

HENLEY-ON-THAMES TOWN COUNCIL

MIKE KENNEDY
Town Clerk



COUNCIL OFFICES
TOWN HALL
MARKET PLACE
HENLEY-ON-THAMES
OXFORDSHIRE RG9 2AQ


Tel No. (01491) 576982
Fax No. (01491) 571660
Email: enquiries@henleytowncouncil.gov.uk
Website: www.henleytowncouncil.gov.uk

**COUNCILLORS ARE HEREBY SUMMONED TO ATTEND
A MEETING OF
THE TOWN AND COMMUNITY COMMITTEE**

To be held on

TUESDAY 15 OCTOBER 2013 AT 7.30PM

**IN THE COUNCIL CHAMBER, TOWN HALL
HENLEY ON THAMES**


Mr M Kennedy
Town Clerk
9 October 2013

MEMBERSHIP:

Councillor Mrs P Phillips (Chair)
Councillor Miss K Hinton (Vice Chair)
Councillor Mrs J Bland
Councillor W Hamilton
Councillor D Hinke
Councillor Ms L Meachin
Councillor D Nimmo-Smith
The Mayor Councillor S Gawrysiak (ex officio)
Deputy Mayor Councillor M Akehurst (ex officio)

Members are reminded to sign the attendance book.

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. DECLARATIONS OF INTEREST

Members are hereby reminded that, under the provisions of sections 26-34 and Schedule 4 of the Localism Act 2011, a member with a disclosable pecuniary interest of which they are aware in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent. A member with a disclosable pecuniary interest in any matter must withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he/she has obtained a dispensation from the council; and not seek improperly to influence a decision about that matter.

3. PUBLIC PARTICIPATION SESSION

TO RECEIVE questions and comments from members of the public on any items included on the agenda. The session to last no longer than 10 minutes and each speaker to be limited to 2-3 minutes.

- You may ask questions or make a statement on any item included on the agenda. The session, which is also open to Councillors who may have a personal and prejudicial interest on any item included on the agenda, will last for a period of up to 10 minutes (but capable of being extended at the Chairman's discretion).
- Questions from the town's residents will take priority, followed by property owners, businesses and then non-residents.
- All speeches shall last for no more than 2 to 3 minutes.
- If there are no statements or questions, or if all statements have been made or questions asked before the period of time allotted, the meeting will start to consider the remainder of its business. No further public questions or statements will be entertained at that meeting.
- If an answer to a question cannot be given at the meeting the Chairman may, at his/her discretion, arrange for a written answer to be given.
- The Chairman of the meeting will have complete discretion as to the order in which questions are taken and statements made. Supplementary questions may be asked at the Chairman's discretion.
- The Chairman of the meeting may rule that any public remarks are not appropriate and will not be accepted; for example if they are defamatory, frivolous or offensive. In such an instance the Chairman may disallow a question or statement or cut short a statement or discussion, or disqualify any member of the public from continuing to speak.
- Questions which require the disclosure of exempt or confidential information will not be answered.
- The Chairman of the meeting's interpretation of this procedure shall not be questioned and his/her ruling on any questions relating to this procedure shall be final.

4. HENLEY BRANCH LINE ELECTRIFICATION

TO RECEIVE a presentation from Andy Blake and Jacqueline Day – Network Rail, on the Great Western Electrification Programme.

5. MINUTES

TO APPROVE the Minutes of the meeting of the Town and Community Committee held on 3 September 2013 (previously circulated).

6. PROGRESS

TO RECEIVE AND CONSIDER a report on progress (report attached)

7. **CIVIL PARKING ENFORCEMENT**
TO RECEIVE AND CONSIDER an update report from the Town Clerk on Civil Parking Enforcement (report attached).
8. **CHRISTMAS CAR PARKING**
TO CONSIDER when this Council would like SODC to offer free car parking in the District Council operated car parks in the run up to Christmas.
9. **CONFIDENTIAL**
 - i) **BUDGET TO RECEIVE AND CONSIDER** a report on preliminary budget figures for 2014 / 2015 (report attached).
 - ii) **PARKING CONTROL AT UPPER MARKET PLACE**
TO CONSIDER a verbal report from the Town Clerk.

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9 October 2013

Minute Number	Subject	Progress
115 (1.3.11)	Old Fire Station Gallery and Barn Users Group	Planning application for Barn signage and notice boards on Town Hall and Gallery applied for. Awaiting confirmation of date of next meeting from the Chair.
85 (13.12.11) 61 (17.01.12) FC 52 (30.10.12)	Bus Shelters on the Reading Road	Awaiting response from contractor re the contents of the maintenance cover. Reading Road Infrastructure Project being considered at the Cabinet Member Meeting this month.
117 (13.03.12)	Fairtrade Town	Confirmation sent to the Fairtrade initiative that HTC is serious and fully committed to being a Fairtrade town.
130 (17.04.12) 38 (18.09.12) 60 (30.10.12) 114 (16.04.13)	Decriminalisation of Parking (CPE)	Agenda Item.
34 (18.09.12) 52 (30.10.12)	Sound System	Councillors Hodgkin and Phillips and the Town Clerk to carry out a site visit to Marlborough Town Hall on Monday 9 December 2013 to check out their sound system.
112 (16.04.13)	Hanging Basket Pole	Awaiting confirmation of installation date.
113 (16.04.13) 15 (28.5.13)	Regatta	Wash up meeting held on 1 October, notes to next meeting on 26 November 2013.
117 (16.04.13)	Market Place Seating Licences	Portuguese Restaurant chased re acceptance of Licence.
4 (25.08.13) FC	Broken / Missing Paving Stones	Highways chased for an update on when the York Stones will be replaced 27.06.13, 23.08.13 and 7.10.13. Awaiting reply.
	Triathlon	Wash up meeting held on 25 September, notes to next meeting on 26 November 2013.

Report of the Town Clerk to a meeting of the Town & Community Committee to be held on Tuesday 15 October 2013

CIVIL PARKING ENFORCEMENT

1. Executive Summary

- 1.1 This report provides further information regarding the introduction of Civil Parking Enforcement (CPE) specifically relating to the Town Council's Car Park at Mill Meadows.

2. Background Information

- 2.1 Civil Parking Enforcement was made possible by the Traffic Management Act 2004 enabling the transfer of powers from the Police to local authorities for enforcing parking contraventions. It is supported by the police and the market towns in Oxfordshire.
- 2.2 The Town Council has made numerous requests to the District Council for the introduction of CPE in Henley. The other 3 market towns in South Oxfordshire have made similar representations and together support the introduction of CPE throughout the district.

3. Detailed Consideration

- 3.1 In my report to Town & Community Committee on 3 September, it was understood that all Local Authority owned car parks (including Town and Parish Councils) must be included in any application to the Department for Transport (DfT) for CPE unless exceptional circumstances to exclude a car park are clearly set out as part of the submission.
- 3.2 Guidance was sought from Oxfordshire County Council (OCC) on whether it is possible to exclude Mill Meadows Car Park from the CPE application. OCC advise that an application to DfT with the inclusion of Mill Meadows Car Park, which is likely to generate income of around £170,000 this year, could only proceed with our agreement. If that agreement was not forthcoming and OCC present an application that excluded Mill Meadows, it would be up to the DfT to determine whether they would accept the exclusion or not.
- 3.3 We were further told that if inclusion of Mill Meadows was a non-starter for Henley TC then this could put the entire application at risk were the DfT to deem the reasons for exclusion to not be exceptional.
- 3.4 Further clarification has been sought from Oswestry and Padstow Town Councils, who both own and manage car parks, and their respective County Councils of Shropshire and Cornwall.
- 3.5 CPE was originally transferred from the Police to the then district councils in Shropshire in 2006. They were not able to exclude any of their own land or car parks at the time of submission to DfT. In fact, it was more the opposite, in that they were instructed to apply for both on and off street parking at the same time and were not allowed to apply for the decriminalisation of on-street parking on its own. This necessitated the (then) County Council and District Councils within Shropshire coming together for the purposes of parking

enforcement so that all District Council owned car parks and Highway Authority (County) roads were incorporated into the decriminalised regime.

- 3.6 On transition of the authorities forming one unitary organisation on 1 April 2009, Shropshire Council took over responsibility for the parking enforcement process.
- 3.7 Some of the car parks in the county, including the Oswestry ones, were owned by Town Councils, not District Councils. These car parks were not included in the bid as they were effectively privately owned and therefore excluded from Civil Parking Enforcement.
- 3.8 The situation in Cornwall was exactly the same. Civil Parking Enforcement was first introduced in May 2008, with enforcement being carried out by Cornwall County Council and two former district councils. In 2010 CPE was introduced in the remaining district car parks. All on and off street enforcement is the responsibility of the unitary authority, Cornwall Council.
- 3.9 Car parks in Cornwall owned and managed by town and parish councils were simply excluded from the bid.
- 3.10 Further guidance was sought from OCC on this specific point and the following response has been received. The highlighted phases are my own:

*To clarify, and as I have stated previously, at the end of the day **it is down to the Department for Transport to determine whether exclusions are acceptable.** I am aware of several exemptions of Town Council car parks that the DfT have approved (similar to the examples you have given). Notwithstanding this, these were for areas for which an application was submitted for a Special Parking Order to be made and operated at District Level.*

However there are very few examples of District owned car parks being exempted in these circumstances, those that are, would seem to be mostly Park & Ride sites and for the reasons that I have suggested that the County may seek to exclude Thornhill (i.e. they form part of a transport solution that primarily serves another District/ City and therefore should be included within the SPA for that area instead).

*Typically, this is because as the enforcing authority the District have an influence over parking strategy and will derive a benefit from effective parking management and as such are expected to include all of its off street parking provision unless there are exceptional circumstances. **If we were to move forward with a proposal that covered and was operated at District level therefore I would not envisage, although cannot guarantee, any problems in excluding Town Council car parks.***

*If however, we were to look at an SPA covering and being operated at Town level then the DfT may consider that, as a key stakeholder in the same way that the District Councils are in your examples, the Town Council Car Parks should not be excluded. **In my opinion there is a significant risk that this may be the case hence my non-committal either way in previous correspondence.***

***My experience is that the DfT are unlikely to provide helpful guidance prior to the application** as they will want to consider each element in the context of the entirety of the application. Given the significant cost of making an application (we estimate it at approximately £150,000 to ensure that all*

*District wide signing and lining is fit for purpose and that the necessary consultations, and orders are developed and amended) **I think we will need to have an understanding of each Councils view on whether operating at District level is acceptable should operating at Town level not be acceptable either from a business case perspective or through DfT feedback.***

- 3.11 Given this Council's desire to see the introduction of CPE, which will improve road safety and reduce congestion in Henley, and the new advice on Town Council owned and managed car parks, it is suggested that this Council now confirms its position on CPE having regard to the above and gives direction to the Council's previously appointed representatives ahead of the joint meeting (date to be confirmed) to further discuss CPE with SODC and OCC, that is to say, that Henley Town Council supports a proposal that was operated at District level and **excludes the town councils car parks** but would be less inclined to support a proposal that would devolve responsibility for the management of CPE at the town level, at this time.

4. Recommendation

- 4.1 That the Council notes the report, declares its position on CPE and gives direction to the Council's previously appointed representatives ahead of the joint meeting with SODC and OCC as set out in 3.11 above.

Mike Kennedy
Town Clerk
8 October 2013
01491 630074
m.kennedy@henleytowncouncil.gov.uk

HENLEY TOWN COUNCIL

Town & Community Committee Tuesday 15 October 2013.

Report on Free Parking in the SODC controlled car parks for Christmas.

1. Executive Summary

- 1.1 To consider a request from the car parks team for dates which this Council wishes free parking to be offered.

2. Background Information

- 2.1 In 2011 in response to the request, HTC chose to have free parking on the 4 Saturday afternoons in December leading up to Christmas.
- 2.2 In 2012, on the request of this Council, John Backley agreed that free parking could be given for the whole of Saturday for the same period.

3. Detailed Consideration

- 3.1 Consideration should be given to the fact that if free parking is given on a week day rather than a Saturday, it would probably be of no benefit to people wanting to shop in the town as the car parking would be used by commuters who would park for free in the town before travelling elsewhere to work, or people who work in the town.

4. Recommendation

- 4.1 That once again, free parking be requested on the Saturdays in December leading up to Christmas, or
- 4.2 That a day to be decided by this Committee be chosen for free parking in the lead up to Christmas.