

PORTFOLIO HOLDER DECISIONS



Please refer to Guidance Notes overleaf

Forward Plan Ref. No.	2017 279 July – Clarks Village Car Park Management Agreement - Realm	Date of decision: 20 July 2017
Name of Portfolio Holder	Nigel Taylor	
Name of Officer	Alison Payne	
Details of Decision	To enter into a new Management Agreement to manage the Clarks Village car parks for one year, from 01.07.17 to 30.06.18	
Details of consultation carried out:		
Chief Executive/ Deputy Chief Executive	Name: Donna Nolan	Date: 12/07/2017
Legal	Name: Alex Kershaw-Moore	Date: 12/07/2017
Finance	Name: Paul Deal	Date: 12/07/2017
Group Manager	Name: Elizabeth Dawson	Date: 12/07/2017
Portfolio Holder	Name: Nigel Taylor	Date: 12/07/2017
Ward Member (mark NA if necessary)	Name: NA	Date:
Reasons for Decision	<p>For a number of years the Council has managed a range of car parks at Clarks Village (which, in itself is managed by Realm and owned by HFO Street Ltd). This arrangement between the Council and HFO Street is formalised through a legal agreement. The previous three year agreement expired on 30 June 2017.</p> <p>This arrangement has brought benefits to both parties and Realm wish to continue the partnership by entering into a new agreement on current terms, except that as Realm has recently undergone a buy-out they have asked that the new agreement be only for one year.</p> <p>The Management Agreement will run for a term of twelve months from 1 July 2017 until 30 June 2018 and records the parties' respective obligations.</p> <p>The Council sets parking fees in accordance with powers under the Road Traffic Regulation Act 1984 (as amended). These powers cannot be delegated. The Agreement gives powers to Realm to influence the fees set by the Council for parking in the Clarks Village car parks.</p> <p>Entering into a Management Agreement adds value to the existing Council car parking service in Street.</p> <p>There is a high risk to the Council by not entering into the agreement which would result in the loss of the financial gain mentioned under the Financial Implications section. This loss of income would need to be found from other parts of the organisation and is not currently projected in the MTRS.</p> <p>It is assumed that without a Management Agreement, Realm would take back the car parks and operate them as a private concern. The Council would then be unable to influence the</p>	

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	<p>terms under which car parking is offered to the public. With Clarks Village being the largest parking provider in Street the Council could be placed at a disadvantage through not being able to influence coterminous pricing in key car parks.</p>
Any alternative options considered and rejected	<p>The option of not entering into the agreement was discounted, even for the reduced period that Realm have requested. Given the interrelation between Grange, Southleaze and Northside car parks and other car parking assets in the town there is an element of interlinking with all key car parks in Street. This interlinking brings benefits in terms of tariffs and aids value for money by maximising the resources of the Council's operations in Street, even for this shorter period. By not entering into the agreement there is potential to lose benefits and value for money this interlinking brings.</p>
Financial and personnel implications	<p>The total income from these car parks in 2016/17 was £1,230,703.60. After payments to Realm of £651,593.60 and Somerset County Council enforcement of £19,938.79, the total profit for Mendip District Council was £559,171.21. This is a very substantial amount which will make a significant impact on the Council's finances going forward.</p>
Any relevant personal Interest under the Code of Conduct	No
Reports and Background papers relevant to the decision	None
Date e-mailed to Members incl Scrutiny Board Chair	Thursday, 20 July 2017
Date of Publication of Notice	Thursday, 20 July 2017
Date Decision comes into force (*see below)	Friday, 28 July 2017
<p>* Please Note: The decision detailed above will come into force, and may be implemented, 5 clear working days after Publication unless subject to call-in by the Scrutiny Board.</p>	
Signature of Portfolio Holder

Please complete and return to Democratic Services

Guidance for Officers

1. The Council's Constitution sets out some quite specific procedures to be followed when decisions are made by individual members of the Cabinet. These are based on statutory requirements and are intended to ensure that:
 - (a) such decisions are made available to the public in the same way as decisions made by the Cabinet as a whole; and
 - (b) Scrutiny Board has an opportunity to consider whether to call-in such decisions for review before they become effective.
2. The information required overleaf should be completed in relation to each decision made by a portfolio-holder. Any relevant reports and background papers should be attached as these must be available for public inspection.
Please note that, to comply with the Constitution, the form needs to confirm that various parties have been consulted and to give details of any relevant personal interest of the portfolio-holder.
3. The form and attachments should then be forwarded to Democratic Services within 2 days of the decision being made. They will add the date of publication and the date on which the decision will come into force if not called-in, and make the necessary publication arrangements. These will include:
 - publishing the decision on the Council's web-site
 - storing a copy of the form centrally on SharePoint
 - e-mailing a copy of the form to all members, including the chair of Scrutiny Board.

Other methods of publicising the decision may also be used from time to time.

4. Democratic Services will return a copy of the form to the officer submitting it giving the date of publication and the date that the decision can be implemented.
Please note: It is important to be aware that the decision cannot be implemented until it comes into force – under the current constitutional arrangements this will be 5 working days after publication, provided the decision is not called-in.
5. Decisions should only be called in under exceptional circumstances. If this happens, the procedures in paragraph 14 of the Overview and Scrutiny Rules in Part 8 of the Constitution will be followed, and the decision cannot be implemented until these procedures have been gone through as appropriate.
6. Any queries on this procedure should be addressed to Democratic Services or Donna Nolan (ext. 210).