

**BIRMINGHAM CITY COUNCIL - "COUNCIL AS TRUSTEE"****PUBLIC REPORT**

<b>Report to:</b>	<b>TRUSTS AND CHARITIES COMMITTEE</b>	
<b>Report of:</b>	<b>ASSISTANT DIRECTOR OF SPORT, EVENTS AND PARKS</b>	
<b>Date of Decision:</b>	<b>1 MARCH 2017</b>	
<b>SUBJECT:</b>	<b>INTRODUCTION OF CAR PARKING CHARGES IN MAJOR CITY PARKS</b>	
<b>Wards affected:</b>	<b>Moseley and Kings Heath, Sutton Four Oaks, Sutton Vesey, and Sutton Trinity.</b>	

**1. Purpose of report:**

To seek agreement to the introduction of car parking charges at Cannon Hill Park and extending the scheme in Sutton Park as part of an overall strategy to introduce charges across parks, in order to facilitate a programme of ongoing improvement works and to protect and safeguard services in parks.

**2. Decision(s) recommended:**

That the Committee:

- 2.1 Notes the Business Plan by Parks attached in Appendix 1 for the implementation of car parking charges in some Parks including Cannon Hill Park held in trust and Sutton Park possibly held in trust subject to on-going investigations by Legal Services and potentially in the purview of the Committee.
- 2.2 Agrees to the introduction of charges in line with the Business plan as it affects those parks held in trust (subject to further consultation and a Cabinet Member Decision Report).
- 2.3 Agrees that revenue funds generated from car parking income will be put to an ongoing programme of investment in the car parking facilities at Cannon Hill Park (e.g. the implementation of appropriate lighting) alongside supporting and investing in facilities and services within the parks and wider related priorities for citizens (subject to further consultation and a Cabinet Member Decision Report).

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<b>3.</b>	<b>Consultation</b>
	Consultation should include those that have an interest in the decisions recommended
3.1	<u>Internal</u>
	<p>The Cabinet Member for Clean Streets and Environment and the Cabinet Member for Value for Money and Efficiency have been consulted along with the Acting Strategic Director for Place and the Commercialism Board, and support the proposal. The Chairman of the Trusts and Charities Committee has been consulted. Local Members have also been advised of the proposals and meetings have been offered to discuss any concerns prior to finalising the schemes.</p> <p>Following a decision by the Trusts and Charities Committee further consultation will take place with Local Members to further shape the scheme prior to a Cabinet Member Decision Report.</p>
3.2	<u>External</u>
	<p>We have advised all key stakeholders of these proposals and will consult with them over the coming months to finalise the schemes.</p> <p>Further consultation will take place with key stakeholders following a decision from Trusts and Charities Committee to further shape the scheme prior to a Cabinet Member Decision Report.</p>
<b>4.</b>	<b>Compliance Issues:</b>
4.1	<u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u>
	<p>The approach to introduce car parking charges in City Parks has been very carefully considered since it was first proposed to ensure its introduction is better understood and also to mitigate any impact on park users and other vulnerable groups.</p> <p>The Proposal specifically supports a number of the Council's strategies, which are:</p>
	<ul style="list-style-type: none"> <li>- Promotion of public transport and green travel options – the implementation of car parking charges will incentivise the use of green travel and public transport options. As part of the introduction of the scheme alternative forms of travel to parks will be promoted and reinforced.</li> </ul>
	<ul style="list-style-type: none"> <li>- Commercialism – the Council is embarking on a Commercialism approach that seeks to maximise the financial value of every asset that the Council holds, including seeking to generate new revenue for the Council. The implementation of this scheme will support the Commercialism approach and the scheme has been endorsed by the Commercialism Board while improving facilities and the availability of spaces for park users.</li> </ul>

#### 4.2 Financial Implications

(Will decisions be carried out within existing finance and resources?)

It is anticipated that the implementation of this scheme at Sutton Park and Cannon Hill Park will require capital investment of £0.11million, to be funded through prudential borrowing over a 5 year period, to be repaid utilising revenue surpluses generated from the implementation of car parking charges.

The implementation of the car parking scheme is estimated to generate a net revenue surplus of £0.25million in 2017/18, increasing to £0.39million per annum from 2018/19 (the first full year of operation) – which will help protect, support and invest in services provided within the Parks and partially mitigate the impact of a proposed 10% reduction in revenue for the service. The following table sets out the financial implications of implementation of the proposed scheme.

	2017/18 £'000	2018/19 £'000	2019/20 £'000	2020/21 £'000	Total £'000
<b>Capital Investment</b>					
Sutton Park	70	-	-	-	70
Cannon Hill Park	40	-	-	-	40
<b>Total Expenditure</b>	<b>110</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>110</b>
<b>Funding</b>					
Prudential Borrowing	(110)	-	-	-	(110)
<b>Total Funding</b>	<b>(110)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(110)</b>
<b>Revenue Consequences</b>					
Car Parking Income	(294)	(434)	(434)	(434)	(1,596)
Operating Costs	19	25	25	25	94
Borrowing Costs	22	23	23	23	91
<b>Net Surplus</b>	<b>(253)</b>	<b>(386)</b>	<b>(386)</b>	<b>(386)</b>	<b>(1,411)</b>

It should be noted that the 2016/17 budget savings proposals included a general income target of £0.08million per annum from the extension of car parking charges at parks, which will be exceeded by this proposal.

#### 4.3 Legal Implications

As landowner and sole corporate trustee Birmingham City Council is responsible for the management of parks held in trust. Although the Trusts and Charities Committee is ultimately responsible for the day-to-day management of all assets held in Trust, where the Council as Trustee, the management of trust parks and open spaces is currently delegated to the Parks Service via the Strategic Director of Place.

### Cannon Hill Park

The original trust deeds require that Birmingham City Council shall hold Cannon Hill Park as public walks or pleasure gardens provided and maintained by them under s.64 of the Public Health Act 1875 but in addition to the general law applying to charitable trusts and the powers under the Trustees Act 2000. S83 -85 of the West Midlands County Council Act 1980 specifically permits the grant of leases within Cannon Hill Park not exceeding two acres to any body, incorporated or not whose objects are charitable and comprise or include the provision of an art or cultural centre but not otherwise. Birmingham City Council is not the first local authority to introduce car parking charges in parks and it is not anticipated that this will cause any legal implications although it is understood a Road Traffic Order is likely to be necessary at each site.

#### 4.4 Public Sector Equality Duty (see separate guidance note)

None. The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non-executive functions and are therefore not subject to the Equalities Act 2010 provisions

To ensure that access to Parks provision remains available for those with disabilities, free parking will be available in all parks to blue badge holders in line with the Council's citywide parking policy. Season tickets will be available equating to a much reduced daily price to assist regular park users. There are no other significant equality considerations. An equality impact assessment will be conducted prior to the implementation of the scheme.

#### **5. Relevant background/chronology of key events:**

- 5.1 The introduction of car park charges in Parks was included in budget consultation for 2016/17.
- 5.2 Cannon Hill Park was formed from the original core gift of 57 acres from Miss Louisa Anne Ryland on 18<sup>th</sup> April 1873 who also gave money for it to be laid out as a park and opened on 1<sup>st</sup> September 1873 but was soon extended by a number of other gifts and purchases to form the current Park of approximately 80.66 acres (32.65 hectares). The substantive part of the original gifted land is listed by English Heritage in the Register of Parks and Gardens of Specific Historic Interest in England. The majority of the car parking area at Cannon Hill Park is known as Queens Ride gifted to the City by Baron Calthorpe and the Hon. W G Calthorpe along with the Nature centre area on 28/11/1898 together with an earlier gift of land from John C Holder on 10/06/1896.
- 5.3 Sutton Park has been much augmented by various additional purchases of land and a land swap with Sir Edmund Hartop In 1827, and another exchange in 1937 with the Trustees of the Somerville Estate but was substantially formed by lands held by common land allegedly gifted by Henry VIII. Investigations are in hand to determine if this constitutes a trust as claimed by many residents of Sutton Coldfield and if so would put substantial parts of Sutton Park into the portfolio covered by Trusts and Charities Committee. Seasonal parking charges are currently levied at Sutton Park on Sundays.

- 5.4 Many of the car parks are utilised by commuters and others as a free Park and Ride, thus denying true park users access to parking or causing damage to verges and other parts of the park. Implementing a charging scheme at a reasonable level will assist in control this situation or at least gaining appropriate recompense from the persons parking. The scheme will also provide a means of tackling safety issues, particularly in Cannon Hill park through the implementation of lighting, CCTV and other safety controls as appropriate.
- 5.5 As part of the 2016/17 budget process a proposal was included to work alongside the MAC to generate a surplus of £0.08m by introducing car parking charges in Cannon Hill Park. The proposal was undelivered.
- 5.6 In addition to the income target above, funding reductions to the Parks budget of 10% are proposed as part of the 2017/18 budget for Birmingham City Council, which will lead to a funding reduction in the region of £1.2m. This will have significant implications on the range and quality of services that can be provided in parks. To help partially mitigate the impact of these funding reductions, the Parks Service and Commercialism Board commissioned a business case to explore the income opportunities and return on investment. The business case (attached in Appendix 1) demonstrated that in addition to bringing necessary controls to the car park areas, funding improvements and better supervision, there is an opportunity for a significant return on investment and once all elements are implemented, could deliver a contribution to the Parks budget of approximately £0.4m per year. If approved the introduction of car parking charges at Cannon Hill Park and Sutton Park will take place alongside the introduction of charges at several other major Parks.
- 5.7 Consideration is also being given to working with the Midlands Art Centre to develop a mutually beneficial arrangement with regards to the operations of the services within Cannon Hill Park and options are being explored to develop a revenue sharing agreement in return for their management of the area. As part of this option there is a proposal to put in place an ongoing programme of improvements to the parking facilities within Cannon Hill Park to improve accessibility, attractiveness and safety within the Park particularly later in the evening to allow for attendance at MAC productions .
- 5.8 A scheme has been developed that balances the income generation opportunities with the needs of Parks users and therefore a season ticket option is proposed that offers high value for money and ensures that it will not unfairly penalise regular users of Parks.
- 5.9 Consideration is also been given to implementing further parking controls in the local area of both parks to minimise any negative impact of displacement parking on local residents.

## 6. Evaluation of alternative option(s):

- 6.1 **Do Nothing** – Continue to provide parking for free at all City parks (with the exception of Sutton Park on Sundays) – this is a viable option but misses the opportunity to introduce necessary controls on parking areas to reduce anti-social activities and crime, curb excessive use by non-park users looking for free car parking while losing the opportunity to generate income for the improvement of parks and the preservation of services by Birmingham City Council and further encourage the use of greener travel across the city.

- 6.2 **Introduce Phased Option** – Introduce parking schemes in Sutton Park (June 2017) and Cannon Hill Park (April 2017), review the impact and make a decision on a business case by business case basis as to whether to introduce in other parks across the City towards the end of 2017/18. This is the preferred option.
- 6.3 **Implement a Scheme Across all Major City Parks** – Introduce a full scheme covering all 7 City Parks in year one. This is a viable option, but there is a risk that a single introduction will lead to delays in implementation across all schemes and a single implementation will provide no opportunity to continuously review and improve the development of the scheme.
- 6.4 **Implement a Full Scheme across all Parks in the City with off-street parking** – Introduce a charging scheme at all City Parks with off-street car parking. This is a viable option that could be implemented, but it is likely that levels of returns at smaller parks across the City will be minimal and the return would not justify the investment required.

## 7. Reasons for Decision(s):

- 7.1 Implementation of the scheme will enable the Council to access approximately £0.4m pa revenue, which can be utilised to support, protect and invest in services within Parks, including offsetting a currently undelivered income target of £0.08m, which will partially mitigate the impact of a proposed 10% reduction in funding. Specifically this scheme will provide an income stream for investment in and protection of services within Cannon Hill Park and Sutton Park, which currently run at a deficit.
- 7.2 Introduction of the parking scheme will continue to support the Council's longer term principles to promote and support green transport options and reduce car use across the City.
- 7.3. Adopting the scheme will provide the ability to work alongside the MAC to invest in the car parking facilities at Cannon Hill Park, which currently require significant improvement works.

## Signatures

## Date

Committee Chairman

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Chief Officer

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## List of Background Documents used to compile this Report:

None

## List of Appendices accompanying this Report (if any):

1. Business Case for the introduction of Car Parking in Parks

**Report Version**

**Dated**