



The purpose of this Report is ask Members to instigate the Localism Act's Community Right to Challenge for Ventnor's Car Parks in response to the failure of the Isle of Wight Council to enter into discussions with the Town Council about them.

---

**No. DETAILS**

---

**1) BACKGROUND**

- a) On 1 August 2015 the Town Council took over the management of four of the town's Car Parks – Dudley Road, Market Street, Pound Lane and Shore Road – as a compromise following an unsatisfactory outcome from a Community Right to Challenge process initially launched in October 2013.
  - b) On the basis of the Town Council's management of them a Business Case for taking on the management of the other four – Central, Grove Road, La Falaise and Eastern Esplanade – was agreed to be submitted to the Isle of Wight Council by Minute 145/18 of the Town Council Meeting held on 10 December 2018.
  - c) More than two years later, no response to the Business Plan has been received from the Isle of Wight Council.
  - d) In a meeting with the Mayor and Clerk in August last year, and in two subsequent meetings since, County Councillor Gary Peace said that he fully supported the Business Case and would arrange for Cabinet Members to meet with us to discuss the proposals: that has yet to happen.
  - e) The Isle of Wight Parking Delivery Plan adopted by the Cabinet at its meeting on 11 February makes no reference to local management of Car Parks.
- 

**2) COMMUNITY RIGHT TO CHALLENGE: THEN**

- a) The Localism Act 2011 included a new power available to Town and Parish Councils known as the Community Right to Challenge that applied to any service provided by Principal Authorities.
  - b) The Town Council initiated that process by agreeing to enter an Expression of Interest in managing all the town's Car Parks in Minute 136/13 of its meeting of 9 September 2013 that was received by the Isle of Wight Council on 1 October.
  - c) Its letter refusing the Challenge was dated 13 January 2014 and is available [here](#).
  - d) However, there was doubt as to whether the grounds of that refusal were within the terms of the legislation which set out the 10 grounds for refusal very clearly, available [here](#).
  - e) The Town Council asked Anthony Collins Solicitors for legal advice on the matter and they commissioned a Barrister's opinion, available [here](#).
  - f) As the time for a Judicial Review had almost expired, the Town Council asked Anthony Collins to write formally to the Isle of Wight Council and their letter of 10 April 2014 is available [here](#).
  - g) The response took the form of a meeting with the then Managing Director of the Isle of Wight Council Dave Burbage accompanied by John Metcalfe, Alex Minns and a lawyer at County Hall on 15 April 2014 at which the current compromise was agreed.
- 

**3) COMMUNITY RIGHT TO CHALLENGE: NOW**

- a) The process for using the Community Right to Challenge is attached to this Report and available [here](#).
  - b) It is important to be clear that a successful Expression of Interest would not give the Town Council the right to take on the management of the Car Parks: the legislation requires that if an application is successful the Principal Authority is required to put the service out to tender.
  - c) Neither Council would welcome the possibility of a commercial operator taking on the
-

---

management of Ventnor's Car Parks, yet in the absence of a positive response to the Town Council's Business Case by the Isle of Wight Council the Town Council has no other option available to it to secure the role its management of the town's car parks can provide in it is regeneration.

- d) The potential for delivering that potential is professionally identified in the Report the Town commissioned from Parkspace Consulting in 2013 and is available [here](#).

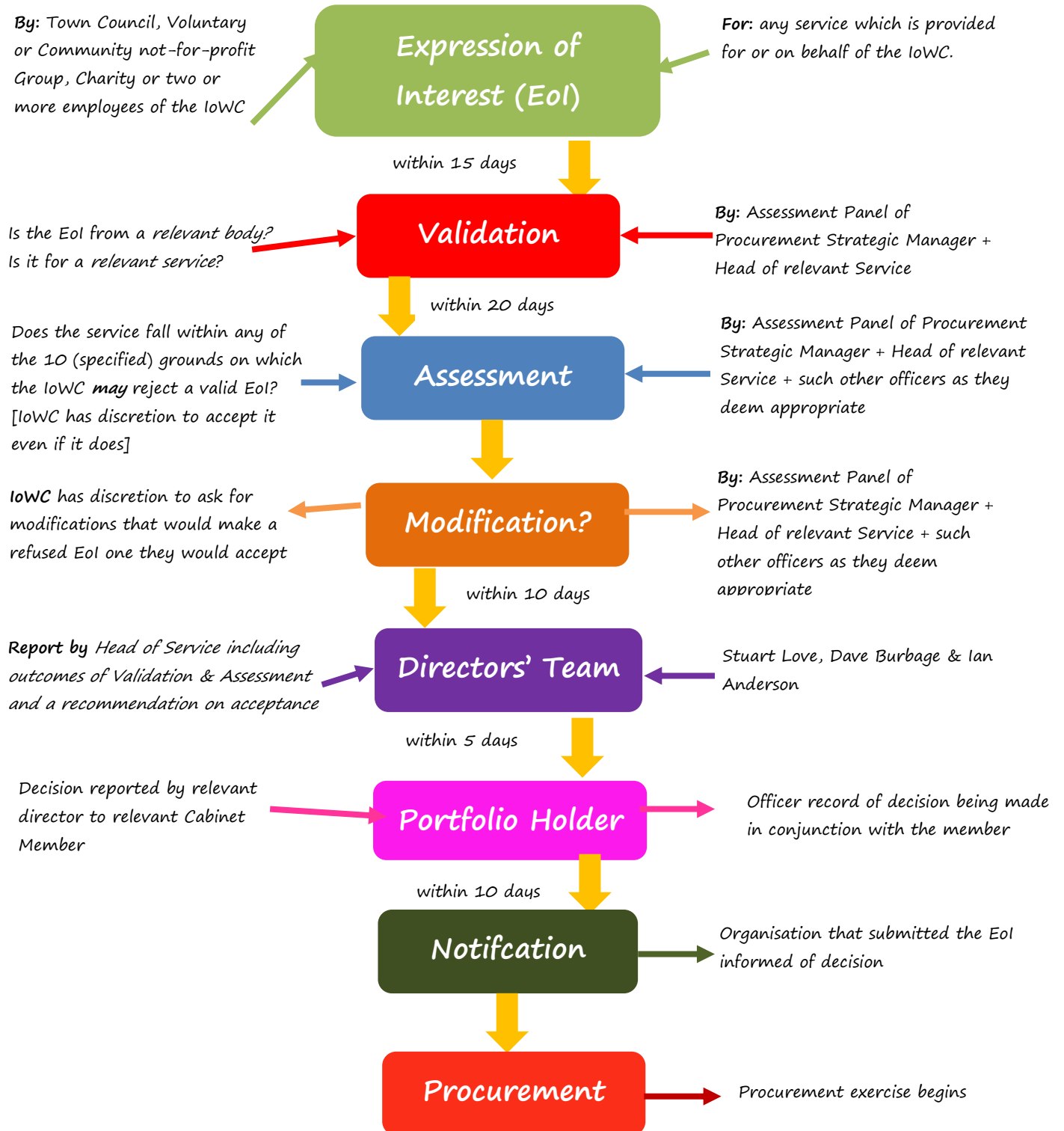
---

**4) RECOMMENDATION**

The Town Council is recommended 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.

---

# COMMUNITY RIGHT TO CHALLENGE



## Maximum Timescales:

Between an Eoi being received and notification of decision: 3 months

Between an Eoi being accepted and procurement exercise starting: 9 months