - 2. Not yet confirmed – some issues with application/additional information needed to complete final due diligence

- 3. According to officers the application did not meet the criteria and it is therefore recommended that the committee does not approve
- 1.7 The Area Committees were requested to note and review the applications which were 'not passed' as they did not comply with the Conditions of Funding (Appendix 2) set out in the Area Committee Budgets Guidance (Appendix 3) and which officers therefore recommended were not allocated funding as they were considered to fall outside the scope of the Area Committee budgets and, in certain cases, the decision of the Policy & Resources Committee relating to the conditions of the scheme.
- 1.8 At the Hendon Area Committee, a proposal was brought to offer free parking on Saturdays at the Bunns Lane Station Car Park, NW7. Officers considered that the proposal had not passed due diligence and contravened the criteria of the Area Committee budgets in relation to funding. The guidance states that "*...funding must not be used to meet a budget deficit in a specific area... or to cover a shortfall in a service which would normally be provided by the Council or another public sector organisation.*"
- 1.9 At the Hendon Area Committee meeting on 15 January 2015, the application was referred to the Community Leadership Committee for determination. The Committee's reason for referral was due to the Committee being minded to approve the application, contrary to officers recommendations, for the following reasons:
- Helps the local community
  - Supports local business
  - Provide a parking solution.
- 1.10 Following consideration of the implications of this decision, officers have determined that this application should be decided by the Policy & Resources Committee rather than Community Leadership Committee due to the cross-cutting nature of this issue. If the decision is approved, there will need to be an amendment to parking fees and charges. As the Constitution is currently drafted, the Environment Committee make recommendations to Policy & Resources on fees and charges. Approving the decision will also have an on-going budgetary impact as it proposes providing for free a service that is currently charged for. The decision has therefore been referred to the cross-cutting Policy & Resources Committee for determination.
- 1.11 It remains the view of officers that the application does not meet the Area Committee Budget and it is therefore recommended that the Committee does not approve the application. If the Policy & Resources Committee wish to approve this proposal, they could fund it from an alternative funding stream.
- 1.12 The Council's Parking Policy, considered at the Environment Committee meetings on 18 November 2014 and 27 January 2015 outlines that all parking locations in the borough are under review with a target of achieving an 85% occupancy rate. Each review would need to consider a range of options and determine which combination of options are best suited to the specific requirements of each Town

Centre, rather than making ad hoc adjustments without determining the potential implications and/or other complimentary measures to ensure the effectiveness and appropriateness of changes proposed. It is for this reason that the proposal is not recommended.

- 1.13 In addition, following consultation with the Parking Client Team, officers have been advised that the £6,000 of funding applied for would be insufficient to cover the cost of introducing free parking in the Bunns Lane Car Park (see sections 5.4 – 5.6 below). Officers have also advised that this will be a permanent change to fees and charges in the car park which creates an on-going financial pressure for the Council.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 To enable the Policy and Resources Committee to determine the application as set out in Appendix 1. The application is recommended for refusal for the reasons set out in section 1 and 5 of the report.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 None. The Committee are required to determine this application to the Hendon Area Committee Budget funding stream.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 If the Committee approve the application, officers will communicate the decision of to the applicants including details of any terms and conditions (as detailed in the Conditions of Funding (Appendix 2) and Area Committee Budgets Guidance (Appendix 3)). Subject to the satisfactory receipt of additional information (if required), funding will be released.
- 4.2 If the Committee approve the application, steps will be taken to amend the parking fees and charges and make any necessary amendments to traffic management orders.
- 4.3 If the Committee refuse the application, officers will communicate the decision of the Committee to the applicant.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.2 The Area Committee Budgets contribute to the Corporate Plan's objective to promote family and community wellbeing and support engaged, cohesive and safe communities, by helping communities access the support they need to become and remain independent and resilient.

- 5.3 Each application was required that the proposal supported one or more of the Council's priority outcomes, as set out in the Corporate Plan which are:
- To maintain a well-designed, attractive and accessible place, with sustainable infrastructure across the borough.
  - To maintain the right environment for a strong and diverse local economy.
  - To create better life chances for children and young people across the borough.
  - To sustain a strong partnership with the local NHS, so that families and individuals can maintain and improve their physical and mental health.
  - To promote a healthy, active, independent and informed over 55 population in the borough to encourage and support our residents to age well.

5.4 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.5 The Parking Service have advised that the £6,000 applied for in the grant will not be sufficient to cover the costs of the proposed parking change. The full implications are estimated to be:

Loss of paid for parking income (car park):	(£6,500)
Reduction in penalty charge notice (PCN) income to the SPA:	(£4,350)
Alterations to signage, payment method, and required TMO:	(£3,250)

Total estimated costs of implementing change & loss of income: **(£14,100)**

- 5.6 In 2015/16 the Parking Service has already proposed to make changes locally which are designed to encourage increased usage of the Bunns Lane Car Park on a Saturday. The proposed free parking on a Saturday would negatively affect the following estimated additional income for the parking general fund and ring fenced SPA as follows;

Loss of paid for parking income (car park):	(£6,500)
Reduction in penalty charge notice (PCN) income to the SPA:	(£4,350)

Total estimated loss of **additional** income in 2015/16: **(£10,850)**

The total estimated loss of income and costs related to the proposed free Saturday parking are £24,950 in 2015/16 based upon service estimates and historical data. The grant is for a 12 month period and therefore there will be no additional provision to cater for the on-going cost beyond 2015/16.

5.7 **Legal and Constitutional References**

- 5.8 Council Constitution, Responsibility for Functions, Annex A – states the terms of reference of the Area Committees which includes to: “Administer any local budget delegated from Policy and Resources Committee for these committees in accordance with the framework set by the Policy and Resources Committee”

- 5.9 Council Constitution, Responsibility for Functions, Annex A – states the terms of reference of the Environment Committee which includes: “Parking provision and enforcement” and “Developing fees and charges for those areas under the remit of the committee for consideration by the Policy and Resources Committee”.
- 5.10 Council Constitution, Financial Regulations, Section 4.1.1 – states that the setting of fees and charges which do not form part of the budget strategy are separately approved by the Policy and Resources Committee.
- 5.11 Council Constitution, Responsibility for Functions, Annex A – the terms of reference of theme committees state that “If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee”.
- 5.12 The Council has set out criteria for approving grants. Whilst the Council retains a discretion to deviate from the criteria, it must provide and record clear reasons for doing so in any particular case to avoid challenges by other bodies who have had their applications refused for not fulfilling the criteria.
- 5.13 The Road Traffic Regulation Act 1984 gives local authorities the power to provide parking places on or off street for the purposes of relieving or preventing congestion of traffic, and can regulate their use through conditions and charges. The Act also sets out processes and obligations in relation to accounting for on and off street parking.
- 5.14 **Risk Management**
- 5.15 If the Council did not carry out due diligence on applications for any funding stream, there would be a risk that resources would not be used effectively or that inappropriate projects could be funded. The process set out for allocation of these budgets was designed to mitigate that risk. Applications which did not meet the agreed criteria were recommended for refusal.
- 5.16 If the Policy and Resources Committee approve the application to the Hendon Area Committee as set out in Appendix 1 this will be contrary to the approved Area Committee Budgets Guidance and Conditions of Grant that have previously approved by this Committee.
- 5.17 **Equalities and Diversity**
- 5.18 The due diligence carried out for the Area Committee budget allocations and the proposed regular review of the process will allow the Council to comply with the Public Sector Equality Duty placed on it under Section 149 of the Equality Act 2010; specifically to:
- Check that project proposals are inclusive and consider any equality implications they may raise

- Identify any equality considerations relevant to the broader allocation of resources more effectively than it can at present
- Gain a more comprehensive understanding of the needs of different groups in the community through the additional insight gained by reviewing the projects proposed

#### 5.19 **Consultation and Engagement**

5.20 Consultation with Residents Forums on the Area Committee Budgets scheme was carried out as part of the design of the Area Committee Budgets process. Details are set out in the report to the Policy & Resources Committee on 14 October 2014 (see link below).

### 6. **BACKGROUND PAPERS**

- 6.1 [Area Environment Sub-Committees – Draft Funding Arrangements](#) (Policy & Resources Committee, 10 June 2014).
- 6.2 [Area Sub-Committees – Budget Allocation Draft Framework](#) (Community Leadership Committee, 25 June 2014).
- 6.3 [Developing a Community Participation Strategy for Barnet](#) (Community Leadership Committee, 25 June 2014).
- 6.4 [Community Participation Strategy: Area Committee Budget Arrangements and Wider Community Funding](#) (Community Leadership Committee, 11 September 2014).
- 6.5 [Area Committee Budget Allocations Proposals](#) (Policy & Resources Committee, 14 October 2014)
- 6.6 [Hendon Area Committee Budget Allocations](#) (Hendon Area Committee, 15 January 2015)
- 6.7 [Parking Policy](#) (Environment Committee, 18 November 2014)
- 6.7 [Implementation of New Parking Policy](#) (Environment Committee, 27 January 2015)
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