



Report to Policy Committee

Author/Lead Officer of Report: Ruth Bell, Head of Parks and Countryside

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Report of: *Executive Director of Neighbourhood Services*
Report to: *Charity Trustee Sub Committee*
Date of Decision: *21 March 2024*
Subject: *Parking Fees & Charges 2024 in Charitable Parks*

Type of Equality Impact Assessment (EIA) undertaken N/a Initial Full

Insert EIA reference number and attach EIA **2581**

Has appropriate consultation/engagement taken place? Yes No

Has a Climate Impact Assessment (CIA) been undertaken? Yes No

Does the report contain confidential or exempt information? Yes No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."

Purpose of Report:

This report reviews the charges for parking tariffs within charitable park sites (Endcliffe Park, Graves Park and Hillsborough Park) following the approval of an increase in fees across the city's parking estate. The proposed changes will help to better manage parking demand and contribute to wider traffic management and environmental objectives.

Recommendations:

The Charity Trustee Sub Committee is recommended to approve:

- An increase to Pay and Display tariffs in car parks within Charitable Parks in line with the increase that has been agreed in non-Charitable Parks, as detailed in Appendix A, and that these are implemented as soon as practicable.

Background Papers:

[Parking Charges Proposals - W&SS Committee 14.02.24](#)

[Sheffield Clean Air Strategy – December 2017](#)

[Sheffield Parking Strategy – January 2018](#)

[Sheffield Transport Strategy – July 2018](#)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: Adrian Hart
		Legal: David Sellars / Richard Cannon
		Equalities & Consultation: Ed Sexton
		Climate: N/A
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	SLB member who approved submission:	<i>Ajman Ali</i>
3	Committee Chair consulted:	<i>Ian Auckland</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Ruth Bell</i>	Job Title: <i>Head of Parks and Countryside</i>
	Date: <i>12th March 2024</i>	

1. PROPOSAL

- 1.1 Endcliffe Park, Graves Park, and Hillsborough Park are charities and for each the sole Trustee is Sheffield City Council.
- 1.2 The Charity Trustee Sub-Committee is a standing sub-committee of the Strategy and Resources Policy Committee. It is established to take all decisions of the Council as charitable trustee, including but not limited to:
- Disposals of and other dealings with charitable land
 - Matters about which the Charity Commission must be contacted.
 - Matters of which charitable trustees should be aware in accordance with Charity Commission Guidance
 - Use of charitable assets by the Council for purposes that do not directly meet the charitable aims.
 - Any other matter that has a significant impact on the use of a charitable asset for the charitable purposes for reasons of duration, area of the asset impacted, or other restriction.
 - Matters relating to land that is not itself charitable and other incidental matters which depend on or are directly related to a decision that must be made by the Charity Trustee Sub-Committee.
- 1.3 In making this decision, the Charity Trustee Sub-Committee is discharging its duty in respect of a matter that has a significant impact on the use of a charitable asset for the charitable purposes for reasons of duration, area, of the asset impacted, or other restriction.
- 1.4 The review of charges for parking permits, bay suspensions, parking dispensations and parking tariffs was considered at the Waste & Street Scene Policy Committee on 14th February 2024. Increases to various parking charges including charges at non-charitable parks sites were approved in this committee meeting. This paper includes some of the details included in that report and the full report can be found at ([Waste & Street Scene Policy Committee 14 February 2024](#)).
- 1.5 Approval at the W&SS Committee means that the parking fees can be increased at non-charitable parks sites (Millhouses Park and the donation machine at Ecclesall Woods). This report seeks approval to apply the same charges to charitable sites as was agreed for these other non-charitable sites.
- 1.6 The Transport Strategies adopted by Sheffield City Council and Sheffield City Region both recognise that parking management influences a range of travel behaviour. With increasing car ownership and use, parking pressures add to the traffic management problems experienced, including congestion on major routes and air quality. This is particularly relevant to Sheffield with a Mandated Clean Air Zone and a commitment to Net Zero Carbon. In addition, the National Bus Strategy, the Government's Active Travel document; Gear Change, and the Mass Transit major scheme

business case have all outlined a need to apply demand management on car use to promote the take up of public transport and active travel.

1.7

From a public health perspective, there is strong evidence that air pollution is a cause of both short-term and long-term health effects in susceptible groups, such as the elderly and those with underlying health problems of heart disease or breathing problems. Long-term exposure to air pollutants decreases life expectancy by around 6 months on average, mainly because of the role that small, sooty particles from vehicle exhaust fumes play in lung cancer and heart disease.

1.8

The Council is in the process of delivering significant improvements to encourage more sustainable modes of travel and it's important to recognise that the management of the supply of car parking can contribute to these wider transport planning objectives and investment programmes.

1.9

Council parking fees and charges across the city have not been increased since June 2022. Over time, inflation impacts on the charging regime. It has the effect of reducing its impact as a demand management tool which influences travel choices. It is therefore proposed that parking tariffs are increased to influence driver behaviour and encourage them to use alternative sustainable forms of transport.

1.10

The Sheffield Parking Strategy endorsed by the Council in January 2018 sets out a 'demand led' approach to setting parking charges.

<http://democracy.sheffield.gov.uk/ieDecisionDetails.aspx?Id=1974>

1.11

Parks Car Parks

1.11.1

There are several charged-for car parks provided in Sheffield Parks. Although there are no free parking periods, the pricing tariff is aligned to the Peripheral Parking Zones to support effective traffic management by helping maximise available occupancy to reduce circulating traffic.

1.12

Proposals

1.12.1 **Parks Car Parks**

1.12.2 To support the ambitions of modal shift the proposal is to increase the hourly tariff for Parks car parks by £0.10 per hour, from £0.90 to £1.00.

1.12.3 **Delegated Authority to amend Parking Fees**

1.12.4 The Parking Strategy set out a change to introduce a dynamic parking pricing scheme for Council on and off-street parking. It will be more responsive to demand levels and will take account of the effects of price inflation in the wider economy. This will ensure that the demand management effects of our parking prices are not diluted over time.

<http://democracy.sheffield.gov.uk/ieDecisionDetails.aspx?Id=1974>

- 1.12.5 The decision at the W&SS Committee included a delegation to the Executive Director of Neighbourhood Services, to make future changes to all parking fees and charges, where this supports effective management of demand for parking and contributes to wider traffic management objectives, provided they are not increased by an amount greater than the rate of Consumer Price Index & 1% from the date they were last increased, and no lower than £0.05.
- 1.12.6 In the event that this delegation results in a fee increase in parking tariffs within non-charitable parks, further decisions will be brought to the Charity Trustee Sub Committee to make any decisions on charitable sites in line with the Council's duty as sole trustee of the charities.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The regulation of parking through the setting of parking charges at an appropriate level contributes to the effective management of traffic in the city – it primarily acts as a demand management strategy that is intended to have the effect of reducing circulating traffic which is seeking a space. This includes where a person elects not to make a journey by car.
- 2.2 The effect of approving this proposal is therefore anticipated to be a reduction in demand for the use of the relevant parks' car parks, with consequential improvements both in terms of traffic management in the vicinity of the parks and air quality. This will also contribute toward fulfilling the broader city-wide objectives in respect of positively influencing travel habits and improving air quality. Further detail regarding these broader purposes may be found in the report accompanying the Waste & Street Scene Policy Committee decision dated 14 February 2024.
- 2.3 The associated benefits are therefore deemed to fulfil the relevant charitable objects (purposes) in virtue of these improvements being for the benefit of the users of the parks and improving their conditions of life.
- 2.4 Surplus income from parking charges (i.e. after costs are met) may be used for certain specified purposes, some of which are outside of the limited purposes for which income raised through the park's car parks can be applied by the Council in its capacity as charitable trustee. However, of those limited purposes, the reduction of environmental pollution, provision and maintenance of off-street parking and the maintenance and improvement of public open spaces (including parks) may be said to apply. Therefore, the income will be placed in a ring-fenced account for all parking-related income before being applied for the limited purposes relevant to the parks. The legal requirement to do this is covered in section 4 of this report.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 The Council is not required to consult on straightforward changes to prices (and only prices) included within a tariff, but a legal notice will be published in the local newspaper giving at least 21 days' notice of the changes being implemented. Copies of the legal notice will also be posted in the car parks covered by the new tariffs.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 As a Public Authority, the Council have legal requirements under Section 149 of the Equality Act 2010. These are often collectively referred to as the 'general duties to promote equality' with regard to persons sharing the relevant protected characteristics - age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 4.1.2 It is considered that the proposal complies with this duty as overall there are no significant differential equality impacts, positive or negative, from this decision. The increase in fees and charges is modest in absolute terms.

4.2 Financial and Commercial Implications

- 4.2.1 The increase in fees across charitable parks sites is expected to generate approximately an additional £6,015 of income annually, depending on demand. This is broken down as follows:

- Endcliffe Park £253
- Graves Park £2,875
- Hillsborough Park £2,887

- 4.2.2 The cost of implementing these price changes such as advertisements in local papers and notices in the car parks totals under £1,000 for parks sites (including the non-charitable sites of Millhouses and Ecclesall Woods). These costs will be shared proportionately across the sites in year one leaving a potential net additional income of over £5,000. This income would be apportioned to the charitable accounts for the site at which it was generated.

- 4.2.3 Based on academic research (University of Leeds) price elasticity of demand ranges from 1%-4% reduction when charges are increased. We have therefore taken the maximum of 4% in the calculation.

- 4.2.4 The additional income achieved through these price increases will be reinvested back into the charitable parks and their car parks.

4.3 Legal Implications

- 4.3.1 The parking spaces in the parks car parks were designated under section 35 of the Road Traffic Regulation Act 1984 (“the Act”), which empowers the Council to provide off street parking places and charge for the use of them. The Council may also vary its charges so as to implement the proposal detailed in this report. In doing so it should have regard to the cost of providing the service but it is not bound to set the charges at cost recovery only - the decision in R. (on the application of Attfield) v Barnet LBC confirmed that although the powers enabling local authorities to charge for the services provided under the Act must not be used for the purpose of raising revenue, they may be set with the aim of achieving traffic management purposes.
- 4.3.2 Section 122 of the Act imposes a general duty on the Council to exercise its functions under the Act to “secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway”. Collectively, these criteria are the “traffic management purposes” referred to above and as set out in this report, as well as any other matters appearing to it to be relevant. The consideration of these issues was undertaken by the Waste and Street Scene Committee and it has approved the principle of an increase in charges for the purposes set out, with the decision whether to:
- increase charges in the charitable parks’ sites, and
 - subsequently spend any additional surplus income received for the Charity’s purposes
- 4.3.3 ...being subject to the approval of this sub-committee. To be clear, the decision before this sub-committee is in respect of only those matters which are relevant to the Council as charitable trustee of the relevant parks however it must still take into account the duty under section 122 when making its decision.
- 4.3.4 The Council has the status of charitable trustee in respect of the relevant parks and it is under duties relevant to that status. Primarily this is the duty to promote the charitable objects (purposes) of providing a benefit to the public. Specifically, the provision and maintenance of parks and recreation grounds for use by the public with the object of improving their conditions of life. Having regard to the Charity Commission’s guidance, this duty is considered to be fulfilled for the reasons set out in section 2 of this report.
- 4.3.5 The use of Parking Services and payment to them for the costs of managing, monitoring and enforcement of parking charges is classed under charities legislation as payment for services and goods provided by a “connected person”, as Parking Services is part of Sheffield City Council (which is the sole trustee of the Charity). Charities legislation permits a charity to pay a trustee or connected person for the supply of services

over and above normal trustee duties where the charity trustees agree that the service is required by the charity and that it is in the charity's best interests to make the payment – an increase in parking fees will therefore be subject to these considerations.

4.3.6 Surplus income is subject to the provisions of section 55 of the Act. This requires the Council to keep an account of their income and expenditure in respect of designated parking places including the parking charges discussed above. In line with this requirement the Council maintains a ring-fenced account in respect of the designated parking places. Section 55(4) of the Act sets out the purposes for which any surplus income in respect of designated parking places can be used. These include:

- Provision and maintenance of off-street parking
- Reducing environmental pollution
- Improving public open spaces.

4.3.7 The reporting and accounting of surplus income by the Council must be in accordance with the aforementioned legislation. Any surplus in income will therefore be utilised in accordance with Section 55(4) of the Act, in particular those functions above and only where they align with the Charity's purposes.

4.4 Climate Implications

4.4.1 There are no significant climate implications arising from this report.

4.5 Other Implications

4.5.1 There are no other implications

5. **ALTERNATIVE OPTIONS CONSIDERED**

5.1 The Council could maintain its current tariffs in charitable parks. As approval has been given by W&SS Committee to increase the parking fees in non-charitable parks sites by 10p/hour, this would lead to price differences for parking within Sheffield parks. However, the benefits associated with the implementation of a demand management strategy which aligns with the charitable objects (as set out in section 2) would not be gained.

5.2 The Council could make higher increases to the parking tariffs in charitable parks. As approval has been given by W&SS Committee to increase the parking fees in non-charitable parks sites by 10p/hour, this would lead to price differences for parking within Sheffield parks.

6. **REASONS FOR RECOMMENDATIONS**

6.1 Increasing the parking charges on charitable parks sites in line with non-charitable site tariff increases will provide a higher level of income to those charitable parks. This income provides some income certainty for the Endcliffe Park Charity, the Graves Park Charity, and the Hillsborough Park Charity and considers the best interests of each of the parks.

6.2 It is therefore recommended that:

- Pay and Display tariffs in Charitable Parks car parks are increased in line with tariffs in non-Charitable sites, as detailed in Appendix A, and that these are implemented as soon as practicable.

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