REQUEST FOR A PETITION REVIEW – CAR PARKING CHARGES AT HILDYARD ROW CAR PARK

Report of Democratic Services Manager

1.0 Purpose of Report

1.1 To consider a request to review the steps that the Council has taken in response to the petition received in relation to the car parking charges at Hildyard Row Car Park.

2.0 Decisions Sought

2.1 To determine whether the Council dealt with the Petition properly and in accordance with the steps required by the Constitution.

3.0 Link to Corporate Priorities

3.1 The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.

4.0 Introduction & Background

4.1 The Council adopted a Petition Scheme at its Council meeting on 20 July 2010. The Scheme sets out the steps that the Council must take when it is presented with a Petition and the various responses that the Council has at its disposal once it has considered the Petition. The Petition Scheme is attached at Appendix 1 to this report.

4.2 The Petition Scheme provides that if the Petitioners feel that the Petition has not been dealt with properly then they have the right to request that the Council’s Overview and Scrutiny Committee review the steps that the Council has taken in response to the petition.

4.3 The committee will consider the request and should it determine that the petition has not been dealt with satisfactorily may use any of its powers to deal with the matter. These powers include instigating an investigation, and arranging for the matter to be considered at a meeting of the Full Council.

4.4 Once the review has been considered the petition organiser will be informed of the results within 5 workings days. The results of the review will also be published on the Council’s website.
Appendix 2 to this report contains the petition that was submitted to the Council and the petitioners’ reasons for requesting a review. Appendix 3 to this report sets out how the petition was considered and what steps were taken in response.

5.0 The Council’s Actions

Following receipt of the petition the Council took the following steps:

- The Petition was placed on the agenda for the Full Council meeting held on 13 December 2016.
- The Petition was referred by Council for discussion by Overview and Scrutiny Committee 1.
- The Petition was discussed at an Overview and Scrutiny task group meeting on 16 January 2017.
- The Petition was discussed at an Overview and Scrutiny meeting on 16 February 2017.
- Finally the Chairman of Overview and Scrutiny Committee 1 updated Full Council with the results of the Scrutiny considerations at the Full Council meetings on 21 February and 25 April 2017.

These are all steps that are set out in the Council’s Petition Scheme as being a valid response to the receipt of a Petition.

6.0 Recommendation

6.1 To consider whether the Petition was dealt with properly and as required by the Constitution.

6.2 If Members consider that the Petition was not dealt with properly and as required by the Constitution to determine whether any recommendations should be made or investigations carried out or the process to be considered at Full Council.

7.0 Corporate Implications

<table>
<thead>
<tr>
<th>Scrutiny Consultation</th>
<th>N/A, this is a report to scrutiny.</th>
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<tbody>
<tr>
<td>Community Engagement</td>
<td>This report is considering a petition received from the community.</td>
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<tr>
<td>Environment &amp; Sustainability</td>
<td>None.</td>
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<tr>
<td>Financial Implications</td>
<td>There are no financial implications arising from the recommendations within this report.</td>
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<tr>
<td>Legal Implications</td>
<td>No specific considerations other than the general rules of law relating to Council decision making.</td>
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<td>Risk Implications</td>
<td>None.</td>
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<td>Human Resource Implications</td>
<td>None.</td>
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<td>Equalities Implications</td>
<td>None.</td>
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<tr>
<td>Health &amp; Safety Implications</td>
<td>None.</td>
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</table>
8.0  Further Information

8.1  Background Papers – None.

8.2  File Reference – None.

8.3  Appendices –  
Appendix 1 – RDC Petition Scheme

Appendix 2 – The petition submitted to the Council and the request for review

Appendix 3 – The Council’s response to the petition

Contact Officer:       Sarah Holbird
Email/Extension:      sarah.holbird@richmondshire.gov.uk
                      01748 901016
RICHMONDSHIRE DISTRICT COUNCIL

PETITION SCHEME

Petitions

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

Michael Dowson
Democratic Services Manager
Richmondshire District Council
Mercury House
Station Road
Richmond
DL10 4JX

Or be created, signed and submitted online at http://richmondshire.firmstep.com.

Petitions can also be presented to a meeting of the Council. These meetings take place 5 times a year, dates and times can be found at here http://www.richmondshire.gov.uk/council-and-democracy/meetingsofthecouncil.aspx If you would like to present your petition to the Council, or would like your Councillor or someone else to present it on your behalf, please contact Democratic Services on 01748 829100 at least 10 working days before the meeting and they will talk you through the process. If your petition has received 250 signatures or more it will also be scheduled for a Council debate (information on Full Council Debates can be found further on in the scheme) and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the Council.

Subject Matter

Petitions can be on any subject of local community interest and not just matters limited to the Council’s specific powers however there are some limitations on what can and cannot be considered and these are explained in more detail below.

Who may submit a petition?

Anyone who lives, works or studies in the local authority area, including under 18’s, can sign or organise a petition and trigger a response.

What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:
• a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.
• the name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered by the Council’s Monitoring Officer to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

What subjects will not be considered?

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply and your request will not be dealt with under this petitions scheme.

Further information on all these procedures and how you can express your views can be found below:

• Planning - www.planningportal.gov.uk/england/public/planning/appeals/
• Council Tax Banding - www.richmondshire.gov.uk/service-directory/advice,benefitsandlocaltax/counciltax/appeals.aspx#Valuation
• Non-Domestic Rates - www.richmondshire.gov.uk/service-directory/advice,benefitsandlocaltax/benefits/backdatingandappeals.aspx
• Homelessness Applications - www.richmondshire.gov.uk/service-directory/housing/homelessness.aspx
• Car Parking Fine Appeal - http://af.richmondshire.gov.uk/AF3/an/default.aspx/RenderForm/?ID=iwqFKAv1zqz&HideToolbar=0

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

The Council’s Monitoring Officer will decide whether a petition falls into this category following consultation with the Council Chairman although all Members of the Council will be notified that the petition request has been received and the subject matter.

**How will the council respond to petitions?**

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council’s overview and scrutiny committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*Overview and Scrutiny Committees are Committees of Councillors who are responsible for scrutinising the work of the Council – in other words, the Overview and Scrutiny Committee has the power to hold the council’s decision makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples.

<table>
<thead>
<tr>
<th>Petition Subject</th>
<th>Appropriate Steps</th>
</tr>
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<tbody>
<tr>
<td>Alcohol related crime and disorder</td>
<td>If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol</td>
</tr>
</tbody>
</table>
disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The Council’s response to your petition will set out the steps we intend to take and the reasons for taking this approach.

### Anti-social behaviour (ASB)

As the elected representatives of your local area, as social landlord and licensing authority, the Council has a significant role to play in tackling anti-social behaviour. The Council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour.

When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and Crime and Disorder Overview and Scrutiny Committee to the issues highlighted in the petition.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners ([http://www.richmondshire.gov.uk/council-and-democracy/petitionscheme/localpartners.aspx](http://www.richmondshire.gov.uk/council-and-democracy/petitionscheme/localpartners.aspx)) and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council Policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible at [www.richmondshire.gov.uk/a-z-of-services.aspx](http://www.richmondshire.gov.uk/a-z-of-services.aspx).
If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

**Full Council Debates**

If a petition contains more than 250 signatures it will be debated by the Full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given a maximum of 10 minutes to present the petition. The petition can then be debated by Councillors for a maximum of 30 minutes, including the presentation from the petition organiser.

The Council will decide how to respond to the petition at this meeting.

They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

**Officer evidence**

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 50 signatures, the relevant senior officer will give evidence at a public meeting of the Council’s Overview and Scrutiny Committee. A list of the senior staff that can be called to give evidence can be found here [http://www.richmondshire.gov.uk/council-and-democracy/petitionscheme/seniorofficers.aspx](http://www.richmondshire.gov.uk/council-and-democracy/petitionscheme/seniorofficers.aspx).

You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the relevant Councillor to attend the meeting.

Committee Members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the Committee by contacting Democratic Services on 01748 829100 or democraticservices@richmondshire.gov.uk up to three working days before the meeting.

**E-petitions**

The council welcomes e-petitions which are created and submitted through our website [http://richmondshire.firmstep.com](http://richmondshire.firmstep.com). E-petitions must follow the same guidelines as paper petitions.

The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for
signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months. When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the ‘rejected petitions’ section of the website.

When an e-petition has closed for signature, it will automatically be submitted to Michael Dowson, Democratic Services Manager. In the same way as a paper petition, you will receive an acknowledgement within 10 working working days. If you would like to present your e-petition to a meeting of the Council, please contact Democratic Services on 01748 829100 or email democraticservices@richmondshire.gov.uk within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

**How do I ‘sign’ an e-petition?**

You can see all the e-petitions currently available for signature here [http://richmondshire.firmstep.com](http://richmondshire.firmstep.com). When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your ‘signature’ will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

**What can I do if I feel my petition has not been dealt with properly?**

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council’s Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council’s response is not considered to be adequate.

The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately it may use any of its powers to deal with the matter. These powers include instigating an investigation, and arranging for the matter to be considered at a meeting of the Full Council.

Once the review has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.
Petition submitted to Council 13 December 2016 and the Request for a Review, the Minute of that item of business and the Request for a Review

Petition regarding car parking charges at White Shops (Hildyard Row)

“As you may be aware the council are intending to increase the car parking charges by 50%. This would mean paying £1.50 per hour. We are creating this petition for the business owners and customers who use the white shops.

It is unfair for this area to be the only place on the garrison that has to charge for parking.

Since the new Princes Gate shopping area has opened plus the existing Richmondshire Walk shopping area and Colburn Broadway all have free parking to assist businesses, it is grossly unfair that our small businesses have to suffer. We have many businesses that have seen a massive decrease in custom since the charges were introduced so obviously this would have a major impact on our livelihood.

We would like the council to refuse this proposal and request the charges be removed altogether”.

Minute of the Meeting

DC40/16 Petition – Car Parking Charges

In accordance with the Council’s Petition Scheme, the Democratic Services Manager sought consideration of a valid petition “requesting that Richmondshire District Council do not increase car parking charges at the White Shops in Catterick Garrison and that charges for parking be removed altogether” (Minute CB30/16 refers).

Following a statement which was read out by a member of the public on behalf of the petition organiser, it was proposed by Councillor Ian Threlfall and seconded by Councillor Yvonne Peacock that no further action be taken on the petition.

In accordance with procedure rule 15.4, a named vote was requested and taken as follows:

<table>
<thead>
<tr>
<th>FOR</th>
<th>AGAINST</th>
<th>ABSTENTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cameron, Jamie</td>
<td>Amsden, John</td>
<td>Gill, Danny</td>
</tr>
<tr>
<td>Dawson, Campbell</td>
<td>Beal, Richard</td>
<td>Grose, Lawrence</td>
</tr>
<tr>
<td>Duff, Tony</td>
<td>Blackie, John</td>
<td>Partridge, Bev</td>
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<tr>
<td>Gibbs, Sam</td>
<td>Cullen, Paul</td>
<td>Young, Simon</td>
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<tr>
<td>Glover, Bill</td>
<td>Curran DL, Linda</td>
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</tbody>
</table>
The proposal was declared lost.

It was proposed by Councillor Helen Grant and seconded by Councillor Angie Dale that the petition be supported in its entirety.

In accordance with procedure rule 15.4, a named vote was requested and taken as follows:

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<thead>
<tr>
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<tr>
<td>Curran DL, Linda</td>
<td>Glover, Bill</td>
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<tr>
<td>Dale, Angie</td>
<td>Linehan, Geoffrey</td>
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<tr>
<td>Fairhurst, Susan</td>
<td>Ormston, Richard</td>
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<tr>
<td>Gill, Danny</td>
<td>Partridge, Bev</td>
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<tr>
<td>Grant, Helen</td>
<td>Peacock, Yvonne</td>
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</tr>
<tr>
<td>Heslop, William</td>
<td>Sedgwick, Karin</td>
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<tr>
<td>Hodgson, Lorraine</td>
<td>Thompson, Angus</td>
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<tr>
<td>Lord, Russell</td>
<td>Thornton-Berry, Caroline</td>
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<td>Parsons, Stuart</td>
<td>Threlfall, Ian</td>
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<td>Wilson-Petch, Jimmy</td>
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<td></td>
<td>Young, Simon</td>
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</table>
The proposal was declared lost.

(Note: Councillors Helen Grant and William Heslop left the meeting at approximately 7.55 pm)

It was then proposed by Councillor Ian Threlfall and seconded by Councillor Yvonne Peacock that the petition be referred to Overview and Scrutiny Committee for further consideration.

Following a show of hands, the proposal was carried

Resolved: That the petition be referred to Overview and Scrutiny Committee for further consideration.

Request for a Review

1. The petition was discussed at the Full Council meeting and after some strange voting was ultimately referred to O&S 1 to discuss the contents of the petition.
2. A Task Group was then set up to discuss the merits of the petition attended by around 15 members and after a long debate the Task Group made a series of proposals including:
   • The charges at Hildyard Row car park should be waived until the completion of the works
   • In the interim there would be contacts/discussions with 3 Garrison Parishes about taking on the car parks at a peppercorn rent and/or perhaps making a part contribution for year 2017-18
   • Consideration of up to 1 hour free parking
3. However, no accurate minutes of the discussion which took over an hour and a half were available at the O&S 1 meeting. As such the proposals agreed at the Task Group were not included and discussed at the O&S 1 Committee meeting. The Chairman seemed to have selective recall of what happened at the Task Group despite writing down the precise wording of the proposals etc. at that meeting.
4. After considerable heated challenge as to why the deliberations and proposals from the Task Group were not being included and considered the Chairman then declared enough time had been spent on the challenge and that the committee would now discuss the petition. Almost immediately a proposal obviously written before the meeting was proposed by Cllr Cameron and seconded by Cllr Young. However, when challenged on the implications of the proposals the proposer and seconder were unable to give any answers e.g. what was the cost implication? This appeared to be pre-determination of a decision in what is I understand a committee which is apolitical.
5. Following this there was no debate or explanation for the proposals and the Chairman seemed intent on merely getting them agreed with the Conservative majority present.
6. Two local members Angie Dale and Helen Grant both Corporate Board members had been told they should not attend the original Task Group despite two Conservative members of the Corporate Board being allowed to attend and take part in the discussions and make proposals. As such they did not present their views to the Task Group.
7. Consequently Cllrs Dale and Grant made written submissions to the O&S 1 meeting but these were merely placed on the benches just before the meeting started, and
then not read out or even referred to as important submissions to aid the discussions.

8. The Petition had limited debate at the Council meeting and was referred to O&S1 to discuss and debate its details. The Task Group it appears had a reasonable discussion but for some reason detailed minutes were not presented to the O&S Committee meeting for consideration. At the O&S1 meeting there was only minimal debate on the merits of the petition and the cost implication/precedent appeared to be the only issues to consider.

9. At no time have representatives of the businesses at White Shops been invited to participate in the O&S deliberations. An invitation to the Task Group to explain the reasons behind the Petition and to answer any questions would we feel have been beneficial to all concerned. Our belief was that Scrutiny takes the views of the public into consideration but in this case apparently not.

10. We therefore feel the reasons for the Petition have not been adequately debated and ask that the Petition be reconsidered so that those businesses at Hildyard Row can feel their views and requests have been properly debated in public.
Appendix 3

Car Parking Charges at Hildyard Row Car Park

Background
Car parking charges were first introduced at Hildyard Row on 1 June 2012. This followed a number of years work around budget savings, included in which was a review of car parks that at time were free. As part of this work consultation was undertaken. As a result of this consultation a number of amendments to the original proposals took place. At the time, the consultation resulted in investigations taking place with the appropriate Parish Councils about transferring the car park to the Parish Councils, however following discussions it was not possible to take this forward.

Hildyard Row Car Parking falls within Scotton Parish Council, however it is very close to the boundaries of Hipswell Parish Council and Colburn Town Council. The row of shows at Hildyard Row fall within the boundary of Colburn Town Council.

Meeting History

The petition which was received on 25 October 2016, was presented to Council on 13 December 2016 where following debate it was referred to Overview & Scrutiny for further consideration.

An Overview & Scrutiny Committee 1 Task Group was convened on 16 January 2017 to consider the petition. At which the Task Group had before them:

- Car Parking Fees & Charges Information from Corporate Board on 11 October 2016
- Hildyard Row Car Park Information
  - Location Map
  - Key Facts
  - Usage Figures Summary 2015/16
  - Usage Figures Summary 2016/17
- List of businesses at Hildyard Row & businesses at Princes Gate
- Committee history in relation to the introduction of charges
- Information from a Joint Task Group held on 15 December 2010

The Task Group proposed that:

(a) Consideration be given to extending the car parking charges suspension until completion of the roadworks.
(b) Work be undertaken to explore transferring/leasing the car park to interested parties; Parish Councils, premises owners, businesses
(c) Work be undertaken to explore the potential of a different make up of spaces at the car park

A formal meeting of Overview & Scrutiny Committee 1 then took place on 16 February 2016, at which following debate of the petition, associated issues and
background information in relation to the charges, key facts and usage figure summaries it was resolved:

(a) That it be recommended the charges remain in place at Hildyard Row Car Park and the fees and charges increase agreed at Corporate Board on 11 October 2016 be supported.
(b) That it be recommended that the number of parking spaces free for 30 minutes be increased from 10 to 15 spaces.
(c) That it be recommended that the number of disabled bays be increased from 2 to 5.
(d) That it be recommended that the current parking suspension at Hildyard Row Car Park until the end of March 2017 be reviewed with a view to the suspension being extended until the completion of the road works.

**Transferring/leasing the car park**

Following the Task Group proposals Officers have undertaken work on the feasibility of transferring/leasing the car park to Hipswell Parish Council, Scotton Parish Council and Colburn Town Council. Responses have so far been received from Colburn Town Council, who would be willing to engage in discussions and Hipswell Parish Council, who due to neither the car park or affected shops falling within the Parish have declined involvement. No response has been received from Scotton Parish Council.