

NOTICE OF MEETING

Meeting	Economy, Transport and Environment Select Committee
Date and Time	Thursday 31st March, 2022 at 2.45 pm
Place	Ashburton Hall - HCC
Enquiries to	members.services@hants.gov.uk

Carolyn Williamson FCPFA
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the County Council's website and available for repeat viewing, it may also be recorded and filmed by the press and public. Filming or recording is only permitted in the meeting room whilst the meeting is taking place so must stop when the meeting is either adjourned or closed. Filming is not permitted elsewhere in the building at any time. Please see the Filming Protocol available on the County Council's website.

AGENDA

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Personal Interest in a matter being considered at the meeting should consider, having regard to Part 5, Paragraph 4 of the Code, whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

3. MINUTES OF PREVIOUS MEETING (Pages 5 - 8)

To confirm the minutes of the previous meeting

4. DEPUTATIONS

To receive any deputations notified under Standing Order 12.

5. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

6. BIKEABILITY CYCLE TRAINING - CONSIDERATION OF REQUEST TO EXERCISE CALL-IN POWERS (Pages 9 - 24)

To consider a report from the Head of Law and Governance and Monitoring Officer, which asks the Economy Transport and Environment (Overview and Scrutiny) Committee ('ETE Select Committee') to consider whether or not it should exercise its powers under Section 9F of Part 1A of the Local Government Act 2000 ('the 2000 Act'), referred to in the County Council's Constitution as 'Call-in'.

7. ON-STREET CHARGEABLE PARKING - HIGH STREET, LYMINGTON CONSIDERATION OF REQUEST TO EXERCISE CALL-IN POWERS (Pages 25 - 62)

To consider a report from the Head of Law and Governance and Monitoring Officer, which asks the Economy Transport and Environment (Overview and Scrutiny) Committee ('ETE Select Committee') to consider whether or not it should exercise its powers under Section 9F of Part 1A of the Local Government Act 2000 ('the 2000 Act'), referred to in the County Council's Constitution as 'Call-in'.

8. PARKING - SERVICE CONSOLIDATION EFFICIENCIES - CONSIDERATION OF REQUEST TO EXERCISE CALL-IN POWERS (Pages 63 - 92)

To consider a report from the Head of Law and Governance and Monitoring Officer, which asks the Economy Transport and Environment (Overview and Scrutiny) Committee ('ETE Select Committee') to consider whether or not it should exercise its powers under Section 9F of Part 1A of the Local Government Act 2000 ('the 2000 Act'), referred to in the County Council's Constitution as 'Call-in'.

9. EXCLUSION OF PRESS AND PUBLIC

To resolve that the public be excluded from the meeting during the following items of business, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items there would be disclosure to them of exempt information within Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the reports.

10. EXEMPT APPENDIX - ON-STREET CHARGEABLE PARKING - HIGH STREET, LYMINGTON CONSIDERATION OF REQUEST TO EXERCISE CALL-IN POWERS (Pages 93 - 108)

The exempt appendix from the 10 March Decision Day relating to On-Street Chargeable Parking in Lyminster (Item 7 on the agenda).

11. EXEMPT APPENDIX (ETE) - PARKING - SERVICE CONSOLIDATION EFFICIENCIES - CONSIDERATION OF REQUEST TO EXERCISE CALL-IN POWERS (Pages 109 - 110)

The exempt appendix from the Economy, Transport and Environment department relating to the Parking – Service Consolidation Efficiencies report (Item 8 on the agenda – appendix 4).

ABOUT THIS AGENDA:

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS MEETING:

The press and public are welcome to attend the public sessions of the meeting. If you have any particular requirements, for example if you require wheelchair access, please contact members.services@hants.gov.uk for assistance.

County Councillors attending as appointed members of this Committee or by virtue of Standing Order 18.5; or with the concurrence of the Chairman in connection with their duties as members of the Council or as a local County Councillor qualify for travelling expenses.

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Agenda Item 3

AT A MEETING of the Economy, Transport and Environment Select Committee
of HAMPSHIRE COUNTY COUNCIL held at The Castle, Winchester on
Thursday 10th March, 2022

Chairman:

* Councillor Stephen Philpott

- | | |
|----------------------------------|---|
| * Councillor Derek Mellor | * Councillor Hugh Lumby |
| * Councillor Nick Adams-King | Councillor Elaine Still |
| * Councillor Debbie Curnow-Ford | * Councillor Martin Tod |
| * Councillor Barry Dunning | * Councillor Rhydian Vaughan MBE |
| * Councillor Tim Groves | * Councillor Bill Withers Lt Col (Retd) |
| * Councillor Gary Hughes | * Councillor Graham Burgess |
| * Councillor Louise Parker-Jones | |
| * Councillor Rupert Kyrle | |

*Present

Also present with the agreement of the Chairman:

Councillor Rob Humby, Executive Lead Member for Economy, Transport and Environment and Deputy Leader

Councillor Russell Oppenheimer - Executive Member for Highways Operations

Councillor Jan Warwick – Executive Member for Climate Change and Sustainability

46. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Elaine Still. Councillor Graham Burgess attended as a deputy.

47. DECLARATIONS OF INTEREST

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

48. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

49. DEPUTATIONS

There were no deputations for the meeting.

50. **CHAIRMAN'S ANNOUNCEMENTS**

There were no formal Chairman's Announcements.

51. **HAMPSHIRE HIGHWAYS - HIGHWAY NETWORK RECOVERY STRATEGY**

The Select Committee pre-scrutinised report for the Executive Lead Member for Economy, Transport and Environment on the Hampshire Highways Recovery Strategy (item 6 in the minute book).

The office summarised the report, highlighting the decline of the highways network over recent years due to a reducing budget and the subsequent increase in reactive maintenance rather than proactive. Construction and inflation cost levels were the highest they had been for many years, which further added to the challenges in maintaining the highways across the County.

During questions, Members learned that traffic signals were very expensive to replace and only so many could be done each year and had to be prioritised.

Carbon mitigation was an important factor going forward and the County was proactive in experimenting with carbon reduction initiatives. With increased surface water flooding it was noted that it was important for adequate drainage to be in place before the highways structure was improved for the benefits to be long term and not deteriorate.

Members agreed that it was an important paper and that officers were doing very well at responding to pressures and challenges.

RESOLVED

The Economy, Transport and Environment Select Committee supported the recommendations being proposed to the Executive Lead Member for Economy, Transport and Environment in section 2 of the main report.

52. **PARKING - SERVICE CONSOLIDATION EFFICIENCIES**

The Select Committee pre-scrutinised a decision for the Executive Member for Highways Operations on Traffic Management and Civil Parking Enforcement district agency agreements (item 7 in the minute book).

The officer summarised the proposals within the report and confirmed the aims of securing the most effective service assisting with funding going forward.

The Select Committee questioned the lack of financial evidence within the report that supported ending the arrangements and it was confirmed that whilst finances had been reviewed as part of the process, the report focused on and provided a more strategic view. It didn't impact off-street enforcement, only on-street parking.

On questioning potential impacts on staff, it was confirmed that existing officers would be TUPE'd across and then a recruitment exercise done if there was any capacity remaining to ensure the service was not affected.

When asked what would happen should the proposals not work as anticipated, officers were confident that ending the arrangements was the best route forward and it was unlikely it would need to be reviewed. Should the proposals not be as successful as anticipated then the new arrangements would be carefully analysed.

The cost of administering and enforcing penalty charge notices (PCN's) would be cheaper if brought in-house and the plans were about cost efficiencies rather than generating income. Officers gave examples of where the in-house service was lower cost than the average for the agencies, but Members felt that the reasoning was not detailed within the report in order for the proposals to be scrutinised properly.

It was noted that some of the requests for information from the Committee related to the implementation of the recommendations rather than the strategic overview and therefore could be added to the Work Programme for further analysis should the recommendations be approved.

RESOLVED

The Economy, Transport and Environment Select Committee DID NOT support the recommendations being proposed to the Executive Member for Highways Operations in sections 2 and 3 of the main report, due to lack of financial information relating to the proposed efficiencies, lack of detail regarding key performance indicators (KPI's) and lack of information regarding contract management.

53. SCHOOL STREETS

The Select Committee pre-scrutinised a report to Cabinet from the Director of Economy, Transport and Environment on the School Streets Pilot (Item 8 in the minute book).

The officer summarised the report, highlighting conclusions from the initial monitoring and assessment of the trial to date. One of the three pilot schools had withdrawn due to lack of volunteers, and the two remaining sites had needed to use staff at the school to supplement the volunteers that assisted to make up the correct number.

Monitoring done on surrounding roads had shown that there hadn't been an adverse impact with displaced parking or traffic but it was acknowledged that the scheme would not be suitable for all schools and locations.

The Executive Lead Member for Economy, Transport and Environment enforced the importance of the schools and parents being fully committed to the schemes in order for them to work and for there to be sufficient volunteers.

RESOLVED

The Economy, Transport and Environment Select Committee supported the recommendations being proposed to Cabinet in section 2 of the main report.

54. **INFORMATION ITEM - HWRC UPDATE**

The Select Committee received a presentation update on Household Waste Recycling Centres (HWRCs) (item 9 in the minute book).

Members were updated on a pedestrian access trial that had taken place, the cross-border usage and registration scheme and also the booking system now in place at HWRC's.

During questions, the following points were clarified:

- Portsmouth City Council continued to use a booking system but Southampton City Council had trialling it stopping. Officers were waiting for the trial to end so the data could be analysed.
- The same-day booking system had been trialled at some sites and it was anticipated it would be fully rolled out by the end of the summer.
- Whilst slots had been reserved for the use of bicycles and pedestrians to access the sites, the uptake on these had been minimal.
- Proposals were being developed whereby some materials and products could be taken to a hub for upcycling, but the shops would still be available on site and the site would be recompensed for any diverted waste

Officers were thanked for their work and for the presentation.

55. **WORK PROGRAMME**

The Chairman confirmed that the May Select Committee meeting currently had a very light agenda and it was therefore likely that this meeting would be deferred until July.

It was confirmed that an update on "Solar Together" would come to a future meeting via Chairman's announcements.

Members also discussed having an item on electric vehicles, but as this project sat across several departments it was agreed it may be more suitable for a Member Briefing or for the Policy & Resources Select Committee.

RESOLVED

The Work Programme was noted by the Select Committee

Chairman,

HAMPSHIRE COUNTY COUNCIL

Report

Committee:	Economy Transport and Environment (Overview and Scrutiny) Committee
Date:	31 March 2022
Title:	Bikeability Cycle Training Consideration of Request to Exercise Call-in Powers
Report From:	Head of Law and Governance and Monitoring Officer

Contact name: Barbara Beardwell – Head of Law and Governance and Monitoring Officer

Tel: 03707 793751

Email: Barbara.beardwell@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to which this report relates is for the Economy Transport and Environment (Overview and Scrutiny) Committee ('ETE Select Committee') to consider whether or not it should exercise its powers under Section 9F of Part 1A of the Local Government Act 2000 ('the 2000 Act'), referred to in the County Council's Constitution as 'Call-in'

Recommendation(s)

That Members of the ETE Select Committee determine whether:

2. They recommend that the Executive Lead Member for Economy Transport and Environment should re-consider his decisions as set out in the Decision Record attached at Appendix 1, OR
3. They consider that they should not recommend that the Executive Lead Member for Economy Transport and Environment re-considers his decisions as set out in the Decision Record attached at Appendix 1.

Contextual information

- 4 In September 2019, the then Executive Member for Environment and Transport gave approval to procure and spend and enter into the necessary

contractual arrangements to deliver Bikeability cycle training for a period of 2 years, extendable to a maximum of 4 years, from 1 August 2020.

- 5 At his meeting on 10 March 2022, the Executive Lead Member for Economy Transport and Environment considered the Bikeability Cycle Training Report attached at Appendix 2 (“Decision Day Report”) and approved the recommendations contained at paragraph 2 and 3 of the Report, enabling the training offer to be provided by Children’s Services. The decision record of the Executive Member dated 10 March 2022 is attached at Appendix 1.
- 6 The Report was not pre scrutinised by the ETE Select Committee.
- 7 Following the decision of the Executive Lead Member for Economy Transport and Environment on 10 March 2022, a call-in request was made by a quorum of members of the ETE Select Committee for a meeting of the Committee to be held in order for it to consider whether or not it should exercise its call-in powers.
- 8 Provision of Bikeability cycle training is contained within the Local Transport Plan 3 Policy Objective 12 and links to road safety and casualty reduction. The Local Transport Plan 3 forms part of the County Council’s Policy Framework.

Legal and Constitutional Position

- 9 Legal provisions in respect of Call-in are set out at Section 9F of Part 1A of the 2000 Act and reflected at Part 3, Chapter 3, Paragraph 1.17 of the County Council’s Constitution. A copy of Part 3, Chapter 3, Paragraph 1.17 of the Constitution is attached at Appendix 3 for ease of reference. It should be noted however that discussion of the Executive decision subject of the Call-in request is not limited to the points raised in the request (should any have been given).
- 10 When a Scrutiny Committee meets in order to consider whether or not it should exercise its Call-in powers in respect of an Executive Decision, a Select Committee is required to consider whether or not to recommend:
 - a) that the decision be reconsidered by the relevant decision maker; or
 - b) that its function in respect of review or scrutiny of the decision should be exercised by the County Council.
- 11 It should however be noted that the recommendation as referred to at 10 b) above is not available where the Executive decision in question is in line with the Budget or Policy Framework. Neither does the exercise of Call-in powers prevent implementation of a decision within the Budget and Policy Framework. As indicated at Section 8 of this Report, the decision of the Executive Lead Member for Economy Transport and Environment relates to proposals regarding the provision of Bikeability cycle training which forms part

of the Council's Policy Framework. For these reasons, it is the view of the Head of Law and Governance and Monitoring Officer that the decision made by the Executive Lead Member for Economy Transport and Environment is in line with the Budget or Policy Framework. Therefore, should the ETE Select Committee determine it appropriate to exercise its Call-in powers, the recommendation open to the Committee is as set out in Paragraph 2 above.

Scrutiny

- 12 The role of a Scrutiny Committee includes both developing and reviewing policy and holding the Executive to account. A Scrutiny Committee may not however discharge any functions other than those conferred on it, and whilst it is perfectly proper for a Scrutiny Committee to offer advice and recommendations to an Executive decision maker, in law, responsibility for an Executive decision is that of the Executive. Similarly, in law, functions of the Executive cannot be discharged or overturned by the Full Council
- 13 When operated effectively, call-in provisions should ensure that there is an appropriate balance between effectively holding the Executive to account, being able to question decisions before they are recommended, and allowing effective and efficient decision making by the Executive within the policy framework and budget agreed by the full Council.

Call-In

- 14 So far as reconsideration of the recommendations in the Report contained at Paragraphs 1.1 and 1.2 of the decision record, it is open to the ETE Select Committee to ask the Executive Lead Member for Economy Transport and Environment to reconsider his decision.
- 15 It is not however possible under the provisions relating to call-in for the ETE Select Committee to do anything other than ask the Executive Lead Member for Economy Transport and Environment to reconsider the specific decision he made.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> Contract for Provision of Bikeability Training 2020-2022-2019-09-17-EMETE Decision Day (hants.gov.uk)	<u>Date</u> 17 September 2019
Direct links to specific legislation or Government Directives	
<u>Title</u> Local Government Act	<u>Date</u> 2000

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

An EIA was not applicable as the report is governance in nature and relates to decisions that have a separate assessment undertaken.

Climate Change Impact Assessment

The carbon mitigation tool and/or climate change adaptation tool were not applicable because the decision relates to a separate project, which is subject to assessment individually.

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HAMPSHIRE COUNTY COUNCIL

Executive Decision Record

Decision Maker:	Executive Lead Member for Economy, Transport and Environment
Date:	10 March 2022
Title:	Bikeability Cycle Training
Report From:	Director of Economy, Transport and Environment

Contact name: Lyndsay Ellarby

Tel: **Email:** lyndsay.ellarby@hants.gov.uk

1. The decision:

- 1.1. That the Executive Lead Member for Economy, Transport and Environment approves the delivery of Bikeability cycle training by the County Council's Children's Services Hampshire Outdoors service from 1 August 2022 at the end of the contract with the current provider, Mountbatten School Services.
- 1.2. That authority is delegated to the Director of Economy, Transport and Environment to make the necessary operational arrangements, including entering into a memorandum of understanding with Children's Services, to deliver Bikeability cycle training on behalf of Hampshire County Council.

2. Reason for the decision:

- 2.1. The Road Safety Team receives Bikeability grant funding for up to 7,000 cycle training places. A contract in place with Mountbatten School Services to deliver the training comes to an end on 31 July 2022 and a decision is sought on whether to extend the contract, re-tender or deliver this training in-house. A decision is needed now to enable a change of providers at the earliest opportunity, which is from 1 August 2022 and to allow for a smooth transition for the start of the new academic year in September to minimise disruption to schools.

3. Other options considered and rejected:

- 3.1. To extend the current contract with Mountbatten School Services for a further two years from 1 August 2022 to a maximum of four years. This option is rejected as Children Services Hampshire Outdoors service will enhance training to support younger pupils develop cycle skills ready for level 2 and 3 cycle training, and build on established relationships with schools, including training teachers and embedding training into schools' everyday life.
- 3.2. To re-tender delivery of Bikeability cycle training. This option is rejected as Children Services Hampshire Outdoors service is considered to offer the best option to support children's cycle training.

4. Conflicts of interest:

4.1. Conflicts of interest declared by the decision-maker:

4.2. Conflicts of interest declared by other Executive Members consulted:

5. Dispensation granted by the Conduct Advisory Panel: none.

6. Reason(s) for the matter being dealt with if urgent: not applicable.

7. Statement from the Decision Maker:

I thank Darren Fells from Pedal Power for attending and speaking at my Decision Day today, along with County Councillors Bill Withers and Jackie Porter.

I also thank Blair Byfield from Mountbatten School Services for his written representation.

Approved by:

Date:

10 March 2022

**Executive Lead Member for Economy, Transport and
Environment
Councillor Rob Humby**

complex roads. Bikeability Plus is a suite of courses to meet individual needs which compliments level 2 and 3 training which includes bike maintenance and family rides.

Background

6. In September 2019, the Executive Member for Economy, Transport and Environment (ETE) gave approval to procure and spend and enter into the necessary contractual arrangements (Contract for Provision of Bikeability Training 2020-2022), to deliver Bikeability cycle training for a period of 2 years, extendable to a maximum of 4 years, from 1 August 2020.
7. The cost of Bikeability cycle training, estimated at a total estimated cost of £1.73 million (over the 4 years) is funded in full by Department for Transport (DfT) grant awards. Future delivery of Bikeability cycle training is subject to the award of DfT grant funding, which is applied for on a 4-year cycle and reviewed on an annual basis.

Funding

8. Cycle training for children is funded by DfT through The Bikeability Trust with over 7,000 level 2 and 3 courses delivered each year. The County Council has a contract in place with Mountbatten School Services to deliver Bikeability training. The contract does not include the districts of Test Valley, Fareham and Gosport which have their own arrangements but use the same provider. Courses are delivered mainly to schools during the school day and can be delivered as part of the PE curriculum.
9. The County Council manages the contract ensuring quality of training and the delivery of all places. This includes monitoring of instructors, meeting the contractor, DBS compliance and reporting directly to The Bikeability Trust.
10. Current funding is at a cost per place of £45. Mountbatten School Services receives £44 per place, with £1 per place retained to support client management activity by the County Council. This funding per place was increased in 2021/2022 from £40 to reflect the impact of the Covid-19 pandemic. The Bikeability Trust has confirmed that the cost per place will remain at £45 for 2022/23.
11. The Department for Transport has recently confirmed Hampshire County Council's Bikeability grant funding for the 2022/23 financial year. This is £423,855 which allows for a total of 9,419 training places at £45 per training place (9,119 level 2 and 300 level 3). Bikeability training is subject to funding and, in the event that this funding is discontinued, then Bikeability training will cease or require alternative funding.

Proposed change

12. The proposal is to deliver Bikeability cycle training through the County Council's Children's Services Hampshire Outdoors service from 1 August 2022 at the end of the contract with the current provider, Mountbatten School Services.

13. Children's Services Hampshire Outdoors has submitted a comprehensive plan to deliver Bikeability cycle training. The team does not currently deliver Bikeability cycle training but has staff who have and who are trained to be able to train instructors. In the plan, Children Services has demonstrated how it could deliver 7,000 places and grow the number of places if funding is available. To support the business plan, the team has used excellent examples of successes such as a large swimming programme and residential trips. Children Services would supplement training to give enhanced education and practice to younger pupils in preparation for level 2 and 3 cycle training, which would increase pass rates compared with the current arrangements and complement the Road Safety Team education programme such as Junior Road Safety Officers and StreetSense in secondary schools promoting independent, responsible riders. Children Services has good relationships with schools and the proposed model would include training teachers embedding training into schools' everyday life.
14. The Road Safety Team would continue as the client applying for funding for the foreseeable future. A memorandum of understanding (MoU) would be draw up with Children's Services to ensure a smooth transition of training for schools.
15. There is a requirement to give the current Bikeability cycle training provider two months' notice, and a decision is therefore needed now to enable a change of providers at the earliest opportunity, which is from 1 August 2022 and to allow for a smooth transition for the start of the new academic year in September to minimise disruption to schools. Children's Services would need to register as a provider, and the Children's Services Hampshire Outdoors service is ready with all the necessary documentation to submit and this can be done once a decision is made.

Transfer of Undertakings (Protection of Employment) TUPE

16. Consideration has been given to staff who are currently employed by the existing service provider being transferred to Children's Services under Transfer of Undertakings (Protection of Employment) (TUPE). Early discussions have taken place and it is understood that TUPE will apply for some staff. Any costs incurred will be the responsibility of Children's Services. There are approximately 40 full time staff which includes managers, office staff and instructors. During peak times of delivery there are also some part-time members of staff.
17. If the recommendation to deliver Bikeability Training through Children's Services is approved, notice of this change would be issued in March 2022 allowing time to address TUPE requirements.

Consultation and Equalities

18. The training provided is fully inclusive and should have no impact on groups with protected characteristics. Training will be adapted to suit the needs of any child where appropriate and individual risk assessments will be undertaken.

19. This decision seeks to change the service provider, with no change to the service being delivered, so has been assessed as having a neutral impact on groups with protected characteristics.

Climate Change Impact Assessments

20. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

Climate Change Adaptation / Carbon Mitigation

21. The carbon mitigation tool and climate change adaptation tool were not applicable because the decision for this report relates to changing provider for the existing Bikeability Cycle Training. Whilst there is a change of provider there are no other changes and as such the decision does not have any significant climate change considerations.

Conclusions

22. The County Council receives Bikeability grant funding for up to 7,000 cycle training places. A contract in place with Mountbatten School Services to deliver the training comes to an end on 31 July 2022 and a decision is sought on whether to extend the contract, re-tender or deliver this training in-house. A decision is needed now to enable a change of providers at the earliest opportunity, which is from 1 August 2022 and to allow for a smooth transition for the start of the new academic year in September to minimise disruption to schools.
23. The recommendation is to deliver this training in-house through Children's Services Hampshire Outdoors, which will enhance training to support younger pupils develop cycle skills ready for level 2 and 3 cycle training, and build on established relationships with schools, including training teachers and embedding training into schools' everyday life.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	no
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	no

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Contract for Provision of Bikeability Training 2020-2022	17 September 2019
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The training provided is fully inclusive and should have no impact on groups with protected characteristics. Training will be adapted to suit the needs of any child where appropriate and individual risk assessments will be undertaken.

This decision seeks to change the service provider, with no change to the service being delivered, so has been assessed as having a neutral impact on groups with protected characteristics.

Hampshire County Council Constitution

Part 3, Chapter 3, Section 1.17

1.17 Call-in

- 1.17.1 Where a decision of the Executive has been made but not yet been implemented, a quorum of members of the relevant Select (Overview and Scrutiny) Committee(s) may require by way of notice in writing to the Chief Executive that a meeting of the Committee is held to consider whether or not to exercise the Committee's powers under Section 9 F (4) of Part 1A of the 2000 Act (referred to in this Constitution as 'call-in'). These powers are to arrange that the decision be reconsidered by the Executive, or arrange for its powers in respect of review or scrutiny of the decision to be exercised by the County Council. Where a decision materially affects more than one Select Committee (i.e. it is cross-cutting) a call-in must be made by at least two of the Select (Overview and Scrutiny) Committees;
- 1.17.2 A decision can only be called-in within 5 clear working days of the date the decision was notified to all members of the appropriate Select (Overview and Scrutiny) Committee(s), in accordance with Part 3, Chapter 2, Paragraph 4.8 of the Constitution.
- 1.17.3 When a valid call-in request is made, the Select (Overview and Scrutiny) Committee(s) must meet to consider the request, make a decision and communicate to the Executive any recommendations it wishes to make within 14 clear calendar days of the request being made. When it meets the Committee(s) must consider whether or not to recommend; i) that the decision be reconsidered by the relevant decision making body who made the decision; or ii) that the County Council consider whether the relevant decision making body should reconsider the decision (this recommendation shall not be made when the decision is in line with the budget, or the Policy Framework, or statutory requirements regarding notice procedures in respect of publicity for Key Decisions)
- 1.17.4 Any decision of the Executive which is not in line with the Budget or the Policy Framework, or the notice procedure in respect of Key Decisions as set out at Part 3 Chapter 2 Paragraph 3.2 of the Constitution, if called-in, shall not be implemented until the request has been disposed of by; i) The withdrawal of the request ii) The rejection of the request by the Select (Overview and Scrutiny) Committee(s) or by the County Council iii) The relevant decision-making body rejecting the recommendation for reconsideration or; iv) The relevant decision-making body reconsidering and confirming the original decision.
- 1.17.5 Call-in shall not prevent the decision from being acted on where the decision is in line with the Policy Framework and other policies approved by the County Council but when the views of the Select Committee differ from, or are critical of, the Executive decision, the facts shall be reported to the next County Council meeting and be debated without changing the previous decision although the County Council may request the Cabinet or relevant Executive Member(s) to review the decision in question

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HAMPSHIRE COUNTY COUNCIL

Report

Committee:	Economy Transport and Environment (Overview and Scrutiny) Committee
Date:	31 March 2022
Title:	On-Street Chargeable Parking – High Street, Lymington Consideration of Request to Exercise Call-in Powers
Report From:	Head of Law and Governance and Monitoring Officer

Contact name: Barbara Beardwell – Head of Law and Governance and Monitoring Officer

Tel: 03707 793751

Email: Barbara.beardwell@hants.gov.uk

Purpose of this Report

1. The purpose of the meeting to which this report relates is for the Economy Transport and Environment (Overview and Scrutiny) Committee ('ETE Select Committee') to consider whether or not it should exercise its powers under Section 9F of Part 1A of the Local Government Act 2000 ('the 2000 Act'), referred to in the County Council's Constitution as 'Call-in'.

Recommendation(s)

That Members of the ETE Select Committee determine whether:

2. They consider that the Executive Member for Highways Operations should re-consider his decisions as set out in the Decision Record attached at Appendix 1
3. they consider that they should not recommend the Executive Member for Highways Operations re-consider his decisions as set out in the Decision Record attached at Appendix 1.

Contextual information

4. As part of the Transformation to 2019 programme, the ETE Select Committee considered the proposed savings for the Economy Transport and Environment Department ('Department') on 19 September 2017. On the

same day, the then Executive Member for Environment and Transport approved for submission to Cabinet, the proposed savings options for the department, which included proposals to modernise the on-street parking service with the aim of delivering the function on a full cost recovery basis. Proposals included a range of measures with the introduction of targeted on-street chargeable parking. The savings proposals were approved by Cabinet on 16 October 2017 and recommended to the County Council on 2 November 2017, whereupon the overall Transformation to 2019 savings were approved, subject to further consultation and Executive decision making where necessary. Some of the Department's proposals were not supported by Full Council (closure of Household Waste Recycling Centre Service Review and School Crossing Patrols) and were removed from the Transformation to 2019 savings programme.

5. Following the approval of the Transformation to 2019 savings proposals by Full Council, the then Executive Member for Environment and Transport at his meeting on 17 November 2017 made a number of decisions relating to On Street Parking and Civil Parking Enforcement, both of which form part of the Parking Project approved by Council.
6. On 5 June 2018 the then Executive Member for Environment and Transport gave approval in principle for the introduction of Chargeable on-street parking and delegated authority to the Director of Economy, Transport and Environment to take all the necessary measures and steps to implement the changes, including the progression and approval of any associated Traffic Regulation Orders and any works necessary to support the introduction of chargeable on-street parking.
7. At his meeting on the 29 October 2018, the then Executive Member for Environment and Transport considered the progress that had been made on the Parking project and approved the principle of future parking controls being implemented on a full cost recovery basis. The ETE Select Committee pre scrutinised this paper at its meeting of the same day and supported the recommendations.
8. On 8 October 2020, the then Executive Member for Environment and Transport gave approval to delay the implementation of on street chargeable parking in town centre areas whilst proceeding with schemes in other suitable areas.
9. The Executive Member for Highways Operations considered the On Street Chargeable Parking – High Street Lymington Report attached at Appendix 2a ('Decision Day Report') and appendix at 2b ('Supporting Appendix) as well as an exempt appendix (Item 10) at his Decision Day on 10 March 2022 and approved the recommendations contained at paragraph 2 and 3 of the Report. The decision record of the Executive Member dated 10 March 2022 is attached at Appendix 1.

10. Following the decision of the Executive Member for Highway Operations on 10 March 2022 a call-in request was made by a quorum of members of the ETE Select Committee for a meeting of the Committee to be held in order for it to consider whether or not it should exercise its call-in powers. No reason was given in the call-in request.

Legal and Constitutional Position

11. Legal provisions in respect of Call-in are set out at Section 9F of Part 1A of the 2000 Act and reflected at Part 3, Chapter 3, Paragraph 1.17 of the County Council's Constitution. A copy of Part 3, Chapter 3, Paragraph 1.17 of the Constitution is attached at Appendix 3 for ease of reference. It should be noted however that discussion of the Executive decision subject of the Call-in request is not limited to the points raised in the request (if any were given).
12. When a Scrutiny Committee meets in order to consider whether or not it should exercise its Call-in powers in respect of an Executive Decision, a Select Committee is required to consider whether or not to recommend:
 - a) that the decision be reconsidered by the relevant decision maker; or
 - b) that its function in respect of review or scrutiny of the decision should be exercised by the County Council.
13. It should however be noted that the recommendation as referred to at 12 b) above is not available where the Executive decision in question is in line with the Budget or Policy Framework. Neither does the exercise of Call-in powers prevent implementation of a decision within the Budget and Policy Framework. As indicated at paragraph 4 of this Report, the decision of the Executive Member for Highways Operations relates to proposals regarding implementation of the County Council's Decision regarding the Transformation to 2019 proposals, following submission of the Department's proposed savings options, agreed by Cabinet prior to consideration by the County Council at its meeting on 2 November 2017. For these reasons, it is the view of the Head of Law and Governance and Monitoring Officer that the decision made by the Executive Member for Highways Operations is in line with the Budget Framework and therefore should the Select Committee determine it appropriate to exercise its Call-in powers, the recommendation open to the Committee is as set out in Paragraph 2 above.

Scrutiny

14. The role of a Scrutiny Committee includes both developing and reviewing policy and holding the Executive to account. A Scrutiny Committee may not however discharge any functions other than those conferred on it, and whilst it is perfectly proper for a Scrutiny Committee to offer advice and recommendations to an Executive decision maker, in law responsibility for an

Executive decision is that of the Executive. Similarly, in law, functions of the Executive cannot be discharged or overturned by the Full Council.

15. When operated effectively, call-in provisions should ensure that there is an appropriate balance between effectively holding the Executive to account, being able to question decisions before they are recommended, and allowing effective and efficient decision making by the Executive within the policy framework and budget agreed by the full Council.

Call-In

16. So far as reconsideration of the recommendations in the Report contained at Paragraphs 1.1 and 1.2 of the decision record, it is open to the Select Committee to ask the Executive Member for Highways Operations to reconsider his decision.

It is not however possible under the provisions relating to call-in for the ETE Select Committee to do anything other than ask the Executive Member for Highways Operations to reconsider the specific decision he made.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	no
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	no

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
2017-09-19-ETE Select Committee pre scrutiny of Transformation to 2019 saving proposals	19 September 2017
2017-11-02-Council Medium Term Financial Strategy	2 November 2017
2017-11-17-EMET Decision County-Wide Civil Parking Enforcement Services	17 November 2017
2018-06-05-EMET T19 Parking Project Update	5 June 2018
2018-10-29-EMET T19 Modernisation of the On Street Parking Service	29 October 2018
On-Street Pay and Display Parking-2020-10-08-EMETE Decision Day (hants.gov.uk)	8 October 2020
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>
Local Government Act	2000

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

An EIA was not applicable as the report is governance in nature and relates to decisions that have a separate assessment undertaken.

Climate Change Impact Assessment

The carbon mitigation tool and/or climate change adaptation tool were not applicable because the decision relates to a separate project, which is subject to assessment individually.

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HAMPSHIRE COUNTY COUNCIL

Executive Decision Record

Decision Maker:	Executive Member for Highways Operations
Date:	10 March 2022
Title:	On-Street Chargeable Parking – High Street, Lyminster
Report From:	Director of Economy, Transport and Environment

Contact name: Marc Samways

Tel: 07590 774429

Email: marc.samways@hants.gov.uk

1. The decision:

- 1.1. That the Executive Member for Highways Operations approves a Traffic Order to be made under the Road Traffic Regulation Act 1984 (RTRA), the effect of which will be to introduce on-street chargeable parking in the High Street, Lyminster as shown on plan TM/LYM/01 in Appendix B of the supporting report.

2. Reasons for the decision:

- 2.1. The introduction of on-street chargeable parking in targeted locations where parking demand is high, is a key element of the County Council's plans to modernise the on-street parking service with the aim of operating the function on a full cost recovery basis, without continuing to draw on vital highway maintenance funding.
- 2.2. Due consideration has been given to RTRA section 122(1) and 122(2) and any other relevant legislation. In this case the Decision Maker acting on behalf of the Local Authority considers this Traffic Order expeditious for the provision of suitable and adequate parking facilities on road.
- 2.3. The decision outlined in paragraph 1.1 (above) to exercise the functions of the Local Authority under RTRA section 122(1) and 122(2) has been reached on the basis of what is reasonably practicable after due regard has been given to:
 - the desirability of securing and maintaining reasonable access to premises including retail and hospitality establishments.

3. Other options considered and rejected:

- 3.1. To do nothing and retain the existing free one hour limited waiting restriction. This option is rejected as free on-street parking does not enable the County Council to recover costs associated with the operation of the on-street parking service.
- 3.2. To introduce chargeable parking with an extended free period. This option is rejected as it would reduce income to the extent that the County Council would likely be unable to recover the associated costs of operating on-street parking in Lyminster.

4. Conflicts of interest:

4.1. Conflicts of interest declared by the decision-maker: None

4.2. Conflicts of interest declared by other Executive Members consulted: None

5. Dispensation granted by the Conduct Advisory Panel: none.

6. Reason(s) for the matter being dealt with if urgent: not applicable.

7. Statement from the Decision Maker:

I thank County Councillor Jackie Porter for attending my Decision Day and her comments on this item.

Approved by:

Date:

10 March 2022

**Executive Member for Highways Operations
Councillor Russell Oppenheimer**

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Highways Operations
Date:	10 March 2022
Title:	On-Street Chargeable Parking – High Street, Lymington
Report From:	Director of Economy, Transport and Environment

Contact name: Marc Samways

Tel: 07590 774429

Email: marc.samways@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to detail the objections received to the public advertisement of a Traffic Regulation Order (TRO) associated with the implementation of on-street chargeable parking, commonly referred to as Pay and Display parking, in the High Street in Lymington and seek approval to make and implement the TRO.

Recommendation

2. That the Executive Member for Highways Operations approves a Traffic Order to be made under the Road Traffic Regulation Act 1984 (RTRA), the effect of which will be to introduce on-street chargeable parking in the High Street, Lymington as shown on plan TM/LYM/01 in Appendix B.

Executive Summary

3. This paper seeks approval to make and implement the proposed Traffic Regulation Order (TRO) for the introduction of on-street chargeable parking on the High Street, Lymington, and consider objections presented by the Local County Member and members of the public to the proposal.

Contextual information

4. The county wide on-street parking service has operated at a net deficit, whereby service expenditure has exceeded income, for many years. The changes to modernise the service, including the proposals for Lymington, will help enable the function to operate on a full cost recovery basis, without continuing to draw on vital highway maintenance funding. The introduction of on-street chargeable parking in targeted locations where parking demand is high, is a key element in being able to achieve this aim.
5. In making this recommendation, due consideration has been given to RTRA section 122(1) and 122(2) and any other relevant legislation. In this case, it is

considered that the Traffic Order is expeditious for the provision of suitable and adequate parking facilities on road.

6. The proposal outlined in paragraph 2 (above) to exercise the functions of the Local Authority under RTRA section 122(1) and 122(2) is made on the basis of what is reasonably practicable after due regard has been given to:
 - the desirability of securing and maintaining reasonable access to premises including retail and hospitality premises
7. To help address concerns raised by local people, particularly business owners, the proposals for the High Street include a free 20-minute parking period that will be in addition to the statutory 10 minute 'grace period'. This free period of parking will facilitate short shopping trips without need for payment. The proposed restrictions also seek to extend the current one-hour maximum stay on the High Street up to two hours to provide increased flexibility.
8. The proposed restrictions will only apply Monday to Friday from 9am through to 6pm to align with the current limited waiting hours of operation. Cars will continue to be prohibited from parking in the High Street on Saturdays due to the Lymington Charter Market. There will be no parking charges on Sundays or during Bank Holidays.
9. The proposed hourly charges will align with the nearby off-street car parks, as operated by New Forest District Council, currently charged at £1 per hour.
10. Enforcement of the current free one-hour restriction is very resource intensive, meaning that many drivers are currently often able to overstay the maximum time period without being issued with a Penalty Charge Notice.
11. Four separate parking occupancy surveys, undertaken both before and during the Covid-19 pandemic, identified that between 160 and 170 people parked in the High Street and ignored the one-hour maximum permitted stay each day. The proposed changes will help overcome these current overstay issues.
12. The parking surveys also showed that around 70% of people parking in the high street do so for short stays of up to 30 minutes meaning that the vast majority of visitors using parking in the High Street will be unaffected by the proposed parking charges.
13. Attached are:
 - (i) the traffic order – Appendix A
 - (ii) a location plan – Appendix B
14. It has come to light that some minor typographical inaccuracies were contained within the draft order attached to the notice of proposal. These have been corrected in the order that is attached below. The amendments are not substantial and do not impact on the effect of the order.

Finance

15. Proposed parking charges will be £1 per hour up to a maximum stay of 2 hours from Monday to Friday from 9am through to 6pm.
16. The cost of implementation of the scheme will be met from the Traffic Management budget.

17. Financial performance of countywide on-street parking will be included within annual performance reporting.

Consultation and Equalities

18. The proposed amendment of parking controls has not raised objection from the Police.
19. The public advertisement of the proposals was carried out from 28 January to 18 February, and 33 representations were received. All objections have been considered with full details of the concerns raised together with officer responses included in the exempt appendix.
20. The key points of objection, together with officer responses are as detailed below:
The introduction of chargeable parking will harm the businesses in the Town.
21. It is considered that the introduction of modest parking charges for on-street parking, coupled with a free parking period of 20 minutes, will not deter people from parking in the High Street where demand for spaces is consistently high.
22. Past national surveys have identified that the majority of people are less likely to visit a location if there is uncertainty over the availability of convenient nearby parking rather than being deterred by reasonable parking charges. The introduction of chargeable parking is known to increase the turnover of parking spaces and it is also far easier to enforce those who overstay, unlike the current parking controls which are often abused.
Charging for parking will deter short shopping trips (e.g. people won't pay for parking to purchase a take away coffee)
23. The proposals include a 20-minute free parking period that will be aimed at allowing short duration shopping visits whilst providing increased flexibility by giving people the ability to pay for additional parking of up to 2 hours if needed. A 10-minute grace period is also allowed for which effectively provides a 30-minute maximum free period giving a safety margin for those who return to their vehicles slightly later than planned.
The use of parking meters is inappropriate due to the conservation area status and the potential impact on the Charter Market.
24. Parking meters are widely used across the UK to help manage on-street parking controls. The latest generation of parking meters, as are being proposed for Lymington and other areas of Hampshire, are compact and relatively unobtrusive, have a small footprint and will be solar powered.
25. The meters will be coloured black to tie in with other street furniture. They will accept coins, card and contactless payments and this will be supplemented with a user-friendly pay by phone system providing a range of easy payment choices. Relatively few parking meters will be required and the County Council will liaise with the Town Council over suitable locations to ensure machines do not cause obstruction or impact on the Charter Market.

The New Forest District Council Parking Clocks should be able to be used on the High Street.

26. The parking clocks are issued and operated by New Forest District Council for off-street car parks and therefore will not be valid for use for on-street parking, which is the responsibility of the County Council as the Highway Authority.

The proposed parking controls will have a detrimental impact on nearby roads.

27. Roads located close to the High Street are already subject to parking controls to deter displaced parking. Residential roads located further away from the High Street are very unlikely to be affected by changes to the short-stay parking within the High Street. High Street parking is very popular due to the convenience of the location in relation to the shops and hospitality establishments.

The current parking system works well and does not need to be changed.

28. The planned changes to parking in the High Street form part of the County Council's proposals to modernise the on-street parking service with the aim of reducing the scale of subsidy provided from general highway maintenance resources to support parking regulation and enforcement. The County Council incurs a range of expenditure to operate the on-street parking service including the cost of enforcement together with the maintenance of parking related signs, posts, and carriageway lining.
29. The County Council cannot continue to operate the on-street parking service at a loss, as has been the case for many years, as this draws much needed funds away from other vital services. The changes being proposed for Lymington, together with many other locations across Hampshire, will result in a modern, consistent, and efficient service that will increase parking turnover and the likelihood of being able to find a convenient place to park, whilst operating the service on a full cost recovery basis.
30. Parking occupancy surveys undertaken both before and during the pandemic, have shown that between 160 and 170 vehicles were observed to overstay the current one-hour restriction, slowing parking turnover and reducing the chance of other people being able to find a space. On-street chargeable parking will be easier to enforce and will increase the turnover of parking spaces.

The proposals will limit the size of parking spaces to marked bays of a standard size.

31. This is not the case as the current marked areas for parking will remain and will not be changed to individual parking bays.

Parking spaces will be occupied for longer as a result of being able to stay for up to 2 hours.

32. Parking Occupancy surveys have shown that the vast majority (70%) of people using the High Street spaces do so for short stops of up to 30 minutes and this is likely to continue. The proposed changes will increase the flexibility of High Street parking by allowing people to either park for up to 30 minutes free, to stay longer for one hour for £1, or two hours for £2.

33. The proposed TRO has been assessed as having a neutral impact on groups with protected characteristics. The position of the meters will align with existing street furniture (bins, lamp columns, existing posts). Given the small footprint of the meters, the minimum widths for footways will not be affected. In addition to paying at the fixed machines, users can also pay via mobile app or phone RingGo to pay for parking sessions, removing the need to walk additional distances to the meters. Meters will be placed at frequent intervals close to parking bays.

Local Member's View

34. The local County Member for Lymington and Boldre, Councillor Dunning, has been extensively consulted as part of proposal and objects to the principle of on-street chargeable parking in Lymington.

Climate Change Impact Assessments

35. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

36. The tools employed by the County Council to assess impacts on climate change adaption and mitigation were utilised and found not to be applicable on the grounds the decision is seeking to amend a legal traffic order.

37. The introduction of on-street chargeable parking in the High Street, Lymington will require the introduction of a small number of parking machines which will be solar powered.

Conclusions

38. The traffic order will support the County Council in its objective to modernise the parking service as it cannot continue to operate the on-street parking service at a loss, as has been the case for many years, as this draws much needed funds away from other vital services. The changes being proposed for Lymington, together with many other locations across Hampshire, will result in a modern, consistent, and efficient service that will increase parking turnover and the likelihood of being able to find a convenient place to park, whilst operating the service on a full cost recovery basis.

39. The concerns raised during the consultation in particular to the impact on business and vehicle turnover have been considered. Parking Occupancy surveys have shown that the vast majority (70%) of people using the High Street spaces do so for short stops of up to 30 minutes and this is likely to continue. The proposals

include a 20-minute free parking period that will maintain this parking pattern, given a 10-minute grace period is also allowed for, which effectively provides a 30-minute maximum free period. Therefore, it is recommended that the traffic order is implemented as advertised.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> On-Street Chargeable Parking-2021-06-17-EMETE Decision Day (hants.gov.uk)	<u>Date</u> 17 th June 2021
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The proposed TRO has been assessed as having a neutral impact on groups with protected characteristics. The position of the meters will align with existing street furniture (bins, lamp columns, existing posts). Given the small footprint of the meters, the minimum widths for footways will not be affected. In addition to paying at the fixed machines, users can also pay via mobile app or phone RingGo to pay for parking sessions, removing the need to walk additional distances to the meters. Meters will be placed at frequent intervals close to parking bays.

Appendix A

HAMPSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE HAMPSHIRE (HIGH STREET, LYMINGTON) (ON-STREET PAY-AND-DISPLAY PARKING PLACES) ORDER 2022

Hampshire County Council in exercise of its powers and duties under Sections 1, 2, 4, 32, 33, 35(1), 45, 46, 46A, 47, 49, 51, 53, 122(1) and 122(2) of the Act, as amended by the Traffic Management Act 2004 (“the 2004 Act”) and the Road Traffic Regulation (Parking) Act 1986, Part IV of Schedule 9 to the Act, and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following order:

PART I – GENERAL

1. In this order, and the preamble and schedule hereto :
 - “the Act” means the Road Traffic Regulation Act 1984;
 - “the Council” means Hampshire County Council;
 - “charge” means the sum due and payable for the use of the parking places, such sum to be in accordance with Schedule II;
 - “charge certificate” means a penalty levied to persons who have not paid a penalty charge within the statutory time limit, as defined by Regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and prescribed by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amending legislation;
 - “charging hours” means any period specified in Schedule II in respect of which a charge is specified in Article 16;
 - “charge order” means the current order made by the Secretary of State in exercise of the power conferred by paragraph 8 of Schedule 9 to the 2004 Act;
 - “civil enforcement officer” means any person authorised by or on behalf of the Council to supervise any parking place designated by the order and includes any other officers of the Council employed to control and manage any such parking place;
 - “disabled person’s badge” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
 - “motor vehicle” and “motor cycle” have the same meaning as in Section 136 of the Act;
 - “driver” in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;
 - “goods vehicle” means a motor vehicle or trailer constructed or adapted for use for the carriage or haulage of goods or burden of any description;
 - “hours of operation” means the hours specified in column 4 of the schedule I to this order on those days when parking places are available;
 - “notice to owner” has the same meaning as in Regulation 19 of the Civil Enforcement of Parking (England) General Regulations 2007
 - “owner” has the same meaning as in the 2004 Act;

<i>“paid early”</i>	<i>refers to the penalty charge when it is paid not later than 0900 hours on the 15th day following the day on which the penalty charge was incurred;</i>
<i>“parking bay”</i>	<i>means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;</i>
<i>“parking disc”</i>	<i>means a disc, issued by a Local Authority, 125 millimetres square, coloured blue and capable of showing the quarter hour period during which a period of waiting begins;</i>
<i>“parking place”</i>	<i>means any area of land specified by name in column 1 of Schedule 1 to this order provided by the Council under Section 45 of the Act for use as a parking place;</i>
<i>“parking ticket”</i>	<i>means a ticket issued by an apparatus or device of a type and design approved by the Secretary of State as set out in Article 17 following insertion of an appropriate coin or coins, debit or credit card or pre-payment card into the apparatus or device;</i>
<i>“penalty charge”</i>	<i>has the same meaning as in the Civil Enforcement of Parking (England) General Regulations 2007;</i>
<i>“penalty charge band”</i>	<i>means the band of penalty charges published by the Council in accordance with Part 3 of Schedule 9 of the 2004 Act;</i>
<i>“penalty charge notice”</i>	<i>has the same meaning as in the Civil Enforcement of Parking (England) General Regulations 2007</i>
<i>“recharging”</i>	<i>means the connection to the electric charging point for the electric vehicle parking place;</i>
<i>“registered driver”</i>	<i>means the driver of a vehicle who has, prior to leaving his or her vehicle in a parking place, registered so many of his or her personal details with a service provider as that service provider may require to enable the telephone or electronic payment system to be activated in favour of the said driver;</i>
<i>“road”</i>	<i>means any length of highway or any other length of road to which the public has access, and includes bridges over which a road passes;</i>
<i>“service provider”</i>	<i>means the company authorised and appointed by the Council to operate, administer and maintain the payment of parking charges using the telephone or electronic payment system;</i>
<i>“taxi”</i>	<i>has the same meaning as in the Traffic Signs Regulations and General Directions 2016;</i>
<i>“telephone or electronic payment”</i>	<i>means a payment made using the telephone or electronic payment system;</i>
<i>“telephone or electronic payment system”</i>	<i>means an electronic system, using a telephone connection or electronic application set up and maintained by the service provider whereby:</i> <i>(a) the driver of a vehicle, or some other person authorised by that driver on their behalf, uses a telephone or electronic device to communicate with the service provider and make payment of the parking charge in respect of a specified vehicle and parking place in which the vehicle is left and for a specified parking period by use of a credit or debit card; and</i> <i>(b) the service provider, on behalf of the Council, accepts payment of the parking charge by the method referred to in paragraph (a) of this definition and records such payment together with the parking period for which payment has been made, the parking place in which the vehicle is left and the</i>

registration mark of the vehicle in respect of which payment has been made; and
“vehicle” means a motor vehicle or motor cycle or electric vehicle as defined in the Act and in this order;

2. Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 has effect for the purpose of defining the expression “relevant position” in this order.

3. In the event of any dispute as to the meaning of any heading or legend used in any part of this order, any schedule to this order or any plan attached to this order, the substantive wording in the order or schedule shall prevail over the heading or legend. The prohibitions and restrictions imposed by this order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

PART II – AUTHORISATION AND USE OF PARKING PLACES

1. 4. (i) The lengths of road specified in column 1 of Schedule I to this order may be used subject to the following provisions of this order as parking places for such classes of vehicles, on such days, during such hours and for such maximum periods as are specified in the said schedule in relation to that part of the road.

(ii) Nothing in this order shall restrict the power of the Council, by a notice displayed at a parking place:

(a) from closing the parking place or any part thereof for any period whilst any works are being executed therein or whilst the parking place or part thereof is required for use for some special purpose or for any other reason;

(b) from setting aside for use only by specially authorised vehicles part or parts of a parking place on all days or on certain days during certain parts of certain days.

5. Where in Article 4 of, or Schedule I to this order a parking place is described as available for waiting on all days or on certain days by specified classes of vehicle, the driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it to wait in that parking place on any day:

(a) unless it is a vehicle of one of the specified classes of vehicles appropriate to that parking place and that day;

(b) otherwise than within a parking bay marked out on the parking place.

6. Insofar as a vehicle is left in a parking place (or part thereof) during the charging hours, the driver thereof shall pay such charge or charges or display such permits as are specified in the provisions of this order.

7. A driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it to wait in a parking place (or part thereof):

(a) at any time when the parking place or that part (as the case may be) has been closed under Article 4 (ii) (a) of this order; or

(b) at a time when that part has been set aside for use by a specially authorised vehicle or vehicles in accordance with Article 4 (ii) (b) of this order unless the vehicle is so authorised; or

(c) If it is of a class other than that specified in relation to that parking place (or part of that parking place) in Schedule I; or

- (d) during charging hours for longer than the initial period for which payment has been made; or*
- (e) for a period longer than the specified for that particular parking place in Column 5 of Schedule I to this order; or*
- (f) otherwise than in the position specified in Column 1 of Schedule I to this order; or*
- (g) where the vehicle in question is not of one of the classes authorised to use the parking place and is so left without the consent of the Council.*

8. (1) The driver of a vehicle shall upon depositing the vehicle in a parking place immediately pay the appropriate charge applicable to the class of vehicle, and period of parking ascertained by reference to Schedule I to this order.

(2) The charge referred to in paragraph (1) of this Article shall be payable in accordance Article 17

(3) The particulars as to the time at which a ticket was obtained from parking apparatus or by telephone or electronic payment system specified on the ticket issued by such apparatus or by telephone or electronic payment system shall be evidence of the particulars so specified.

(4) No person shall exhibit on any vehicle, any parking ticket, or disabled person's badge upon which the figures or particulars have become illegible or altered in any way by anyone other than a person duly authorised by the Council.

(5) Where any parking apparatus is defective or is not installed in a car park the charge referred to in paragraph (1) of this Article may be collected by a civil enforcement officer.

(6) A vehicle left by the driver thereof who has been issued with a permit by the Council for the purpose of leaving the vehicle in a parking place for such time as that vehicle is parked in consequence of the driver's duty or business on behalf of the Council shall be exempted from payment of the charges specified in Schedule II hereto.

(7) A ticket issued on payment of the charge referred to in Article 8 (1) hereof shall be valid only at the parking place at which it was issued.

9. (a) The driver of a vehicle in a parking place shall comply with all directions, signs, road surface markings, traffic control devices or other reasonable instructions given by a civil enforcement officer.

(b) The driver of a vehicle using a parking place shall not drive the vehicle:

(i) recklessly or at a speed or in a manner which is dangerous to other users of that parking place, or without due care and attention or without consideration for other users of that parking place;

(ii) other than for the purpose of leaving that vehicle in a parking place in accordance with the provisions of this order or the purpose of departing from the parking place.

10. No person shall use a caravanette whilst it is in a parking place as a dwelling place or for any domestic or sanitary purpose.

11. No person shall except with permission in writing from the Council use or permit a vehicle to be used in a parking place in connection with the sale of any articles to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.

12. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in this order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place; provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 5(b) of this order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

13. Any person removing a vehicle or altering its position by virtue of the last preceding article of this order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position, as the case may be.

14. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 13 of this order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Part III – Amount of Charge at Parking Places

15. Amount of charge at parking places:

- (a) this Article applies to the parking places specified in Column 1 of Schedule I to this order;
- (b) the charge for a vehicle left in a parking place during the charging hours shall be that specified in Schedule II to this order or as subsequently specified from time to time in public notices made by the Council pursuant to the Act.

16. The charge referred to in Article 15 above shall be payable either:

- (a) by the insertion of an appropriate coin or coins, debit or credit card or pre-payment card into the apparatus or device provided, being an apparatus or device approved in accordance with Section 35 of the Act, and the provisions of Section 47 of the Act shall apply in respect of such apparatus; or
- (b) by means of a telephone or electronic payment by a registered driver, in those parking places where a notice or notices are displayed stating that such a facility is available; and in either case in accordance with the conditions and instructions displayed in the parking place.

17. Where any parking apparatus is defective, it shall be the responsibility of the driver of a vehicle to obtain a parking ticket of the appropriate denomination or kind from an alternative parking apparatus.

18. Any parking ticket issued on payment of the charge referred to in Article 16 shall be displayed at all times, within the vehicle's front windscreen or on the dashboard so as to be visible from outside the vehicle in respect of which it was issued facing forwards and in such a position that it can easily be seen and read from the front of the vehicle to confirm it is valid for that specified vehicle registration and that specific location as specified on the ticket.

Part IV – Exemptions

19. The following persons shall be exempted from the payment of the charges specified in Schedule II to this order:

(a) *the driver of a vehicle which displays, in the relevant position, for the entire period that the vehicle remains in a parking place (other than a designated disabled persons' parking place), a valid disabled persons' badge and parking disc issued in respect of the driver of, or passenger in the said vehicle, and parks the said vehicle in any parking bay in any parking place PROVIDED that the vehicle remains within the parking place for a period not exceeding three hours.*

(b) *the driver of a vehicle who has been issued with a permit by the Council for the purpose of leaving a vehicle in a parking place for such time as that vehicle is parked in consequence of the driver's duty or business on behalf of the Council;*

(c) *the driver of a vehicle left in a parking bay within any parking place during the prescribed hours at a time when there is no ticket machine at that parking place or all the ticket machines at that parking place carry notices placed upon them by a person duly authorised by the Council indicating that they are out-of-order.*

(a) PART V – PENALTY CHARGE NOTICES AND
(b) PAYMENT OF PENALTY CHARGE

20. (1) *If a vehicle has been left in contravention of or failure to comply with the provisions of this order a penalty charge shall become payable provided that if the penalty charge is paid early before the end of the period of 14 days beginning with the date of the penalty charge notice, the amount of the penalty charge will be reduced by 50%.*

(2) *In the case of a vehicle in respect of which a penalty charge has been incurred a civil enforcement officer may fix a penalty charge notice to the vehicle or give such a notice to the person appearing to him or her to be in charge of the vehicle. A penalty charge notice must state:*

(a) *the name of the enforcement authority;*

(b) *the registration mark of the vehicle or where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;*

(c) *the time at which they first observed that the initial period for which payment was made had expired, or the other reason for the penalty charge having been incurred in the particular case;*

(d) *the grounds on which the civil enforcement officer believes that a penalty charge is payable with respect to the vehicle;*

(e) *the amount of the penalty charge which is payable;*

(f) *that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;*

(g) *that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion;*

(h) *that, if the penalty charge is not paid before the end of the 28 day period, a notice to owner may be served by the Council on the person appearing to them to be the owner of the vehicle;*

(i) the address to which payment of the penalty charge must be sent.

(3) The penalty charge should be paid to the Council either by cheque (drawn upon a bank or building society acceptable to the Council), postal order, cash, credit or debit card or by such other means as the Council may deem acceptable, which shall be delivered or sent by post (or by telephone in the case of credit or debit card) so as to reach the offices of the Council, its authorised agent or other address specified in the penalty charge notice no later than 4.00pm on the 28th day following the day on which the penalty charge was incurred provided that if the said twenty eighth day falls upon a day upon which the said offices are closed the period within which payment of the said charge shall be made to the Council shall be extended until 4.00pm on the next full day on which the said offices are open.

(4) For the purpose of paragraph (1) of this Article the amount of the penalty charge shall be as specified in the charge order for the parking contravention at the level corresponding to the penalty charge band.

(5) The Council may issue a charge certificate where a vehicle owner has:

- (i) ignored a notice to owner;
- (ii) made an unsuccessful appeal to the traffic penalty tribunal, but still not paid the outstanding penalty charge;
- (iii) made an unsuccessful formal challenge to the Council, and has made no further appeal against that decision to the traffic penalty tribunal.

A charge certificate will increase a penalty charge by 50% and must be paid in full within 14 days of service, otherwise the Council may recover the increased penalty charge amount as if it were a County Court order.

21. The holder of any ticket, disabled person's badge or other purported authority to park shall produce such document on demand for inspection by a civil enforcement officer or any other person duly authorised by the Council.

PART VI- TAXIS

22. Nothing in this order shall:

- (a) render it unlawful to cause or permit any vehicle to wait on any side of road if that vehicle is a taxi waiting at an authorised taxi rank;
- (b) be deemed to authorise or permit any vehicle which is not a taxi to wait at an authorised taxi rank;

during any period that the rank is so authorised.

PART VII REVOCATIONS AND COMMENCEMENT

23. Each of the orders specified in column 1 of Schedule III to this Order are hereby revoked to the extent specified in column 2 of that Schedule.

24. This order shall come into force on _____ 2022 and may be cited as "The Hampshire (High Street, Lymington) (On-Street Pay-and-Display Parking Places) Order 2022".

GIVEN this

day of

2022

THE COMMON SEAL of HAMPSHIRE)
COUNTY COUNCIL was hereunto affixed)
in the presence of:)

Authorised Signatory

SCHEDULE I

PART 1

1 <i>Situation of parking place</i>	2 <i>Class of Vehicles</i>	3 <i>Days of Operation</i>	4 <i>Hours of Operation</i>	5 <i>Maximum Period Which a Vehicle May Stay</i>
<i>Those parts of road specified in Part 2 of this Schedule and shown coloured blue on the plans annexed to this order</i>	<i>Any vehicle displaying or having purchased a telephone or electronic parking ticket in accordance with this order</i>	<i>Mondays to Fridays (both days inclusive)</i>	<i>(i) 9am – 6pm –as specified in Schedule II below (ii) 6pm – 9am - free</i>	<i>2 hours, no return within 3 hours</i>
<i>Those parts of road specified in Part 3 of this Schedule and shown stippled blue on the plans annexed to this order</i>	<i>Vehicles displaying a disabled person's badge</i>	<i>All days</i>	<i>All hours</i>	<i>No limit</i>
<i>Those parts of road as described in Part 4 below and shown stippled green on the plans annexed to this order</i>	<i>Goods vehicles</i>	<i>Monday – Friday (both days inclusive)</i>	<i>8am - 6pm</i>	<i>For as long as may be necessary to load or unload goods</i>
<i>Those parts of road as described in Part 5 below and shown stippled yellow on the plans annexed to this order</i>	<i>Motor cycles only</i>	<i>All days</i>	<i>9am – 6pm</i>	<i>2 hours, no return within 3 hours</i>
<i>Those parts of road as described in Part 6 below</i>	<i>Taxis only</i>	<i>All days</i>	<i>All hours</i>	<i>No limit</i>

1 Situation of parking place	2 Class of Vehicles	3 Days of Operation	4 Hours of Operation	5 Maximum Period Which a Vehicle May Stay
------------------------------------	---------------------------	---------------------------	----------------------------	--

and shown
stippled orange
on the plans
annexed to this
order

PART 2

Sides of road at Lymington in the District of New Forest On-Street Pay-and-Display Parking Places, Mondays to Fridays 9am – 6pm, 2 Hours, No Return Within 3 Hour

Road	Side	length
High Street	South-east	<p>(i) between a point 8 metres north-east of its junction with Church Lane and a point 14 metres north-east of that point.</p> <p>(ii) between a point 27 metres north-east of its junction with Church Lane and a point 9 metres north-east of that point.</p> <p>(iii) between a point 47 metres north-east of its junction with Church Lane and a point 12 metres north-east of that point.</p> <p>(iv) between a point 2 metres south-west of the north-eastern property wall of property no. 53 and a point 12 metres south-west of that point.</p> <p>(v) between a point 1 metre north-east of the western boundary wall of property no. 51 and a point 46 metres north-east of that point.</p> <p>(vi) between a point 6 metres south-west of the south-western boundary wall of property nos. 44-46 and a point 12 metres north-east of that point.</p> <p>(vii) between a point 1 metre south-west of the north-eastern property wall of property no. 39 and a point 21 metres south-west of that point.</p> <p>(viii) between a point 2 metres south-west of the north-eastern boundary wall of property no. 38 –and a point 5 metres west of that point.</p> <p>(ix) between a point contiguous with the north-eastern boundary wall of property no. 33 and a point 23 metres north-east of that point.</p> <p>(x) between a point 0.5 of a metre south-west of the eastern boundary wall of property no. 25 and a point 4.5 metres south-west of that point.</p>

<i>Road</i>	<i>Side</i>	<i>length</i>
<i>High Street</i>	<i>North-west</i>	<i>(xi) between a point 5 metres north-east of the north-eastern boundary wall of property no. 25 and a point 17 metres north-east of that point.</i>
		<i>(i) between a point 4 metres south-west of the south-western boundary wall of property no. 77 and a point 32 metres south-west of that point.</i>
		<i>(ii) between a point contiguous with south-western boundary wall of property no. 77 and a point 30 metres north-east of that point.</i>
		<i>(iii) between a point contiguous with the shared boundary of property nos. 88 and 89-90 and a point 38 metres south-west of that point.</i>
		<i>(iv) between a point 4 metres north-east of its junction with New Street and a point 22 metres north-east of that point.</i>
		<i>(v) between a point 1 metre north-east of the western boundary wall of property no. 98 and a point 69 metres north-east of that point.</i>
		<i>(vi) between a point 4 metres south-west of the south-western boundary wall of property no. 115 and a point 32 metres south-west of that point.</i>
		<i>(vii) between a point 1 metre south-west of the north-eastern boundary wall of property no. 120 and a point 30 metres south-west of that point.</i>
		<i>(viii) between a point 1 metre south-west of the north-eastern boundary wall of property no. 128 and a point 31 metres south-west of that point.</i>
		<i>(ix) between a point 41 metres south-west of its junction with Gosport Street and a point 8 metres south-west of that point.</i>
		<i>Gosport Street</i>

PART 3

Sides of road at Lymington in the District of New Forest Disabled Persons' Parking Places

<i>Road</i>	<i>Side</i>	<i>length</i>
<i>High Street</i>	<i>South-east</i>	<i>Between a point 1 metre south-west of a point contiguous with the north-eastern boundary wall of property no. 36 and a point 12 metres south-west of that point</i>
	<i>North-west</i>	<i>(i) between a point 4 metres north-east of a point continuous with the south-western boundary wall of property no. 63 and a point 18 metres north-east of that point. (ii) between a point 36 metres south-west of its junction with Gosport Road and a point 5.5 metres south-west of that point. (iii) between a point contiguous with the shared boundary of property nos. 88 and 89-90 and a point 5.5 metres north-east of that point.</i>

PART 4

Sides of road at Lymington in the District of New Forest Loading and Un-loading Only

<i>Road</i>	<i>Side</i>	<i>length</i>
<i>High Street</i>	<i>South-east</i>	<i>(i) between a point 6 metres north-east of the south-western boundary of property nos 44-46 and a point 17 metres north-east of that point. (ii) between a point 22 metres north-east of the north-eastern boundary wall of property no. 25 and a point 21 metres north-east of that point.</i>

PART 5

Sides of road at Lymington in the District of New Forest Motor Cycles Only

<i>Road</i>	<i>Side</i>	<i>length</i>
<i>High Street</i>	<i>South-east</i>	<i>Between a point 50 metres north-east of a point contiguous with the south-western boundary of property no. 51 and a point 3 metres north-east of that point.</i>

PART 6

Sides of road at Lymington in the District of New Forest Taxis Only

<i>Road</i>	<i>Side</i>	<i>length</i>
<i>High Street</i>	<i>South-east</i>	<i>Between a point contiguous with the north-eastern boundary wall of property no. 33 and a point 20 metres south-west of that point.</i>

SCHEDULE II

Charging Hours and Level of Charges

Monday to Friday 9am – 6pm

20 mins – Free

1hr – £1.00

2hrs - £2.00

Sundays and Bank Holidays – no charge

SCHEDULE III

Revocations

Column 1 - Order

Column 2 - Extent Revoked

The New Forest District (Various Roads Lymington and Pennington) (Parking Places and Restriction of Waiting) Order 2005

Insofar as it relates to any part of High Street specified in any schedule to this Order, except Articles 27 (i) and 29 where they relate to the parts specified in Schedule XVIII thereto

The New Forest District (Various Roads Lymington and Pennington) (Parking Places and Restriction of Waiting) Order 2006

Insofar as it relates to any part of High Street specified in any schedule to this order.

The New Forest District (Various Roads Lymington and Pennington) (Parking Places and Restriction of Waiting) Order 2008

Insofar as it relates to any part of High Street specified in any schedule to this order.

The New Forest District (Various Roads Lymington and Pennington) (Parking Places and Restriction of Waiting) Order 2010

Insofar as it relates to any part of High Street specified in any schedule to this order.

The New Forest District (Various Roads Lymington and Pennington, Sway, Hordle, Everton and Hythe) (Parking Places and Restriction of Waiting) Order 2011

Insofar as it relates to any part of High Street specified in any schedule to this order.

Column 1 - Order

Column 2 - Extent Revoked

The New Forest District (Various Roads Lymington and Pennington) (Parking Places and Restriction of Waiting) Order 2013

Insofar as it relates to any part of High Street specified in any schedule to this order.

The New Forest District (Various Roads Lymington, Pennington, New Milton, Ashley and Barton-on-Sea) (Parking Places and Restriction of Waiting) Order 2015

Insofar as it relates to any part of High Street specified in any schedule to this order.









Page 57

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KEY

-  Proposed pay and display parking bays
-  Disabled parking bays
-  Loading bays
-  Taxi bays
-  Motorcycle bays
-  Bus stops

NOTE
DO NOT SCALE FROM THIS DRAWING



Hampshire County Council
STUART JARVIS BSc DipTP FCIHT MRTPI, DIRECTOR OF ECONOMY, TRANSPORT & ENVIRONMENT

DESIGNER
JF

CAD
LH

CHECKED

APPROVED
JWF

SCHEME
PROPOSED PAY AND DISPLAY

JOB No.

SCALE @ A3
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DATE
NOV 2021

SHEET NUMBER
3 OF 3

DRAWING TITLE
HIGH STREET, LYMINGTON

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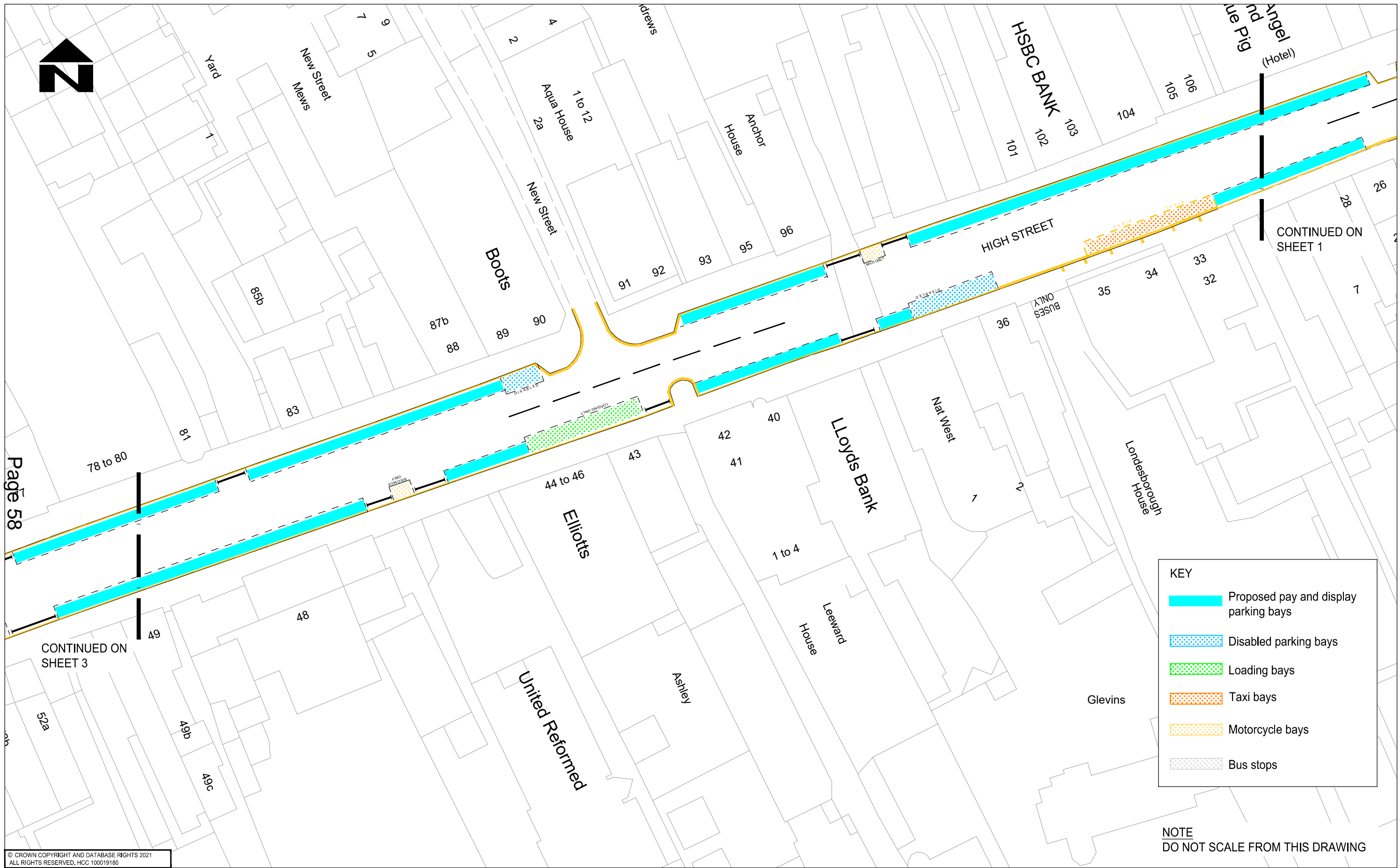
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REV

REV	AMENDMENTS	DATE	CAD	CHKD	APPD



Page 58



KEY

- Proposed pay and display parking bays
- Disabled parking bays
- Loading bays
- Taxi bays
- Motorcycle bays
- Bus stops

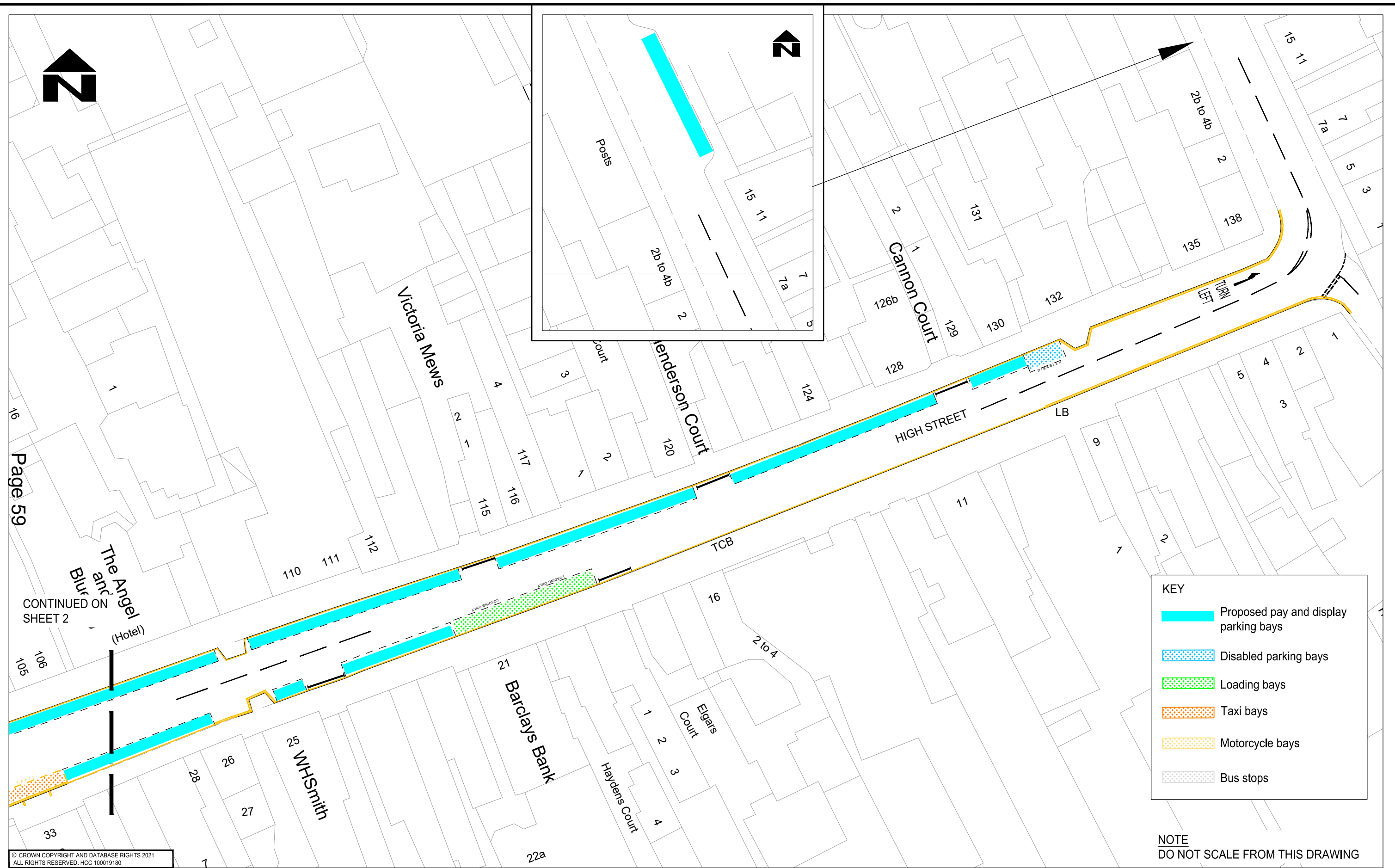
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DESIGNER JF	SCHEME PROPOSED PAY AND DISPLAY		DRAWING TITLE HIGH STREET, LYMPINGTON	
CAD LH	JOB No.		HCC CAD PLOT: 01/3/2022 10:49:50	
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APPROVED JWF				REV

REV	AMENDMENTS	DATE	CAD	CHKD	APPD



Page 59

CONTINUED ON SHEET 2


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KEY

- Proposed pay and display parking bays
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NOTE
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REV	AMENDMENTS	DATE	CAD	CHKD	APPD



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DESIGNER JF	SCHEME PROPOSED PAY AND DISPLAY	DRAWING TITLE HIGH STREET LYMINGTON
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	SHEET NUMBER 1 OF 3	DRAWING NUMBER TM/LYM/01

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Hampshire County Council Constitution

Part 3, Chapter 3, Section 1.17

1.17 Call-in

- 1.17.1 Where a decision of the Executive has been made but not yet been implemented, a quorum of members of the relevant Select (Overview and Scrutiny) Committee(s) may require by way of notice in writing to the Chief Executive that a meeting of the Committee is held to consider whether or not to exercise the Committee's powers under Section 9 F (4) of Part 1A of the 2000 Act (referred to in this Constitution as 'call-in'). These powers are to arrange that the decision be reconsidered by the Executive, or arrange for its powers in respect of review or scrutiny of the decision to be exercised by the County Council. Where a decision materially affects more than one Select Committee (i.e. it is cross-cutting) a call-in must be made by at least two of the Select (Overview and Scrutiny) Committees;
- 1.17.2 A decision can only be called-in within 5 clear working days of the date the decision was notified to all members of the appropriate Select (Overview and Scrutiny) Committee(s), in accordance with Part 3, Chapter 2, Paragraph 4.8 of the Constitution.
- 1.17.3 When a valid call-in request is made, the Select (Overview and Scrutiny) Committee(s) must meet to consider the request, make a decision and communicate to the Executive any recommendations it wishes to make within 14 clear calendar days of the request being made. When it meets the Committee(s) must consider whether or not to recommend; i) that the decision be reconsidered by the relevant decision making body who made the decision; or ii) that the County Council consider whether the relevant decision making body should reconsider the decision (this recommendation shall not be made when the decision is in line with the budget, or the Policy Framework, or statutory requirements regarding notice procedures in respect of publicity for Key Decisions)
- 1.17.4 Any decision of the Executive which is not in line with the Budget or the Policy Framework, or the notice procedure in respect of Key Decisions as set out at Part 3 Chapter 2 Paragraph 3.2 of the Constitution, if called-in, shall not be implemented until the request has been disposed of by; i) The withdrawal of the request ii) The rejection of the request by the Select (Overview and Scrutiny) Committee(s) or by the County Council iii) The relevant decision-making body rejecting the recommendation for reconsideration or; iv) The relevant decision-making body reconsidering and confirming the original decision.
- 1.17.5 Call-in shall not prevent the decision from being acted on where the decision is in line with the Policy Framework and other policies approved by the County Council but when the views of the Select Committee differ from, or are critical of, the Executive decision, the facts shall be reported to the next County Council meeting and be debated without changing the previous decision although the County Council may request the Cabinet or relevant Executive Member(s) to review the decision in question

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HAMPSHIRE COUNTY COUNCIL

Report

Committee:	Economy Transport and Environment (Overview and Scrutiny) Committee
Date:	31 March 2022
Title:	Parking – Service Consolidation Efficiencies Consideration of Request to Exercise Call-in Powers
Report From:	Head of Law and Governance and Monitoring Officer

Contact name: Barbara Beardwell – Head of Law and Governance and Monitoring Officer

Tel: 03707 793751

Email: Barbara.beardwell@hants.gov.uk

Purpose of this Report

1. The purpose of the meeting to which this Report relates is for the Economy Transport and Environment (Overview and Scrutiny) Committee (ETE Select Committee) to consider whether or not it should exercise its powers under Section 9F of Part 1A of the Local Government Act 2000 ('the 2000 Act'), referred to in the County Council's Constitution as 'Call-in'.

Recommendation(s)

That Members of the ETE Select Committee determine whether:

2. They recommend that the Executive Member for Highways Operations should re-consider his decisions as set out in the Decision Record attached at Appendix 1 OR
3. They consider that they should not recommend the Executive Member for Highways Operations re-consider his decisions as set out in the Decision Record attached at Appendix 1.

Contextual information

4. As part of the Transformation to 2019 programme, the ETE Select Committee considered the proposed savings for the Economy Transport and Environment Department ('Department') on 19 September 2017. On the same day, the Executive Member for Environment and Transport (as he was then called) approved for submission to Cabinet, the proposed savings options for the department, which included that consideration would be given to ending all current transport and traffic agency agreements with the District Councils to be

replaced with a new delivery arrangement. The savings proposals were approved by Cabinet on 16 October 2017 and recommended to the County Council on 2 November 2017, whereupon the overall Transformation to 2019 savings were approved, subject to further consultation and Executive decision making where necessary. Some of the Department's proposals were not supported by Full Council (closure of Household Waste Recycling Centre Service Review and School Crossing Patrols) and were removed from the Transformation to 2019 savings programme.

5. Following the approval of the Transformation to 2019 savings proposals by Full Council, the then Executive Member for Environment and Transport made a number of decisions at his Decision Day on 14 November 2017 relating to On Street Parking and Civil Parking Enforcement, both of which form the Parking Project approved by full Council.
6. The then Executive Member for Environment and Transport at his meeting on 5 June 2018 gave authority to develop and implement proposals for a centralised County Council Civil Parking Enforcement service, either delivered directly or through a contract with a commercial service provider, in the event that suitable revised financially robust civil parking enforcement agency arrangements cannot be agreed with the relevant districts and borough councils. Amongst other matters, he also gave approval in principle for the introduction of chargeable on-street parking.
7. At his meeting on the 29 October 2018, the then Executive Member for Environment and Transport considered the progress that had been made on the Parking project and gave authority, amongst other matters, to enter into any contractual arrangements with those District and Borough Councils who had expressed a desire to continue to operate on street Civil Parking Enforcement on the County Council's behalf. The ETE Select Committee pre scrutinised this paper at its meeting of the same day and supported the recommendations.
8. The then Executive Member for Environment and Transport gave authority at his Decision Day meeting on 12 March 2019 to procure and spend for the provision of Civil Parking Enforcement Services for the whole of Hampshire. He further gave authority to include those district areas within the proposed Hampshire County Council directly controlled outsourced enforcement service, where the relevant district or borough council had not agreed and entered into new, financially robust agreements for the future operation of on-street Civil Parking Enforcement by the agreed deadline of 31 March 2019. New Agency Agreements with specific terms linked to financial performance were subsequently entered into for 7 Hampshire Districts/Boroughs with civil parking enforcement for the remaining 4 Districts and Boroughs being carried out by Hampshire County Council through its procured partner.
9. On 8 October 2020, the then Executive Member for Environment and Transport confirmed the policy approach to review the agency agreements in the event of performance falling below the requirements that had been set out within previous decisions, with a view to termination of the arrangement in the absence of a reasonable explanation. At its meeting on 10 March 2022, the

ETE Select Committee pre-scrutinised the Parking - Service Consolidation Efficiencies Report attached at Appendix 2a (“Decision Day Report”) and Appendix 2b (“Supporting Appendix”) due to be considered by the Executive Member for Highways Operations later that afternoon. After detailed questions and debate, the Select Committee resolved by majority not to support the recommendations within the Report. The reasons giving for voting not to support the decision were lack of financial information relating to the proposed efficiencies, lack of detail regarding key performance indicators (KPI’s) and lack of information regarding contract management.

10. The Executive Member for Highways Operations was present at the ETE Select Committee meeting on 10 March 2022, listened to the questions and debate and thanked members for their comments, which he confirmed he would consider as part of his decision making.
11. The Executive Member for Highways Operations considered the Report at his Decision Day on the afternoon of 10 March 2022 and approved the recommendations contained at paragraphs 2 and 3 of the Report. The decision record of the Executive Member dated 10 March 2022 is attached at Appendix 1.
12. Following the decision of the Executive Member for Highway Operations on 10 March 2022 a call-in request was made by a quorum of members of the ETE Select Committee for a meeting of the Committee to be held in order for it to consider whether or not it should exercise its call-in powers. No stated reason was given in the the call-in request.

Legal and Constitutional Position

13. Legal provisions in respect of Call-in are set out at Section 9F of Part 1A of the 2000 Act and reflected at Part 3, Chapter 3, Paragraph 1.17 of the County Council’s Constitution. A copy of Part 3, Chapter 3, Paragraph 1.17 of the Constitution is attached at Appendix 3 for ease of reference. It should be noted however that discussion of the Executive decision subject of the Call-in request is not limited to the points raised in the request (should any have been given).
14. When a Scrutiny Committee meets in order to consider whether or not it should exercise its Call-in powers in respect of an Executive Decision, a Select Committee is required to consider whether or not to recommend:
 - a) that the decision be reconsidered by the relevant decision maker; or
 - b) that its function in respect of review or scrutiny of the decision should be exercised by the County Council.
15. It should however be noted that the recommendation as referred to at 14 b) above is not available where the Executive decision in question is in line with the Budget or Policy Framework. Neither does the exercise of Call-in powers prevent implementation of a decision within the Budget and Policy Framework.

16. As indicated at paragraph 4 of this Report, the decision of the Executive Member for Highways Operations relates to proposals regarding implementation of the County Council's Decision regarding the Transformation to 2019 proposals, following submission of the Department's proposed savings options, agreed by Cabinet prior to consideration by the County Council at its meeting on 2 November 2017. For these reasons, it is the view of the Head of Law and Governance and Monitoring Officer that the decision made by the Executive Member for Highways Operations is in line with the Budget or Policy Framework. Therefore, should the ETE Select Committee determine it appropriate to exercise its Call-in powers, the recommendation open to the Committee is as set out in paragraph 3 above.

Scrutiny

17. The role of a Scrutiny Committee includes both developing and reviewing policy and holding the Executive to account. A Scrutiny Committee may not however discharge any functions other than those conferred on it, and whilst it is perfectly proper for a Scrutiny Committee to offer advice and recommendations to an Executive decision maker, in law responsibility for an Executive decision is that of the Executive. Similarly, in law, functions of the Executive cannot be discharged or overturned by the Full Council.
18. Where pre-scrutiny of a proposed Executive decision takes place, the Executive is advised that it should take into account any views expressed by an Overview and Scrutiny Committee when determining their final decision. The Executive is not however limited to consideration only of the views of a Scrutiny Committee and may take into account other relevant factors in its decision-making process and make other determinations as it thinks fit.
19. It should be noted that the Executive Member for Highways Operations was present at the Select Committee meeting which scrutinised the Parking Service Consolidation report. At that meeting, he listened to the Select Committee's questions and debate and acknowledged their comments and views. As part of his decision day he further acknowledged that he noted their concerns and reasons for not supporting the recommendations, which he had considered in making the decision.
20. When operated effectively, call-in provisions should ensure that there is an appropriate balance between effectively holding the Executive to account, being able to question decisions before they are recommended, and allowing effective and efficient decision making by the Executive within the policy framework and budget agreed by the full Council.

Call-in

21. So far as reconsideration of the recommendations in the Report contained at Paragraphs 1.1 and 1.2 of the decision record, it is open to the ETE Select Committee to recommend the Executive Member for Highways Operations to reconsider his decision.

22. It is not however possible under the provisions relating to call-in for the ETE Select Committee to do anything other than ask the Executive Member for Highways Operations to reconsider the specific decision he made.

Departmental Background information

23. To support the ETE Select Committee in their consideration of this item, the Economy Transport and Environment Department have provided background information which supports and explains why the conclusions within the Report were reached. Appendix 4 (Agenda Item 11) contains exempt information within Paragraph 3 of Part 1 of Schedule 12 A to the Local Government Act 1972.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	no
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	no

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
2017-09-19-ETE Select Committee pre scrutiny of Transformation to 2019 saving proposals	19 September 2017
2017-11-02-Council Medium Term Financial Strategy	2 November 2017
2017-11-17-EMET Decision County-Wide Civil Parking Enforcement Services	17 November 2017
2018-06-05-EMET T19 Parking Project Update	5 June 2018
2018-10-29-EMET T19 Modernisation of the On Street Parking Service	29 October 2018
2019-03-12-EMET Decision Day-T19 Parking Project Update (hants.gov.uk)	12 March 2019
On-Street Pay and Display Parking-2020-10-08-EMETE Decision Day (hants.gov.uk)	8 October 2020
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>
Local Government Act	2000

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment

An EIA was not applicable as the report is governance in nature and relates to decisions that have a separate assessment undertaken.

Climate Change Impact Assessment

The carbon mitigation tool and/or climate change adaptation tool were not applicable because the decision relates to a separate project, which is subject to assessment individually.

HAMPSHIRE COUNTY COUNCIL

Executive Decision Record

Decision Maker:	Executive Member for Highways Operations
Date:	10 March 2022
Title:	Parking - Service Consolidation Efficiencies
Report From:	Director of Economy, Transport and Environment

Contact name: Adrian Gray

Tel: 0300 555 1388

Email: adrian.gray@hants.gov.uk

1. The decision:

- 1.1. That the Executive Member for Highways Operations approves the termination of current district/borough council agency arrangements for Traffic Management and for Civil Parking Enforcement, with alternative arrangements for a traffic management and civil parking enforcement service put in place to provide a consistent countywide service in accordance with County Council policy objectives.
- 1.2. That the Executive Member for Highways Operations delegates authority to the Director of Economy, Transport and Environment, in consultation with the Head of Legal Services, to make any necessary arrangements to terminate the agency agreements for Civil Parking Enforcement and Traffic Management.

2. Reasons for the decision:

- 2.1. A fundamental requirement for the parking service is to ensure that it operates on a full cost recovery basis, with all associated expenditure covered by income from Penalty Charge Notices, residential parking permit income and from revenue from on-street chargeable parking. The County Council developed a directly managed, modernised on-street parking service as part of the Transformation to 2019 savings proposals, delivering the on-street parking service across Fareham, Gosport, New Forest and Test Valley. The remaining district/borough councils (Winchester, Havant, East Hampshire, Rushmoor, Hart, Basingstoke and Deane and Eastleigh) operate an on-street parking service on the County Council's behalf under revised agency agreements. The new directly managed parking service is shown to be more efficient than the district delivery model and it is now appropriate to end the agency arrangements for Traffic Management and for Civil Parking Enforcement to secure the most cost-effective service for the longer term and avoid drawing funding away from essential highways activity to meet the shortfall.
- 2.2. Ending the current agency arrangements and creating a single countywide service for Traffic Management and for Civil Parking Enforcement will enable the County Council to integrate these functions within the wider highways service and deliver a consistent countywide service in accordance with County

Council policy objectives. It will also enable the County Council to prepare for anticipated new moving traffic enforcement powers due to be granted under Part 6 of the Traffic Management Act 2004.

- 2.3. Bringing together a full directly managed on-street parking service across Hampshire will enable the County Council to create a centre of excellence for enforcement, providing a resilient, cost-effective, and highly efficient service, with anticipated new enforcement powers for moving traffic offences.

3. Other options considered and rejected:

- 3.1. It would be possible to continue with the agency agreements for Traffic Management and for Civil Parking Enforcement. This option is rejected as the directly managed parking service is more efficient than the district delivery model and will also enable the County Council to prepare for anticipated new moving traffic enforcement powers. A directly managed traffic management and enforcement service will enable the County Council to deliver a consistent countywide service in accordance with County Council policy objectives.
- 3.2. It would be possible to continue with the agency agreements for Traffic Management and only terminate the agency agreements for Civil Parking Enforcement. This option is rejected due to the link between the two activities of implementing new parking controls and their enforcement. Further, ending the current agency arrangements and creating a single countywide service for traffic management and for civil parking enforcement will enable the County Council to integrate these functions within the wider highways service and deliver a consistent countywide service to a high standard in accordance with County Council policy objectives.
- 3.3. It would be possible to continue with a smaller number of agency agreements or to phase the ending of the agency agreements. This option is rejected as the current district delivery model is considered not to be viable in terms of recovering the County Council's costs and action is required now to avoid drawing funding away from essential highways activity to meet the shortfall.
- 3.4. It would be possible with the agreement of participating district and borough councils to revise the agency agreements to include a contribution to the County Council's costs. This option is rejected as, while districts may be able make such a contribution by increasing parking charges, this could cover where savings and efficiencies are achievable with a single countywide service, potentially losing the opportunity for the most cost-effective service.

4. Conflicts of interest:

- 4.1. Conflicts of interest declared by the decision-maker:
- 4.2. Conflicts of interest declared by other Executive Members consulted:

5. Dispensation granted by the Conduct Advisory Panel: none.

6. Reason(s) for the matter being dealt with if urgent: not applicable.

7. Statement from the Decision Maker:

I thank County Councillors Lulu Bowerman and Jackie Porter for attending and speaking at my Decision Day today. I also thank the Select Committee for pre-scrutinising the proposals and note their concerns and reasons for not supporting the recommendations, which have been considered in making the decision today.

Approved by:

Date:

10 March 2022

**Executive Member for Highways Operations
Cllr Russell Oppenheimer**

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HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Highways Operations
Date:	10 March 2022
Title:	Parking - Service Consolidation Efficiencies
Report From:	Director of Economy, Transport and Environment

Contact name: Adrian Gray

Tel: 0300 555 1388

Email: adrian.gray@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to seek approval to serve notice on the remaining Traffic Management and Civil Parking Enforcement district agency agreements.

Recommendations

2. That the Executive Member for Highways Operations approves the termination of current district/borough council agency arrangements for Traffic Management and for Civil Parking Enforcement, with alternative arrangements for a traffic management and civil parking enforcement service put in place to provide a consistent countywide service in accordance with County Council policy objectives.
3. That the Executive Member for Highways Operations delegates authority to the Director of Economy, Transport and Environment, in consultation with the Head of Legal Services, to make any necessary arrangements to terminate the agency agreements for Civil Parking Enforcement and Traffic Management.

Executive Summary

4. This paper seeks to provide an update on work to develop the County Council's on-street parking service and recommends ending the remaining district/borough council agency arrangements for Traffic Management and for Civil Parking Enforcement for the seven districts and boroughs (Winchester, Havant, East Hampshire, Rushmoor, Hart, Basingstoke & Deane and Eastleigh) that currently operate on-street parking on the County Council's behalf.
5. A fundamental requirement for the parking service is to ensure that it operates on a full cost recovery basis with all associated expenditure covered by income to minimise the need to draw funding away from essential highways activity to meet any shortfall. The County Council's new directly managed parking service is shown to be more efficient than the district delivery model and a decision to serve notice on the district/borough council agency arrangements is now appropriate.

6. Ending the current agency arrangements and creating a single countywide service for traffic management and for civil parking enforcement will enable the County Council to integrate these functions within the wider highways service and deliver a consistent countywide service in accordance with County Council policy objectives. It will also enable the County Council to prepare for anticipated new moving traffic enforcement powers due to be granted under Part 6 of the Traffic Management Act 2004.
7. Bringing together a full directly managed on-street parking service across Hampshire will enable the County Council to create a centre of excellence for enforcement, providing a resilient, cost-effective, and highly efficient service, with anticipated new enforcement powers for moving traffic offences.

Contextual information

8. Six previous reports for the T19 Parking Project have been considered by the Executive Member for Economy Transport and Environment at meetings held in November 2017, June 2018, October 2018, March 2019, October 2020, and on 17 June 2021.
9. The on-street parking project was one of the department's key projects in meeting its Transformation to 2019 savings targets. Whilst research, market testing, and an independent review of the service showed a directly controlled on-street parking enforcement service, outsourced to a specialist service provider, to be the most cost-effective model, the County Council recognised that the function had been run by the district councils on the County Council's behalf for some years. Therefore, seven districts (Winchester, Havant, East Hampshire, Rushmoor, Hart, Basingstoke & Deane and Eastleigh) were given the opportunity to enter into updated agreements aimed at delivering a more modern and efficient service to consistent standards on a full cost recovery basis. The new district agreements came into effect as of 1 April 2020.
10. A fundamental requirement for the parking service is to ensure that it operates on a full cost recovery basis with all associated expenditure covered by income from Penalty Charge Notices (PCNs), residential parking permit income and revenue from on-street chargeable parking. Under the current agency model, this includes a share of surplus parking income generated by the various district councils, with income first offsetting those district councils' direct costs such as enforcement and then shared equally to meet authorities' related maintenance costs and associated overheads.
11. In July 2021, RTA Associates were commissioned by the County Council to review civil parking enforcement of on-street parking in Hampshire. RTA Associates has worked with the County Council since 1998 on a wide range of parking matters, including assisting in the original implementation of Decriminalised parking. The RTA review has analysed financial information for the seven district agencies and compared this with the in-house service to aid comparisons in costs of service delivery and to highlight where savings have been made.
12. The Covid-19 pandemic is acknowledged to have reduced parking revenue, particularly through PCNs and chargeable parking revenue, but reported district expenditure for the on-street service remains high, meaning that the County

Council's associated costs for activities such as maintaining parking signs and lining, still cannot be recovered.

13. It is clear that individual district council run parking teams are costly and make achieving savings through efficiencies more difficult. Separate parking management and frontline enforcement teams, parking management software, vehicles, uniforms, equipment, and residential permit management systems are all costly to operate when duplicated by the districts.
14. The condition of Hampshire's highway network is deteriorating at an increasingly rapid rate due to historic under-investment in highway maintenance at a national level. There is a demonstrable decline in the public perception of highway maintenance services and network condition, evidenced in increased numbers of highway enquiries since 2020. An additional annual £7m of new funding is being provided by the County Council to slow the decline in the condition of the local highway network, and the Hampshire Highways – Highway Network Recovery Strategy sets out how this money will be prioritised. Notwithstanding this additional funding, given continuing financial pressures, it is essential that the limited funding available is invested in the right areas.
15. The County Council's highway maintenance strategy seeks to allocate funding in the right areas of the network to provide the best value outcome. Part of this approach is to minimise drawing funding away from highways maintenance to fund other activities. Ending agency arrangements for traffic management and for civil parking enforcement will provide the County Council with the best opportunity to deliver a countywide on-street parking service on a full cost recovery basis and avoid drawing funding away from essential highways activity to meet the shortfall.
16. An expanded County Council directly managed parking service, using one contractor to provide the on-street enforcement across the County, will provide greater flexibility and better purchasing power through bulk orders, and will also provide the opportunity to better fund and manage the Highway network, providing the County Council with the best opportunity to deliver a modern, consistent, and sustainable on-street parking service on a full cost recovery basis.
17. The County Council is also aware that the Department for Transport is currently developing the policy detail to support the implementation of the remaining Traffic Management Act - Part 6 powers, which will enable highway authorities to enforce additional moving traffic offences such as banned turns and yellow box markings. The County Council welcomes this further devolution of powers and considers that a countywide traffic enforcement team will ensure the greatest benefit to Hampshire residents.
18. The County Council's 2050 Commission of Inquiry established a vision to achieve better outcomes for the economy, environment, and society. Transport contributes to all these outcomes. The new LTP (LTP4) describes our transport vision for 2050 and proposes a major shift in approach and emphasis, with an increased focus on policies which support modal shift and manage demand for road space. Effective enforcement of traffic regulations will be a key enabling activity to support this work.
19. The County Council has signed up to the Climate Emergency and set carbon neutrality targets for 2050. Achieving carbon neutrality from transport will require

transformational change to decarbonise the transport system and to promote greener and sustainable forms of transport. Effective enforcement of traffic regulations will be key to supporting this shift.

20. The proposal is to terminate agency arrangements for both Traffic Management and for Civil Parking Enforcement as the traffic management agency function primarily supports the on-street parking service by facilitating the implementation or amendment of new or existing parking controls. In the future, the traffic management function for a countywide enforcement team will include enforceable moving traffic offences permitted within the Traffic Management Act - Part 6 powers as well as existing bus lane contraventions. This supports the policy aims associated with LTP4 and climate change.
21. Bringing together a full directly managed on-street parking service across Hampshire will enable the County Council to create a centre of excellence for enforcement, providing a resilient, cost-effective, and highly efficient service, with anticipated new enforcement powers for moving traffic offences, and utilising linked resources across this broad range of highway enforcement activity.
22. The County Council's Parking Services contractor, NSL, is the largest parking enforcement specialist provider in the UK. NSL currently employ over 4,000 frontline staff and operate from over 250 UK bases with contracts in place with over 60 UK councils. The Hampshire Parking Services contract was set up to be scalable with the ability of becoming a countywide on-street service.
23. The consolidation efficiencies achievable with a directly managed parking service can also contribute to the Savings Programme 2023 and beyond.
24. A report recommending ending agency arrangements was scheduled for the September 2021 Decision Day, but was deferred to allow time for engagement with affected district and borough councils.
25. Subsequent discussions with affected district and borough councils took place in October and November 2021 regarding ending agency arrangements. The change is limited to service delivery and will not affect policy in respect of on-street parking and related traffic management. The current agency arrangement for civil parking enforcement and for traffic management is not a devolved service, and there is no change in the policy arrangements in ending agency arrangements, which have always been for the County Council to determine.
26. Consideration has been given to staff who are currently employed by the district and borough councils being transferred over to the County Council under TUPE (Transfer of Undertakings (Protection of Employment)) or equivalent means. Discussions have taken place but cannot continue until notice is served to end the agency arrangements, but TUPE is anticipated to apply for district council staff affected by ending the current agency arrangements, with details to be worked through as part of the termination process.
27. If the recommendation to end the current agency arrangements is approved, notice of this change would be issued in March 2022 allowing time to address TUPE requirements.
28. It is estimated that a maximum of 25 staff would be affected.

Finance

29. The RTA review shows a number of the district agencies report very high levels of expenditure compared to the in-house service to provide equivalent on-street services. It is clear from the annual financial returns from the agents that there are costs included in the returns that are not compatible with the scale of the service provision. The impact of the Covid-19 pandemic on parking services should be recognised, but whilst a reduction in parking revenue, particularly from PCNs and Pay and Display income is to be expected, this would not have had a significant impact on the expenditure to operate the service, with district costs remaining consistently high.
30. Whilst it may be possible for the district agents to reduce their operational expenditure, they will always be constrained by their need to operate individual district-based enforcement services with all the associated duplication of resources and equipment. Centralising the service would remove the need for duplicated costs across individual districts, and a single countywide parking service is the most cost-effective solution by some margin.
31. The anticipated costs of TUPE have been considered in assessing the overall financial position. A total of approximately £230,000 currently paid to the district and borough councils per annum for traffic management agency staffing, which would be used to offset staff cost, with the remainder, including the cost of back-office parking support staff, met from income and charges.
32. The continuing work to modernise the on-street parking service in Hampshire will enable the service to operate on a full cost recovery basis, removing the need to draw on limited highways maintenance funding, which is increasingly prioritised for essential safety repairs.
33. The creation of a single countywide traffic enforcement team will ensure the County Council is able to enforce moving traffic violations permitted within Traffic Management Act - Part 6 powers in the most cost-effective way, providing the greatest benefit to Hampshire residents.
34. Camera enforcement of traffic violations is generally very effective in eradicating contraventions once people understand that the regulation is enforced through fines. Revenue funding would therefore be required to support traffic enforcement activity. Creating a single, countywide traffic enforcement team, together with continuing work to modernise the on-street parking service in Hampshire, will minimise the revenue support required.

Performance

35. Bringing together a single countywide team aims to create a centre of excellence to provide the best possible service to customers, within the County Council's policies and priorities, with the capability and capacity to provide a consistent standard of service across Hampshire.
36. A directly managed service will enable the strategic development of the on-street parking regulation service to deliver wider transport policy and climate change outcomes and to align traffic enforcement with other highways enforcement functions.

37. Future enforcement activity may be prioritised using data drawn from multiple sources, including other highway activity. This will enable targeted enforcement in market towns and smaller villages and where seasonal parking contraventions cause problems. The enforcement resource is flexible with staff able to adapt to cover multiple areas or later evening enforcement when needed.
38. Whilst it is recognised that the district and borough councils have looked to reduce their service expenditure, the inefficiency of operating seven individual parking teams with duplication of the associated management, software, uniforms, vehicles and systems means that their scope for further savings will be difficult.
39. The economies and efficiencies from a single countywide service, delivered in partnership with the authority's Parking Service contractor NSL, will enable the service to be financially self-sufficient, including meeting the full costs of all associated functions and management overhead.
40. It is anticipated that a single countywide service will deliver IT efficiencies, with a single IT solution for things like residents parking permits. It will also ensure a consistent deployment of new technology for parking information, payment and enforcement across Hampshire.

Consultation and Equalities

41. It is considered that the proposal to end agency arrangements for civil parking enforcement and for traffic management would have a neutral impact on protected groups as existing service delivery would be unaffected. Any changes to traffic regulations are subject to the Traffic Order process and therefore formal consultation will be undertaken on a scheme specific basis.
42. Meetings were held with affected district and borough councils to discuss the withdrawal process as set out in the agency agreement documents and to identify issues requiring further dialogue over the notice period for ending the agency arrangements. Concerns raised included impact on efficiency, on staff, residents, and communities. These and other issues, together with the County Council's response, are set out in the appendix.

Climate Change Impact Assessments

43. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

Climate Change Adaptation

44. The climate change mitigation tool was not applicable to the proposed changes to the agency arrangements because this relates to a change in the service

delivery model. Proposals for new areas of pay-and-display on-street parking in affected district/borough council areas will be subject to individual assessments.

Climate Change Mitigation

45. The effective enforcement of parking and other traffic regulations is important in supporting strategic transport policy, including achieving transport-related climate change outcomes.

Conclusions

46. A fundamental requirement for the parking service is to ensure that it operates on a full cost recovery basis and action is required now to secure the most cost-effective service for the longer term and avoid drawing funding away from essential highways activity to meet the shortfall.
47. The new directly managed parking service is more efficient than the district delivery model and it is now appropriate to serve notice to end the agency arrangements for Traffic Management and for Civil Parking Enforcement.
48. Creating a single directly managed, on-street parking service will also enable the County Council to prepare for anticipated new moving traffic enforcement powers in accordance with County Council policy objectives.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

It is considered that the proposal to end agency arrangements for civil parking enforcement and for traffic management would have a neutral impact on protected groups as existing service delivery would be unaffected. Any changes to traffic regulations are subject to the Traffic Order process and therefore formal consultation will be undertaken on a scheme specific basis.

Should TUPE requirements arise from the withdrawal of the agreements, all appropriate HR and Legal processes will be followed, including engagement with affected staff.

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APPENDIX 1 – Summary of issues raised by affected district and borough councils

Lack of opportunity to put forward alternative proposals

1. A number of district and borough councils felt that they were not being given an opportunity to consider how they might contribute to the County Council's costs associated with on-street parking controls. They felt that terminating the agency agreements had not tried to find another way, such as setting a maximum sum for district costs for on-street parking enforcement.

The County Council's response

2. While some district and borough councils have made some progress in reducing their operational deficits, the district agency model is unable to reimburse the County Council for its associated costs including maintaining signs and lining and contributing towards the expenditure of running the district agencies.
3. While it may be possible for district and borough councils to contribute directly to the County Council's costs by increasing parking charges, this could cover where savings and efficiencies are achievable with a single countywide service, potentially losing the opportunity for the most cost-effective service.
4. Whilst the service changes are relatively new in Hampshire, the majority of County Councils in England are either delivering on-street enforcement directly themselves or via a partnership arrangement with a specialist service provider.

Loss of efficiency

5. Concerns were raised that the proposals could lead to less efficient local parking enforcement as the district and borough council services do not differentiate between on and off-street enforcement, undertaking both as part of enforcement beats. The current district agency model for on-street enforcement is provided at a nil cost to the County Council. By terminating the agreements, the cost will transfer to the County Council and is likely to outweigh any financial gain from perceived efficiencies arising from a single countywide on-street parking enforcement service.

The County Council's response

6. The County Council developed a directly managed, modernised on-street parking service as part of the Transformation to 2019 savings proposals, delivering the on-street parking service across Fareham, Gosport, New Forest and Test Valley. The new directly managed parking service is shown to be more efficient than the district delivery model.
7. The proposals will deliver efficiencies in countywide on-street parking enforcement and help the authority recover its associated full costs. It is vital that the County Council is able to deliver services on a full cost recovery basis and

the district agency model does not facilitate this. Looking ahead it is very important that on-street parking does not continue to draw funding away from our limited highway budgets. Any impact on district and borough council's off-street parking service will be limited.

Impact on customers

8. From the customer's perspective, it is not clear which services are provided by the County Council and which are delivered locally by district and borough councils. The apparent duplication between on-street and off-street parking enforcement is likely to appear to residents and businesses as inefficient.
9. A concern has been raised about the potential financial incentivisation for a private sector operator to issue large numbers of PCNs to increase income.
10. Rural areas will be unlikely to receive the same quality of service compared with urban areas as enforcement activities will be concentrated on areas of high traffic and contravention of regulations.
11. Specific concerns were raised about customer expectations not being met for traffic management, with district and borough councils more able to be responsive to local community needs, with local consultation.
12. The County Council's response
13. Similar concerns were expressed prior to ending the agency arrangements in Fareham, New Forest and Test Valley, but experience in practice has shown that these issues do not generally arise. Those who receive a PCN, whether on-street or within car parks, are provided with full details of the issuing authority together with payment and appeal details. The County Council's website has a dedicated parking page that provides extensive information and facilitates a range of functions from payment of PCNs through to purchasing parking permits.
14. The Parking Services contract is based on paid enforcement hours, not PCNs issued, with extensive use of parking technology, such as digital permit systems, to help drive down costs.
15. Whilst it would be expected that the main focus of enforcement activity will be directed to those areas with the most problems, the Parking Services contract includes Key Performance Indicators (KPIs) requiring CEOs to regularly patrol all parking controls.
16. With regard to the specific concern in respect of local traffic management, this will not necessarily be affected as many traffic management functions are not included in the existing agency agreements.

Impact on communities

17. Concerns were raised that in moving to data led deployment of on-street parking enforcement, the County Council would not be able to provide genuinely local

service, undermining community relationships built up over time and leading to reputational damage for both parties. It was felt that, from the local perspective, there would be no benefit in moving to a single, countywide service where the ability to deploy local resources in response to problems could be lost because the number of districts competing for resources will increase.

18. While there was support for the wider policy outcomes, there were also concerns about the impact of a high-level policy led service on nuanced local issues, with a need to ensure meaningful consultation with district and borough councils and recognise the importance of engaging with local communities in constructive dialogue, including reviewing potential options and opportunities that may improve services to residents.
19. Concerns were raised about the impact on local communities and a potential loss of investment in local projects currently provided by district councils, but which the County Council may not necessarily provide in the future.

The County Council's response

20. Similar concerns were raised by the district and borough councils in the four areas that the County Council now controls, but such issues have not arisen. The County Council is the sole client for the Parking Services contract and there will be no issue over districts competing for resources. The County Council determines all aspects of the service including the hours of enforcement, priority locations and the policies to which CEOs work to, with contract performance monitored through a range of KPIs. By having complete focus on the on-street service, the County Council is able to flex and adapt frontline resources to deal with demand as necessary, directing a pool of scalable resources to target parking hotspots as and when they arise without resourcing constraints or being tied to district boundaries.
21. The County Council can respond to local issues either reported to CEOs or via the automated enforcement request system whereby residents can report issues themselves via the simple online form.
22. Local complexity in particular parking controls, including resident parking permit schemes, will need to be worked through in detail to understand how the transition will work in practice, and whether any changes to current arrangements are required.
23. With regard to the concern in respect a potential loss of investment in local projects currently provided by district councils, the proposal only relates to ending agency arrangements for civil parking enforcement and for traffic management. Nothing in this proposal limits collaborative working on locally important projects where funding is prioritised for traffic management and parking controls.

Impact on staff

24. All districts and borough councils noted the impact on staff and wanted early clarification on staff transfer, roles and responsibilities in the new County Council team. Clarification would also be required for the transfer of asset.
25. Some district and borough councils expressed a concern that the resources needed to run the service had been underestimated, with the scope for savings exaggerated.

The County Council's response

26. Formal discussions on staff transition cannot commence before serving notice to terminate the agency agreements. The County Council will work with district and borough council colleagues to provide the desired clarity on the staff transition arrangements.
27. Should TUPE requirements arise from the withdrawal of the agreements, all appropriate HR and Legal processes will be followed, including engagement with affected staff.
28. The County Council will also work with district and borough council colleagues on the transition of parking assets.
29. Efficiencies will accrue from economies of scale and not necessarily through reducing resourcing across each district. It is recognised that each district/borough is different and has different demands.

Loss of local ambassadorial role of Civil Enforcement Officers

30. Some district and borough councils cited the added ambassadorial role of CEOs in signposting local services and felt that integrating on and off-street enforcement in CEO beats enhanced this added ambassadorial role.
31. The County Council's response
32. This ambassadorial role is equally or more applicable to other highways functions such as reporting potholes or defective street lighting, and to wider County Council functions.

How civic events will be managed in the future

33. Some district and borough councils asked how civic events will be managed in the future, noting that they currently manage these events in-house. They were concerned that while they will retain powers to close roads under the Town and Police Clauses Act, they may not be able to sustain the technical resource in the future if the responsibility for processing other temporary Traffic Regulation Orders transfers to the County Council. There was also a concern about coordinating parking related suspensions as it will no longer be one internal team.

34. A number of district and borough councils identified examples of civic events where an increased CEO presence has been helpful, and which has been straightforward to arrange as a district delivered service. Concerns were raised about how these events might be supported in the future, particularly around costs and availability of resource

The County Council's response

35. While there would not be scope for CEOs to act as marshals for civic events, where there are enforceable parking restrictions for CEOs to patrol and/or parking suspensions to be administered, then there may be scope to assist.
36. Where there will be an impact on managing major events e.g., traffic management involvement with the Safety Advisory Group (SAG), then this will be provided by the County Council's Highways Service in addition to their current role in the SAG.
37. Where there are local concerns about a smaller event's impact on a community, such as school parents' evenings etc, then the County Council's Parking Service can provide sensitive management of traffic and parking to support this.
38. Support for planning significant civic events and coordinating associated road closures and parking suspensions can be provided subject to local funding.

Future collaborative management of on and off-street parking

39. A number of district and borough councils feel that in implementing the countywide service, the County Council should give consideration to the role of parking in achieving policy objectives at a local level, specifically how the County Council proposes to engage with partners on this and also provide an appropriate degree of responsiveness to local issues. District and borough councils wanted to be reassured that the County Council will work collaboratively with them to achieve ambitions in areas like air quality, climate change and town centre management, and will not frustrate their plans.

The County Council's response

40. In the future, there will need to be positive engagement with the district and borough councils on parking and traffic management, and consultation on pricing strategy for on and off-street parking, with sufficient time for a dialogue with district and borough council colleagues prior to making any changes. We propose to develop partnership working with district and borough councils on future parking and access plans to support this.

Policy

41. While district and borough councils generally agreed with the County Council's emerging transport and climate change policies, some felt that there would be considerable local variation, not least between rural and urban locations, that would require a more nuanced approach.

The County Council's response

42. The current agency arrangement for civil parking enforcement and for traffic management is not a devolved service, and there is no change in the policy arrangements, which have always been for the County Council to determine.
43. It is agreed that no two Hampshire districts are the same. The County Council's soon to be published Local Transport Plan 4 will set out the vision, outcomes and guiding principles for transport in Hampshire. A modern and efficient traffic enforcement service will be a key element to the future of transport in the County.

Timings

44. A number of districts and boroughs felt that transferring the on-street parking enforcement service would be simplified by timing this to take place with the start of a new financial year. Some districts and boroughs felt that ending the agency agreements for traffic management could happen sooner than the twelve-month notice period, but that there will need to be a dialogue on data transfer for Traffic Regulation Orders and for residents parking.
45. There will also need to be communications strategy to prepare residents for the change.

The County Council's response

46. There may be scope to reduce the individual notice periods to coincide with the start of a new financial year i.e., 1 April 2023, but the actual time required will be subject to completing any staff transfer processes, which will be reliant on all parties' active participation. Extending notice periods to coincide with the end of the financial year i.e., 31 March 2024 may be possible where there are specific transition issues that could be resolved by extending the notice period.
47. A communications plan to support the change will be developed in collaboration with district and borough council colleagues. Similar concerns were expressed with the earlier ending of agency arrangement in Fareham, New Forest and Test Valley, and with the commencement of civil parking enforcement in Gosport, and the County Council planned ahead and publicised these changes through various media channels coupled with direct communication to residents where needed.

Hampshire County Council Constitution

Part 3, Chapter 3, Section 1.17

1.17 Call-in

- 1.17.1 Where a decision of the Executive has been made but not yet been implemented, a quorum of members of the relevant Select (Overview and Scrutiny) Committee(s) may require by way of notice in writing to the Chief Executive that a meeting of the Committee is held to consider whether or not to exercise the Committee's powers under Section 9 F (4) of Part 1A of the 2000 Act (referred to in this Constitution as 'call-in'). These powers are to arrange that the decision be reconsidered by the Executive, or arrange for its powers in respect of review or scrutiny of the decision to be exercised by the County Council. Where a decision materially affects more than one Select Committee (i.e. it is cross-cutting) a call-in must be made by at least two of the Select (Overview and Scrutiny) Committees;
- 1.17.2 A decision can only be called-in within 5 clear working days of the date the decision was notified to all members of the appropriate Select (Overview and Scrutiny) Committee(s), in accordance with Part 3, Chapter 2, Paragraph 4.8 of the Constitution.
- 1.17.3 When a valid call-in request is made, the Select (Overview and Scrutiny) Committee(s) must meet to consider the request, make a decision and communicate to the Executive any recommendations it wishes to make within 14 clear calendar days of the request being made. When it meets the Committee(s) must consider whether or not to recommend; i) that the decision be reconsidered by the relevant decision making body who made the decision; or ii) that the County Council consider whether the relevant decision making body should reconsider the decision (this recommendation shall not be made when the decision is in line with the budget, or the Policy Framework, or statutory requirements regarding notice procedures in respect of publicity for Key Decisions)
- 1.17.4 Any decision of the Executive which is not in line with the Budget or the Policy Framework, or the notice procedure in respect of Key Decisions as set out at Part 3 Chapter 2 Paragraph 3.2 of the Constitution, if called-in, shall not be implemented until the request has been disposed of by; i) The withdrawal of the request ii) The rejection of the request by the Select (Overview and Scrutiny) Committee(s) or by the County Council iii) The relevant decision-making body rejecting the recommendation for reconsideration or; iv) The relevant decision-making body reconsidering and confirming the original decision.
- 1.17.5 Call-in shall not prevent the decision from being acted on where the decision is in line with the Policy Framework and other policies approved by the County Council but when the views of the Select Committee differ from, or are critical of, the Executive decision, the facts shall be reported to the next County Council meeting and be debated without changing the previous decision although the County Council may request the Cabinet or relevant Executive Member(s) to review the decision in question

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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