

27 BOS/23/11 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 18 MARCH 2024

27.1 Councillor Smith proposed that the minutes be approved and signed as a true record of the meeting.

27.2 Councillor Jamieson seconded the proposal.

By a unanimous vote

The minutes of the meeting held on 18th March 2024 be confirmed and signed as a true record.

28 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

28.1 None received.

29 QUESTIONS BY THE PUBLIC

29.1 None received.

30 QUESTIONS BY COUNCILLORS

30.1 None received.

31 BOS/23/12 CALL-IN PROTOCOL FOR BABERGH CABINET ON 8 APRIL 2024

31.1 Councillor Smith proposed that the call-in protocol as detailed in Paper BOS/23/12 be approved.

31.2 Councillor Holt seconded the proposal.

By a unanimous vote

The Call-In Protocol as detailed in Paper BOS/23/12 was approved.

32 BOS/23/13 CALL-IN OF THE DECISION MADE ON ITEM BCA/23/48 AT BABERGH CABINET ON 8 APRIL 2024

32.1 The Chair outlined the scope of the call-in as detailed in the approved procedure.

32.2 The Chair invited the Monitoring Officer to address the Committee ahead of proceedings.

32.3 The Monitoring Officer outlined to Members that the original Cabinet decision did not breach budget or policy framework and therefore the matter could not be referred back to Council for final approval; the alternative options for the Committee were:

- Refer the matter back to the Cabinet for reconsideration, together with the observations of the Overview and Scrutiny Committee. Cabinet will then take a final decision and that decision cannot be called in.

or

- That the decision be upheld and implemented immediately.

32.4 The Chair invited the Lead Signatory, Councillor Dowling, to present his reasons for the Call-In.

32.5 The Lead Signatory made the following representation:

“Good afternoon, councillors, and thank you for giving us the opportunity to explain our grounds for requesting this review. We suggest that Cabinet ignored the substantial weight of legitimate concerns among the communities most directly affected by their decision (Hadleigh, Sudbury, Cornard and Lavenham). Consistently strong opposition to varying car parking charges as proposed was revealed in the council’s own ‘targeted engagement’ consultation, and was echoed in the petition organised by Cllr Clover; in the opinion surveys by Hadleigh and Sudbury councillors; and in the several letters sent in by town and parish councils. We believe that the principles of good decision-making have been breached because Cabinet did not give adequate consideration to views that run counter to the proposal at hand.

We want to divide up our allotted time so that we can cover:

- What the council’s own consultation revealed and what it failed to cover, which Cllr Hendry and I will speak on;
- What councillors’ surveys in Hadleigh and Sudbury revealed, which Cllr Regester will speak on, and;
- What we want to happen as a result of this review, namely a full, fair, and balanced reconsideration of the option to allow one hour free in all Babergh car parks, which you yourselves asked for in your meeting of 18 March.

Firstly, what did the council’s engagement exercise reveal? I do think the survey itself was well designed to collect a range of possible responses via open-ended answers. The data collected were carefully and clearly analysed by the strategic policy team, and I’d like to compliment them on their work.

The problem lies in the fact that the report, and the ensuing decision made by Cabinet, chose to ignore the clear weight of counter-factual evidence that the survey revealed. To take the most obvious example, among the 88 responses received there were 42 mentions of the fear that varying parking charges would be detrimental to local economies. This is by far the most frequently mentioned item for Question 1, and was raised five times more often than the proposal’s chief rationale, that varying charges is necessary to cover costs

and relieve financial pressures: the comparison of item weights is clearly set out in the results table on page 70. Yet the main body of the report does not deal with the dominant concern of respondents about the impact on High Streets, and in the Cabinet meeting on 08 April it was brushed aside. If no work has been done on exploring possible impacts on local economies, and the issue was not fully considered by Cabinet, then that is a failure of preparation leading to poor decision-making.

A second issue raised in the council's own survey is the impact of charges on vulnerable individuals (15 mentions in Q1) and on people who have to use a car because of the district's rural setting and poor public transport (14 mentions in Q1). For Q4 there were 47 mentions of poor public transport, the most frequent item in the entire survey. The point about rural setting and rural poverty was included in the recommendations you made (page 12 point 1.7). But despite these clearly dominant concerns, the main report (in para 10.8 on page 38) has only supermarket home delivery to offer rural dwellers. The Equality Impact Assessment in Appendix E (starting on page 48) makes no mention of this issue, despite your request to do so.

Cllr Carter gave powerful testimony during the Cabinet meeting on the burden that young families in rural villages face in getting children to school and making other vital journeys, but these real concerns were dismissed. Again, this is poor decision-making which ignores a large number of answers to the council's own survey. These major flaws in the consideration of data generated by the consultation process lead us to believe that the Cabinet's decision was made without full understanding of its impact on residents and businesses in the communities most directly affected.

The consultation was also critically flawed in that it missed out some key constituents. I'll hand over to Cllr Ruth Hendry to speak about her ward's experience."

- 32.6 The Lead Signatory called on Councillor Hendry, a signatory of the call-in, to contribute to the statement. Councillor Hendry made the following representation:

"I would like to raise my concerns about Babergh's failure to properly consult with Great Cornard Parish Council. Great Cornard is the second largest ward in the district and arguably the most affected by the decision to bring in parking charges. Cornard residents often have no choice but to travel into Sudbury due to the lack of amenities, it also houses some of the district's most deprived residents.

Initially GCPC were given a link to the survey that gave them just one response, the same as much smaller parishes the other side of the district. They decided that the questions asked on the survey did not give them the opportunity to explain all the issues they felt were relevant so they chose to send an email outlining their concerns, but were eagerly awaiting an opportunity to voice these concerns directly to representatives of Babergh so these issues could be discussed at more length. They were expecting this as

the media release dated 15 December clearly stated 'officers will meet with town and parish councils to discuss local options in the New Year'. This meeting was repeatedly requested. The response I had from the Director of Operations was unless they had something new to add he would 'not be sure of the point in the meeting'. He then explained that it was only ever intended to meet with Sudbury, Hadleigh and Lavenham councils which, I believe, shows a lack of understanding of the local area and a disregard of the opinion of Cornard residents. This was compounded by a later email where he states 'GCPC maintains its opposition to parking charges... I'm struggling to see how we could move past this predetermined position to one of engagement'.

I believe this shows that the consultation has not taken into account the views of all affected and not enough effort has been made to engage with Great Cornard."

32.7 The Lead Signatory called on Councillor Regester, a signatory of the call-in, to contribute to the statement. Councillor Regester made the following representation:

"It probably won't surprise you to hear that the opinion surveys carried out by Hadleigh and Sudbury councillors echo the evidence revealed by the council's 'targeted engagement exercise'.

We carried out car parking surveys in the car parks in Hadleigh and Sudbury. These were done in January over two weeks in Hadleigh and in February in Sudbury on one Saturday. We had 189 responses in Hadleigh in three fee paying car parks and 67 responses in Sudbury in three fee paying car parks. The majority of respondents travelled less than 9 miles and used the car parks at least weekly. Almost all were using businesses or services in each town.

We asked: "*Has the fact that you can park up to three hours for free influenced your choice to visit Hadleigh/Sudbury today?*" In Sudbury and Hadleigh over 80% of responses stated that it influenced their choice a bit or a lot.

We asked: "*If you had to pay to use the car parks at any time and for however long you stay, how likely would you be to use them?*" In Sudbury 53% and in Hadleigh 67% of responses were somewhat unlikely or very unlikely.

We then asked: "*How much would it change your attitude to paying if I tell you that Babergh has to pay the government £300,000 a year in business rates for its car parks?*" In Sudbury 88% of responses and in Hadleigh 81% said it would make no difference or make them less willing to pay, only 11% and 18% respectively said it would make them more willing to pay for parking.

We asked: "*If you could park free for one hour and then pay for longer stays, how likely would you be to use the Babergh car parks?*" In Sudbury 59% of responses and in Hadleigh 65% were somewhat likely or very likely to still use the car parks."

32.8 The Lead Signatory concluded the opening statement with the following representation:

“Finally, I’d like to outline what we want to happen as a result of this review. In the recommendations you made to Cabinet in your 18 March meeting, you resolved that “That Officers be requested to set out in the report to Cabinet a proposed range of tariffs that include a free parking period of 1 hour and its associated costs” (page 12 point 1.3). But this was not done. An amendment to include the 1 hour free option was proposed by Cllr Carter during the Cabinet meeting, but rejected. We believe that the concession of a shorter free period than is currently allowed would satisfy many of the objectors to the proposals as they stand – it is a reasonable compromise that would show the council is listening to legitimate concerns and is willing to act on them. Offering a modest subsidy to support our High Streets, and our vulnerable residents who depend on their cars, seems to us to be a valid use of council resources.”

32.9 The Chair invited the Acting Leader of the Council, Councillor Ward, to present the Cabinet’s reasons for taking the original decision.

32.10 The Acting Leader made the following representation:

“Our Consultation

This call-in is to examine whether cabinet considered the various public engagement / consultations sufficiently, amended the proposals accordingly and reflected these in the decision making during the cabinet meeting on 8th April. The request to do this is, in essence, recommendation 2 made by this committee to cabinet at your meeting on 18th March.

I would say now that we really did want to hear from town and parish councils, and others, which is precisely why we undertook the consultation. But I will stress that it was not designed to be a ‘yes/no’ question – rather, it was to determine if the public thinks that there were some things we hadn’t considered and which should be taken into account in the cabinet paper. And there were things we hadn’t considered and we did amend the cabinet paper to include these.

The Information Bulletin supplied as a tabled paper in your agenda pack provides a full explanation of how we incorporated some of the findings of the consultation, thereby addressing recommendation 2 and the reason for this call-in.

We also received a lengthy and detailed email from Lavenham parish council which contained a number of suggestions that cabinet debated. The amendments made to the report as a direct result of the consultation were:

- Reducing the all-day charge from £3 to £2.50 to support workers and visitors
- Not extending the restricted periods to include Sundays and bank holidays as is the case in many of our neighbouring authorities' car parks
- Not removing the ability to pay by cash
- Recognising a desire to separate visitors and residents parking and allowing this to be developed in the future as technology develops
- Looking at a Community Interest Company but deciding this was not viable, with the reasons provide in paragraph 2.5 of the cabinet report. Further administrative complexities were also identified and which would have to be negotiated and agreed with any potential organisation showing an interest in running a CIC.

As a result of the cabinet debate on this consultation and the Lavenham email, we did make further amendments to the report before taking the vote. These were:

- To task officers with investigating how more powers may be devolved to town and parishes – including to revisit the potential use of Community Interest Companies – and report back to cabinet over coming months.
- To ask officers to proceed with further discussion with Lavenham Parish Council around the constructive engagement that had taken place to date.
- To progress a school parking permit scheme.

Petition

The petition initiated by Cllr Clover should, of course, be considered in the wider context of gauging the public's views. It was a simple 'yes/no' question and didn't explore the public's opinion of other options. It was debated, in accordance with our constitution, by full council. Council voted to note it, which was the only realistic option given the narrowness of the question, and council didn't provide any direction to cabinet. There was nothing in the petition that could be reflected in the cabinet decision following the council vote.

Other Surveys

I am aware that other surveys have been conducted by members in Hadleigh and they did, of course, replicate the findings of the petition. However, I conducted my own survey one morning, which was curtailed by the weather. I did ask people about options and what they would be willing to give up. The answers were illuminating and did prove that the results you get from any petition or survey are very dependent on the questions asked.

Other O&S Recommendations

I know that today we are not addressing all of the recommendations made by this committee on 18th March, but I thought it would be helpful to remind committee members that, in answer to a question from Cllr McLaren at the cabinet meeting, I did summarise how we addressed each of your recommendations.

A full response to all the recommendations was sent to this committee following the cabinet meeting and this is included as appendix 1 of your tabled paper. You will see that they have, with minor exceptions, been accepted by cabinet in full.

Free Period

Although not specifically included as part of the validated call-in reason, because it has generated much comment, I do now want to address recommendation 3 from O&S to cabinet: 'that Officers be requested to set out in the report to Cabinet a proposed range of tariffs that include a free parking period of 1 hour and its associated costs'.

This was addressed in the cabinet paper at paragraph 2.6, which included a summary of the financial impact, and cabinet did debate it. An amendment was proposed and defeated as part of that debate. But, to fully satisfy the request in the O&S recommendation, we have provided the detailed costs as option C in appendix 2 of your tabled paper.

Paragraphs 2.6 and 6.6 of the cabinet report also address some of the non-financial impacts of a free period:

- It directly and significantly reduces available income to fully recover costs.
- The reduced income would mean that our parking and sustainable travel strategy aims would be unaffordable.
- It complicates off-street enforcement, which can negatively impact on-street enforcement productivity.

For all of these reasons – financial and others – we are unable to accommodate this suggestion. With the very low charges we have agreed, it really isn't necessary.

Summary

The cabinet debate on 8th April was comprehensive and, as the minutes clearly show, we did include all the evidence available to us. I consider that we have addressed this committee's recommendations, the feedback from the consultation and also suggestions made by the one parish that really made an effort to engage with us.

The consultation was a valuable exercise and it, along with this committee's recommendations following its scrutiny of the cabinet report, have been effective contributions to the decision-making process. The thoroughness of the cabinet report and the debates that this committee, council, and cabinet have had should leave everyone reassured that this matter has had extensive consideration and thought, even if we don't all agree on the decision."

- 32.11 The Chair invited Members to ask questions of the Lead Signatory and the Acting Leader.
- 32.12 Councillor Jamieson asked the Acting Leader to explain the reasonings behind engaging with town and parish councils rather than conducting a full public consultation. The Acting Leader responded that a decision was made by Cabinet on 9 January to consult with all town and parish councils in Babergh concerning car parking charges and that these councils would be able to provide a response on behalf of their area.
- 32.13 Councillor Parker asked the Acting Leader why tariff option C, which included a free-hour parking period, was "ruled out" despite not being presented in the Cabinet papers. The Acting Leader responded that initial discussions had taken place at a Cabinet briefing but that a summary of tariff option C had been included in the Cabinet papers and discussed in debate at the Cabinet meeting.
- 32.14 Councillor Parker asked the Acting Leader where the details of tariff option C were in the Cabinet report. The Acting Leader responded that the summary of this option was detailed in paragraph 2.6 of the Cabinet report but that full details were not provided as this was deemed unnecessary at a Cabinet briefing.
- 32.15 Councillor Holt asked the Acting Leader why the decision to formally dismiss option C was taken in private and who was involved in this decision. The Acting Leader responded that it was discussed as part of standard Cabinet briefing procedure and that option C was still fully debated and voted on at the Cabinet meeting on the 8 April. The Acting Leader confirmed that the whole of Babergh Cabinet were at this briefing alongside the Director for Operations and Climate Change.
- 32.16 Councillor Grandon asked the Lead Signatory what impact would have been made had Great Cornard been consulted with. The Lead Signatory responded that Great Cornard had been denied the opportunity to meet with officers ahead of a decision being made by the Cabinet and that engagement that was against parking charges would likely be discounted.
- 32.17 Councillor Grandon asked the Acting Leader whether the fact a majority of Cabinet members were elected to represent rural wards influenced the decision taken as it was perceived to not impact their patches. The Acting Leader responded that the decision taken affected all residents across Babergh and that it would arguably have an increased impact on residents in rural areas who had no alternatives to driving in order to access key towns,

subjecting them to parking charges.

- 32.18 Councillor Jamieson asked the Acting Leader if the modelled reduction in income from implementing a free parking period had been assessed against the possible loss in income to the council from a reduction in business rates due to a loss of businesses. The Acting Leader responded that most businesses in Babergh's key towns already received significant business rates relief and that business rates were not considered as part of the decision taken.
- 32.19 Councillor Jamieson asked the Lead Signatory if decisions made by the Council should be made based on public opinion. The Lead Signatory responded that there was a need for Local Government to consult widely on key issues and due consideration given to all opinions and feedback.
- 32.20 Councillor Smith asked the Acting Leader whether the public consultation had been retrospectively rebranded as an "engagement" study due to the lack of alignment between public opinion and the decision that had been made. The Acting Leader responded that the consultation had not been rebranded and that the aim of the exercise was always to gather community information on the topic.
- 32.21 Councillor Grandon asked the Acting Leader if members of the Cabinet were pre-determined on the amendment to incorporate a free hour parking period due to the previous decision made to dismiss this option at the Cabinet briefing. The Acting Leader responded that Members were not pre-determined on this issue and that it was fully debated at the Cabinet meeting.
- 32.22 Councillor Holt commented that the decision made at Cabinet briefing to dismiss tariff option C lacked appropriate transparency and gave the impression of pre-determination to the public.
- 32.23 Councillor Parker asked the Acting Leader if he believed that the consultation with town and parish councils was as fulsome as possible. The Acting Leader responded that the consultation period lasted several weeks and that multiple councils had come forward with feedback.
- 32.24 The Chair invited Members to ask questions of the Director for Operations and Climate Change.
- 32.25 Councillor Smith asked the Director to recount his engagement with Great Cornard Parish Council. The Director for Operations and Climate Change responded that he had not managed to find time to have a meeting with Great Cornard but that he had received correspondence relating to the consultation ahead of the Cabinet meeting which detailed the Parish's objection to the implementation of parking charges.

32.26 Councillor Smith further asked the Director if he had held meetings with any town or parish councils other than Hadleigh, Sudbury and Lavenham. The Director of Operations and Climate Change responded that he had only been contacted regarding a meeting by Great Cornard and apologised that this had not taken place.

A short break was held between 14:56 and 15:06pm.

32.27 Councillor Parker asked the Director if the Cabinet had full understanding of the differences between the finances outlined in the budget and those outlined in the full cost recovery. The Director for Operations and Climate Change responded that the Cabinet had been provided with substantial financial information and questions in the Cabinet meeting about full details of the finances were answered.

32.28 Councillor Jamieson asked the Director why details of what services would be cut or stopped should parking charges not be implemented were not included in the consultation approach. The Director for Operations and Climate Change responded that his remit extended strictly to parking charges and the finances of those.

32.29 Councillor Holt asked the Director if an appropriate economic impact assessment had been carried out to ascertain the effect implementing parking charges would have on local businesses. The Director for Operations and Climate Change responded that an economic impact assessment had not been carried out but that no evidence had been presented on the contrary which indicated there would be a definite negative impact.

32.30 The Chair invited the Lead Signatory and the Acting Leader to present their closing statements.

32.31 The Lead Signatory made the following representation:

“For us, this is about local democracy. The people who elected us and who pay council tax are entitled to be consulted, and we need to listen to what they tell us. That has not happened in this case.

The points about local economic impact and rural poverty were not fully and properly considered in the report or by Cabinet. Simply asserting that they don't exist isn't good enough.

The '1 hour free' option was unwisely dismissed by Cabinet without proper, open discussion as Cllrs Holt and Parker pointed out. Loss in projected revenue compared to charging from the moment of arrival could be recouped by charging more for each hour after the first. Indeed, if everyone gets an hour free there would be no need for a complex and costly permit system for specific user categories.

We're asking you to instruct Cabinet to reconsider its decision in the light of all relevant information, including detailed analysis of (1) local economic

impact; (2) impact on those facing poverty in rural settings; and (3) impact on vulnerable individuals. These issues all arose in consultation but were excluded from the report and not properly considered by Cabinet in reaching its decision – we believe that they should be.”

32.32 The Acting Leader made the following representation:

“As the Monitoring Officer has already advised, the decision was definitely in accordance with both our policy framework and our budget: the policy framework is set by our Parking Strategy and our Sustainable Travel Plans; and section 8 of our budget paper clearly outlines the pressures we are facing over the next four years, with section 9 outlining the medium-term strategy. In this, paragraph 9.8 states: ‘Over the three-year period from 2025/26 the Council’s increasing budget deficits must be addressed through delivering further savings and generating additional income.’ The new car park tariffs will provide some of that additional income, as will the increases to other fees and charges agreed by cabinet in January.

References to both the policy framework and budget were made in the cabinet report and were addressed in the cabinet debate. It is clear from the cabinet report and debate that these were the drivers for having the paper drafted in the first place and the subsequent decision made by cabinet.

In summary, to reiterate what I said earlier, I consider that we have addressed both this committee’s recommendations and feedback from the consultation. I hope that my earlier statements and answers to your questions have demonstrated that.

The cabinet report was amended as a direct result of the consultation, with the amendments listed in the Information Bulletin.

Following the cabinet debate, where we also specifically discussed the Lavenham email, we did make further amendments to the report before taking the vote.

We did everything asked of us – not just in our decision debate but also in the long preparation for this. The research, evidence and proposals were sound and, I might add, the cabinet paper was one of the best prepared we have ever had – it had to be, given the undeniably controversial nature of what we have had to do.”

32.33 The Lead Signatory and the Acting Leader left proceedings.

32.34 The Chair invited Members to debate the call-in and come to a determination.

32.35 Councillor Parker asked what the timescale would be should the committee be minded to refer the matter back to the Cabinet for reconsideration. The Monitoring Officer advised that this issue would be taken to Cabinet at the earliest possible convenience and at this moment in time would likely be 11 June.

- 32.36 Councillor Smith commented that the decision should be referred back to the Cabinet for reconsideration with due regard given to tariff option C with details of this fully presented in the report and considered by Members.
- 32.37 Councillor Parker agreed that the matter should be referred back to the Cabinet and that the Cabinet had backed itself into a corner by not considering tariff option C sufficiently in an open manner. Councillor Parker further raised that significant income would still be achieved even with the incorporation of a free parking period.
- 32.38 Councillor Grandon noted that it would be fair for Cabinet to reconsider the decision made in light of lack of appropriate consultation with the public and all town and parish councils.
- 32.39 Councillor Jamieson expressed that he agreed with the rest of the committee, that tariff option C should be fully outlined in the Cabinet paper and openly considered as requested by Overview and Scrutiny Committee in March 2024, and commented that the consultation process needed to be refined and inclusive to the general public.
- 32.40 Councillor Holt stated that in his opinion the Cabinet report taken on 8 April lacked transparency, that tariff option C needed to be given due consideration, and that the original recommendations made by Overview and Scrutiny needed to be publicly addressed and fully taken on board.
- 32.41 Councillor Smith raised that there was a need to carry out an economic impact assessment and an evaluation of the potential impact of implementing parking charges on the most financially vulnerable residents in the district.
- 32.42 Councillor Holt further commented that the paper detailing the Cabinet's decisions and actions in regard to each original recommendation from the Overview and Scrutiny Committee was inconclusive.
- 32.43 The Chief Executive outlined the following observations based on questions and debate from Members:
- That Cabinet are presented with, and give sufficient consideration to, the details of a '1-hour free' tariff option within the Cabinet report;
 - That Cabinet give further consideration to the local economic impact of the proposed changes to the car parking fees;
 - That Cabinet give further consideration to the impact of the proposed changes to the car parking fees on those facing poverty in rural settings;
 - That Cabinet give further consideration to the impact of the proposed changes to the car parking fees on vulnerable individuals in the district;
 - That officers meet with Great Cornard Parish Council prior to Cabinet meeting;
 - That the previous recommendations made by the Overview and Scrutiny Committee are further reviewed and fully considered.

32.44 Councillor Holt proposed that the matter be referred back to the Cabinet for reconsideration with the formal observations as detailed by the Chief Executive.

32.45 Councillor Grandon seconded the proposal.

By a unanimous vote

It was RESOLVED:

That the matter be referred back to the Cabinet for reconsideration with the following observations of the Overview and Scrutiny Committee. Cabinet will then take a final decision and that decision cannot be called in.

- **That Cabinet are presented with, and give sufficient consideration to, the details of a '1-hour free' tariff option within the Cabinet report;**
- **That Cabinet give further consideration to the local economic impact of the proposed changes to the car parking fees;**
- **That Cabinet give further consideration to the impact of the proposed changes to the car parking fees on those facing poverty in rural settings;**
- **That Cabinet give further consideration to the impact of the proposed changes to the car parking fees on vulnerable individuals in the district;**
- **That officers meet with Great Cornard Parish Council prior to Cabinet meeting;**
- **That the previous recommendations made by the Overview and Scrutiny Committee are further reviewed and fully considered.**

The business of the meeting was concluded at 16:02pm.

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Chair