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|  <b>Executive</b><br><b>12<sup>th</sup> September 2012</b>   |   | <b>Agenda Item No.</b><br><br><div style="text-align: right; font-size: 2em;"><b>4</b></div> |
| <b>Title</b>  | New agreement with WCC regarding the operation of Barrack Street car park |  |
| <b>For further information about this report please contact</b>   | Ian Coker   |  |
| <b>Wards of the District directly affected</b>  |   |  |
| <b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b> | No  |  |
| <b>Date and meeting when issue was last considered and relevant minute number</b>   |   |  |
| <b>Background Papers</b>  |   |  |

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|--|--------------------------------|
| <b>Contrary to the policy framework:</b>                                   | No                             |
| <b>Contrary to the budgetary framework:</b>                                | No                             |
| <b>Key Decision?</b>   | No                             |
| <b>Included within the Forward Plan? (If yes include reference number)</b> | No                             |
| <b>Equality &amp; Sustainability Impact Assessment Undertaken</b>          | Yes/No (If No state why below) |
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|--|-------------|--------------|
| <b>Officer/Councillor Approval</b>   |             |              |
| <b>Officer Approval</b>  | <b>Date</b> | <b>Name</b>  |
| Chief Executive/Deputy Chief Executive   |             |              |
| Head of Service  |             | Ian Coker    |
| CMT  |             |              |
| Section 151 Officer  |             |              |
| Monitoring Officer   |             |              |
| Finance  |             |              |
| Portfolio Holder(s)  |             | Cllr Shilton |
| <b>Consultation &amp; Community Engagement</b>   |             |              |
| Insert details of any consultation undertaken or proposed to be undertaken with regard to this report. |             |              |
| <b>Final Decision?</b>   |             | Yes          |
| <b>Suggested next steps (if not final decision please set out below)</b>                               |             |              |
|  |             |              |

## 1. **SUMMARY**

- 1.1 Warwickshire County Council owns Barrack Street car park which operates as a car park for WCC staff and visitors throughout the week. Warwick District Council manage the day to day operation of Barrack Street car park on behalf of WCC at weekends and Bank Holidays. A lease agreement is in place between the Council and Warwickshire County Council regarding that arrangement.
- 1.2 Officers identified a potentially significant risk to the Council in the way the existing lease agreement is set out and was mindful to find a way of removing this risk whilst still making the car park available to the public at weekends and Bank holidays.

## 2. **RECOMMENDATION**

- 2.1 To agree to the new management agreement set out in Appendix 1 relating to the management of Barrack Street car park by WDC at weekends and bank holidays.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The existing agreement places the Council at risk if a slip or trip was to take place within the car park at any time the Council is managing the car park as a public car park.
- 3.2 The new agreement removes that risk to the Council of having to pay compensation if a slip or trip occurred at minimal impact to WDC.

## 4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – No changes are required due to the new agreement.
- 4.2 **Fit for the Future** – providing management of Barrack Street car park at weekends and bank holidays meets the objective of helping to make Warwick District a great place to live, work and visit.

## 5. **BUDGETARY FRAMEWORK**

- 5.1 Under the current arrangements all the income generated as a result of operating the car park as a public car park at weekends and bank holidays is retained by Warwick District Council. In total this amounted to £9k in 2011/12 including penalty charge notice income in the region of £500.
- 5.2 The new agreement results in WDC being paid the full operating costs associated with the running of the car park at weekends and bank holidays with the remaining income going to WCC. The total operating costs will be £2.5k per annum, a loss of income of £6,500 in a full year.
- 5.3 With the new agreement planned to come into force in October the impact on car park income budget will be reduced by £3,250 (based on half year). Given that the current performance on car park income is in line with the budget of £2,500,000 officers are confident this shortfall will either to be found from increased income or can be met from existing savings to the salary budget as a result of not recruiting to vacant posts due to the on-going parking enforcement intervention.

- 5.4 Advice from the Insurance Officer indicates that the risk to the Council of having to pay if a trip or slip occurred in Barrack Street car park is considered high as we are not responsible for its maintenance. A successful claim for compensation from a fall or trip is considered to be significantly higher than the loss of income resultant from only covering the operating costs for the car park. The cost of settling claims for trips and falls can be substantial, potentially running into many thousands of pounds for a single claim. Whilst the Council does hold third party insurance, there is an excess of £25,000 for each claim which the Council would need to meet. In addition, claims will count against the Council when assessing future premiums. Also, if there is a known risk which the Council has not acted reasonably to reduce, there is the possibility that any insurance cover will be invalidated.
- 5.5 Whilst the Council will cease to receive the income from the car park, this is believed to be outweighed by the reduced risk presented to the Council from the new management agreement.

## **6. ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 To continue with the agreement currently in place. This was discounted on the basis that the Council has identified potentially a significant risk as part of its risk management process and therefore needed to take action to remove or mitigate that risk.
- 6.2 For the County Council to undertake changes to the way the car park operates at weekends and bank holidays which would allow users to make use of the internal stairwells of the car park to remove the need for users to use the up and down ramps to move around the car park. This was discounted on the basis of the risk to WCC or allowing access to these areas and as a result people being able to access the office accommodation in Barrack Street when the building is not staffed.
- 6.3 Not to enter into any agreement with WCC relating to the management of the car park at weekends and bank holidays. This was discounted on the basis that not to provide proper management of Barrack Street car park at weekends and bank holidays would have a negative impact on the town centre at those times.

## **7. BACKGROUND**

- 7.1 An agreement has been in place between WDC and WCC regarding the operation of Barrack Street car park for many years.
- 7.2 This agreement was due to be renewed but the renewal took place alongside a review of the risk assessments in off-street car parks. That risk assessment identified the major risks in our off-street car parks are trips and slips.
- 7.3 In looking at the current agreement it became clear that WDC was responsible for any claims made by people using the car park at times when WDC is responsible for managing the car park which is at weekends and bank holidays.
- 7.4 When the car park is not being used by WCC employees the internal stairwells are locked off to prevent anyone being able to access the offices. This means that at weekends and bank holidays when Barrack Street offices are closed the stairwells are not in use and the only way to move between levels is via the

vehicle ramps. These ramps are not designed for pedestrian traffic but members of the public do use them at weekends as being the only way to move around the car park.

- 7.5 As a result we entered into discussions with WCC regarding a number of possible solutions to this problem.
- 7.6 After considering the options available officers concluded that in order to keep the car park operating the best solution was for any risk of falls and trips at weekends and bank holidays to pass to the County Council as owners of the car park who face that risk at all other times.
- 7.8 As a result a new agreement has been drawn up to reflect this change, a copy of which is included as Appendix 1.