



**Notice of a public meeting of  
Customer and Corporate Services Scrutiny Management  
Committee (Calling In)**

- To:** Councillors Williams (Chair), Galvin (Vice-Chair),  
N Barnes, Brooks, D'Agorne, Fenton, Gates, Looker and  
Reid
- Date:** Monday, 17 December 2018
- Time:** 6.00 pm
- Venue:** The George Hudson Board Room - 1st Floor West  
Offices (F045)

**AGENDA**

**1. Declarations of Interest**

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

**2. Public Participation**

It is at this point in the meeting that members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Friday 14 December 2018**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

**Filming, Recording or Webcasting Meetings**

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if sound recorded, this will be uploaded onto the Council's website following the meeting.

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**3. Called-in Item Post Decision: Changes to Permit Emission Charges** (Pages 1 - 16)

To consider the decision made by the Executive Member for Transport and Planning at a meeting held on 15 November 2018 in relation to the above item, which has been called in by Councillors D'Agorne, Kramm and Craghill (Green) in accordance with the Council's Constitution.

A cover report is attached setting out the reasons for the call-in and the remit and powers of the Customer & Corporate Services Scrutiny Management Committee (Calling-In) in relation to the call-in, together with the original report and the decision of the Executive Member.

**4. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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**Customer and Corporate Services Scrutiny  
Management Committee****17 December 2018**

Report of the Assistant Director – Legal &amp; Governance

**Called-in Item Post-Decision: Changes to Permit Emission Charges****Summary**

1. This report sets out the reasons for the post-decision call-in of the decision made by the Executive Member for Transport and Planning on 15 November 2018 in respect of Changes to Permit Emission Charges. This report also sets out the powers and role of the Customer and Corporate Services Scrutiny Management Committee (Calling-In) in handling the call-in.

**Background**

2. An extract from the Decision Sheet issued after the Executive Member Decision Session is attached as Annex 1 to this report. This sets out the decisions taken by the Executive Member on the called-in item. The original report to the Executive Member on 15 November 2018 is attached as Annex 2 to this report.
3. The Executive Member decision has been called in post-decision by three Councillors for review by the Customer and Corporate Services Scrutiny Management Committee (Calling-In) in accordance with the Constitutional requirements.
4. Councillors D'Agorne, Kramm and Craghill have called in the Executive Member decision for the following reasons:
  - a) The effect of this decision is unlikely to have a beneficial impact on air quality because the residents in 'Respark' areas will not be able to buy an appropriate vehicle that qualifies for the discount, in the absence of on-street electric charging facilities. The proposed removal of any discount rate for 'low emission' smaller cars also means that there will no longer be an incentive for residents to replace vehicles with a low emission vehicle in the range 75g/km-

120g/km and thus fails to support the One Planet York principles and the Clean Air Strategy.

- b) The paper on which this decision was based contradicts itself and does not accurately reflect changes to VED on which the current discount rate is based:

Paragraph 8 states ‘...however it should be noted that the tax rate changes only apply to vehicles registered after 1 April 2017’.

However elsewhere it states that the proposed change is needed to ‘bring discount criteria into line with the Government changes’ when it is only the newest vehicles that are affected.

Paragraph 26 states that ‘the proposed change would affect approximately 1100 households’ and 200 season ticket holders whereas Annex A shows 815 qualifying permits without explaining the discrepancy.

The final paragraph of the report again wrongly states ‘If this change isn’t implemented the council would be out of step with the Government road tax policy... as this is now out of date... this change needs to be implemented as soon as possible given the lack of national policy this is now based on.’ This is despite paragraph 8 statement acknowledging that VED bands A-C still apply to all vehicles registered between 2001 and 2017. Some change may be appropriate, but the policy is still valid for most permit holders and could be adapted to continue to offer discount for the revised low emission bands.

- c) The ‘reason’ given for the recommended change (paragraph 7) also contradicts the situation described above: ‘To update the council’s outdated policy ‘
- d) The reason given states that the change will ‘seek to encourage ULEV car ownership’. The paper fails to substantiate how this will be the case. The only vehicles that meet the proposed criteria are in fact alternative fuelled electric or hybrid electric vehicles. Lack of provision of on-street charging was discussed at the Decision Session in response to a representation from a resident wanting an on-street charging facility to enable them to buy a ULEV car. In the absence of any policy to enable installation of such charging provision (as confirmed by officers at the meeting), it is not logical to suggest that residents who need a permit to park on the public

highway outside their home will be incentivised to buy such a vehicle in order to qualify for the new discount criteria.

Also, there has been no reference to any additional provision of electric charging points for season ticket holders in council car parks to enable them to switch to a ULEV vehicle.

- e) Given the above, there is no evidence to support paragraph 29 that ‘this meets the council’s sustainable transport policy by encouraging sustainable transport usage and ULEV uptake’ since there is no provision for residents to charge such ULEV vehicles within Respark areas of the city, and the absence of a discount for low emission vehicles is just as likely to lead to them being replaced with a higher emission conventional vehicle.

We therefore call for the decision to be referred back to the Executive Member to consider Option 4, acknowledging that bands A-C continue to apply to vehicles registered before April 2017 and for the discount to be applicable to the new (post-2017 registration) bands below 110g/km CO2 emissions.

The effect would be that both ultra low emission vehicles (ULEV) and low emission (LEV) vehicles would continue to qualify for the discounted rate after April 2019, thereby continuing to incentivise residents to purchase lower emission vehicles appropriate to the facilities available to them where they live.

Budgetary adjustment would need to be made in the City of York Council 2019-20 budget to reflect this reduction in savings from April 2019.

### **Consultation**

5. In accordance with the requirements of the Constitution, one representative from the Group of calling-in Members has been invited to attend and/or speak at the Call-in meeting, as appropriate.

### **Options**

6. The following options are available to CSMC (Calling-In) Members in relation to dealing with this post decision call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
- a) To decide that there are no ground to make specific recommendations to the Executive in respect of the report. If this

option is chosen, the original decision taken on the item by the Executive Member on 15 November 2018 will be confirmed and will take effect from the date of the CSMC (Calling-in) meeting; or

- b) To make specific recommendations to the Executive on the report, in light of the reasons given for post-decision call-in. If this option is chosen the matter will be considered at a meeting of Executive (Calling-In) to be held on 20 December 2018.

### **Analysis**

- 7. Members need to consider the reasons for call-in and the report to the Executive Member and form a view on whether there is a basis to make specific recommendations to the Executive Member in respect of the item called in.

### **Council Plan**

- 8. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2015-19.

### **Implications**

- 9. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in.

### **Risk Management**

- 10. There are no risk management implications associated with the call in of this matter.

### **Recommendations**

- 11. Members are asked to consider all the reasons for calling-in this decision and decide whether they wish to confirm the decisions made by the Executive Member or refer the matter back for reconsideration and make specific recommendations on the report to the Executive Member.

Reason: To enable the call-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.



**Contact Details**

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**Chief Officer Responsible for the report:**

Andrew Docherty  
Assistant Director – Legal & Governance  
Tel: 01904 551004

**Report Approved**  **Date** 07/12/18

**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Annexes**

**Annex 1** – Extract from the Decision Sheet produced following the Executive Member Decision Session on the called-in item

**Annex 2** – Report of the Corporate Director of Economy and Place on Changes to Permit Emission Charges.

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## **DECISION SESSION - EXECUTIVE MEMBER FOR TRANSPORT AND PLANNING**

**THURSDAY, 15 NOVEMBER 2018**

### **DECISIONS**

Set out below is a summary of the decisions taken at the meeting of the Decision Session Executive Member for Transport and Planning held on Thursday, 15 November 2018. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a decision, notice must be given to Democracy Support Group no later than 4pm on the second working day after this meeting.

If you have any queries about any matters referred to in this decision sheet please contact Louise Cook and Catherine Clarke (job-share).

#### **5. CHANGES TO PERMIT EMISSION CHARGES**

Resolved:

- (i) That the implementation of Option 3 be approved as follows:-

Update permit rates to align with vehicle tax (VED) bandings and change the discount threshold to 75g/km or less with implementation from April 2019 with acquired rights for existing vehicles/permits to end no later than April 2023.

- (ii) That the advertisement of the changes to the terms of the Traffic Regulation Order (TRO) with any objections reported back to a future Decision Session if required, be approved and that, if no objections are received, the implementation of the changes be authorised.

Reason: To come into line with the Government changes to VED and update the council's outdated policy that in turn would seek to encourage Ultra Low Emission Vehicles (ULEV) car ownership and support the One Planet York initiative.

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**Decision Session – Executive Member for  
Transport and Planning**

15 November 2018

Report of the Corporate Director of Economy and Place

**Changes to Permit Emission Charges****Summary**

1. Following the Government's changes to the vehicle tax (VED) bandings, this report asks that a review and changes are brought in to update the council's parking discount criteria in line with these Government changes.
2. These changes are based on the emission rates (specifically CO<sub>2</sub> emissions) of the vehicle the first time it is registered, where Ultra Low Emission Vehicles (ULEV) qualify for a reduced rate of VED.
3. In light of this a budget decision was taken at Full Council in February 2017 to raise the qualification threshold for the 50% discount from low emission vehicles (LEV), which emit less than 120g/km, to ULEV, emitting less than 75g/km. This will give full practical effect to that decision.
4. Currently the council provides a 50% discount on its parking permits for qualifying low emission vehicles based on the following
  - A light vehicle that has a low CO<sub>2</sub> emission figure that qualifies for a reduced rate of VED
  - The vehicle is in between the tax bands A to C (CO<sub>2</sub> emission up to 120g/km)
  - Vehicle is electric or liquid propane gas.
5. In turn these provide discounts for residents parking permits and car park season tickets.
6. This report seeks to align the council's discount rates for parking permits to the Government's specification for ULEV and proposed to simplify this based on the vehicle emission rate of up to 75g/km.

## Recommendations

7. That the Executive Member:
  - a) Approve the implementation of Option 3 - Update permit rates to align with VED bandings and change the discount threshold to 75g/km or less with implementation from April 2018 with acquired rights for existing vehicles/permits to end no later than April 2023.
  - b) Approve the advertisement of the changes to the terms of the Traffic Regulation Order (TRO) with any objections reported back to a future Decision Session if required. Authorise the implementation of the changes if no objections are received.

Reason: To come into line with the Government changes to VED and update the council's outdated policy that in turn will seek to encourage ULEV car ownership and support the One Planet York initiative.

## Background

8. Central Government has changed its policy for VED in response to the significant increase in vehicles that produce less than 120g/km of CO<sub>2</sub> and the desire to encourage further emission reductions by incentivising the purchase of ULEVs. The Government has identified ULEVs as those which produce 75g/km of CO<sub>2</sub> or less. For the City of York these national changes have been used to inform the proposed changes to the emission discount however it should be noted that the tax rate changes only apply to vehicles registered after 1 April 2017.
9. The Council currently charges for Residents Parking (Household Permits) and Car Park Season tickets on the basis of the emission rating and size of vehicles for the discount. Customers have to provide evidence of their vehicle's eligibility for discounts, such as the V5C, which are then checked against the criteria for the proposed permit. The permit charges are set to encourage residents and visitors to use vehicles which have a lower environmental impact.
10. Please see Annex A which lists the type and current number of parking permits where the discount applies.
11. In addition to the Government changes, the Council approved the reduction of the discount threshold to 75g/km or less in the Council

Budget in February 2017 in line with these government changes to the VED. The timing and phasing of implementation however is not determined through the budget process.

### **Options**

12. Option 1 - Update permit rates to align with VED bandings and change discount threshold to 75g/km or less – implement from April 2018.
13. Option 2 - Update permit rates to align with VED bandings and change discount threshold to 75g/km or less – implement from April 2018 with acquired rights for existing vehicles/permits.
14. Option 3 (Recommended) - Update permit rates to align with VED bandings and change discount threshold to 75g/km or less – implement from April 2019 with acquired rights for existing vehicles/permits to not later than April 2023.
15. Option 4 - Not implement any change but remove reference to A-L bandings in permit charges as they are no longer in use for vehicles registered after April 2017.

### **Analysis**

16. Option 1: Will ensure the council's charging policy is aligned with the previous and new VED bandings and be in accordance with the Council's budget decision to change the discount threshold to vehicles emitting 75g/km or less. Implementation of this policy without a transition period will have an immediate impact (when the permits are renewed) on current permit holders who may have chosen their vehicle to meet the current discount emission level.
17. Option 2: Will ensure the council's charging policy is aligned with the previous and new VED bandings and be in accordance with the Council's budget decision to change the discount threshold to vehicles emitting 75g/km or less. Charges on an acquired ('grandfather') rights basis will mean that the impact on existing permit holders will be reduced.
18. Option 3 introduces 'grandfather' rights as an approach which will allow the discount period to be extending for all current discount holders for four years with their current vehicle but the new rules will apply if they change their vehicle. In practise this means that if they

have a vehicle emitting between 76 g/km and 120 g/km of CO<sub>2</sub> they will continue to have the discount until they change their vehicle or the grandfather period expires. Whether they will continue to get this benefit following a vehicle change will then be based on emissions of the new vehicle. If the new vehicle has an emission rating of 75g/km or less then the resident will be eligible for the discount. This option would minimise the impact on existing permit holders but may encourage the retention of older LEVs rather than the transfer to ULEVs.

19. The grandfather rights policy would allow a smoother a fairer transition to this policy change and be seen to reducing any potential penalisation of LEV owners and allow them to make an informed decision about their LEV vehicle ownership.
20. In detail this means that if a current vehicle owner changes their vehicle after April, 2019 (or as soon as the policy is implemented) they will be bound by this change. Similarly if a new permit (not a renewal) is bought.
21. For those who don't change their vehicle and renew their permit up to April 2023, they will still have the discount even though their vehicle isn't classed as a ULEV.
22. For Parking Services, any additions to permits, which the grandfather rights option will create, there will need to be a new permit template, however the use of the same coloured paper used for the LEV discount can still be used, which will keep the costs of the permit the same. However the new template for renewals will increase the complexity of an already complicated permit system that will be subject to a review in the coming months.
23. Option 3:- Will minimise the impact on existing permit holders but would also have an end date for the acquired rights to encourage the replacement of older vehicles by ULEVs. The proposed end date for the acquired rights will be no later than April 2023 – 4 years after the introduction of the change.
24. Option 4:- Will essentially not change the current arrangements but recognises the need to remove references to vehicle bandings for the discount (or premium rates), as they are no longer in use for vehicles registered after April 2017. This options will not meet the budget requirements of the decision by full council.



### **Implementation**

25. To introduce any change to the eligibility for the discount both the York Parking, Stopping and Waiting Traffic Order 2014 and The York Off-Street Parking Places order 2013 will need to be amended. The TRO process requires the Council to advertise any amendments with a Notice of Intention, this has a 3 week consultation period, during which time residents are able to register their objection/representation with regards the proposed amendment. For comparison a simple change to the fees only requires the advertisement of a notice. Following the period of consultation a report would be taken to the Executive Member to review any objections and make a final decision about any changes and their implementation.
26. The proposed change would affect approximately 1100 households in the city and 200 season ticket holders. In addition to the statutory advertisement of the TRO change Legal Services advise that all permit holders who would be directly affected by the change should be contacted in advance of any introduction.

### **Consultation**

27. As part of the TRO process there is a statutory obligation on the Council to advertise any changes to the TRO and seek comments from the public on these changes. Following which a report has to be taken to the Executive Member for a review of the comments received and to make a final decision on the implementation of the TRO changes.
28. In addition the council's Legal Services have advised that given the impact these potential changes will have on current discounted parking permit holders that a letter be sent to these customers. This will summarise the changes, depending on the decision taken in this report and highlight the TRO consultation process where they can make comments. These will be summarised and brought back to the Executive Member for final consideration and adoption of the policy change.

### **Corporate Strategy**

29. This meets the Council's sustainable transport policy within its Local Transport Plan by encouraging sustainable transport usage and ULEV uptake as well as the environmental benefits this has.

## Council Plan

30. This report is supportive of the following priorities in the Council plan in addition to the One Planet York principles the Council champions:
- A focus on frontline services
  - A Council that listens to residents
31. In addition to the One Planet York principles:-
- Sustainable Transport
  - Zero carbon
  - Health and happiness
  - Culture and community
  - Equity and local economy

## Implications

32. The following are the only identified implications.
- Financial –  
The projected income received is dependent on the option chosen and could reduce significantly if fewer people purchased season tickets and is dependent on the number of current LEVs which could be eligible as ULEVs. If only 50% of the season tickets were sold and 20% of the existing vehicles were eligible for the discount the increased income would be approximately £50k. If there was no reduction in the number of season tickets and no existing LEVs were eligible then the increased income could be up to £170k. There will be a cost to writing out to all parking permit discount holders estimated to be approximately £1000, which will be absorbed in the general funds generated from parking permits.
  - Human Resources (HR) - This will require Network Management and Parking Services resource to take forward the decision by the Executive Member for the review and implementation of this change. However resource is very finite and would need to be prioritised against other work.
  - Equalities – For those on limited income, where they may receive the parking discount but drive a vehicle that emits over 75g/km of CO<sub>2</sub>, they will not see an increase in their parking permit initially, if they change their vehicle on or after April, 2019 and they don't purchase a ULEV emitting 75g/km of CO<sub>2</sub> or less they will incur a 50% increase in their parking permit.

- Legal – Depending on the decision taken by the Executive Member from this report, there will need to be a review and consultation of the TRO.
- Crime and Disorder – None
- Information Technology (IT) – None
- Property – There may be implications for a forthcoming piece of work to develop a new TRO to allow for the use of councils parking enforcement service on Council Housing land.
- Risk Management – To reduce the impact on current discount parking permit holders, the grandfather rights proposal is suggested to allow this policy to bed in and for a period of adjustment for customers, subject to the Executive Member decision.

If this change isn't implemented then the council would be out of step with changes to the Government road tax policy that the council bases its parking discounts on. As this is now out of date, including the reference to vehicle tax bands, this change needs to be implemented as soon as possible given the lack of national policy this is now based on.

### Contact

#### Details:

#### Author

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#### Chief Officer Responsible for the Report

James Gilchrist  
 Assistant Director Transport, Highway and  
 Environment

Report  
 Approved



Date 05.11.18

Wards Affected:

All

Specialist Implication Officer

Financial: Patrick Looker, Finance Officer, 01904 551633

**For further information please contact the author of the report**

**Annexes:**

Annex A Low emissions permits 01/04/18 – 30/09/18

**Abbreviations**

LEV - Low Emission Vehicles

TRO - Traffic Regulation Order

ULEV - Ultra Low Emission Vehicles

VED - Vehicle tax