



COMMUNITY RIGHT TO CHALLENGE: CAR PARKS

TOWN COUNCIL MEETING

REPORT 58/21

12 JULY 2021

The purpose of this Report is to ask Members to agree the Town Council's next stage in progressing its Expression of Interest in taking on the management of all eight of the town's car parks.

NO. DETAILS

1) BACKGROUND

- a) The Localism Act 2011 provides for Town and Parish Councils and other organisations to express an interest in taking over the provision of any service provided by a Principal Authority under a power known as the Community Right to Challenge.
- b) The Town Council exercised that Right in 2014 with an Expression of Interest that was rejected by the Isle of Wight Council.
- c) Following legal advice that indicated the rejection did not fall within any of the 10 grounds for refusal set out in the accompanying Regulations, and a letter from the Town Council's Solicitors, the Isle of Wight Council agreed to a compromise in leasing four of the town's car parks to the Town Council from 1 August 2015 to 31 March 2038.

2) EXPRESSION OF INTEREST (2)

- a) By Minute 25/21 of its meeting of 8 March 2021 the Town Council resolved unanimously to *ask its Clerk to prepare an Expression of Interest in the management of all the town's Car Parks and submit it to the Isle of Wight Council under the Community Right to Challenge provisions.*
- b) The Expression of Interest was submitted and receipt of it acknowledged by the Isle of Wight Council on 29 April.
- c) A letter was received from the Isle of Wight Council rejecting the Expression of Interest on 18 June and, as with the refusal of 2014, it left doubts about its compliance with the grounds for refusal clearly identified in the Regulations accompanying the 2011 Act.

3) LEGAL ADVICE

- a) To clarify the issue, I asked Anthony Collins Solicitors – the company that dealt with the 2014 affair - for a price indication of an initial assessment of the extent to which the stated grounds for refusal are compliant with the relevant Regulations.
- b) The reply on Monday 5 July, from the firm's Niamh Millross, estimated the cost at between £832 and £1,032.
- c) Given Niamh Millross's assurance that the advice would be available to this Town Council meeting, I commissioned that work to be funded from the windfall income from Island Roads' hire of Dudley Road Car Park, bearing in mind that the problem for the 2014 Town Council in challenging that refusal was due to the fact that the 3-month deadline for challenge had almost passed.

4) RECOMMENDATION

The Town Council is recommended to consider the advice from Anthony Collins Solicitor at the meeting and determine its next steps.