



Executive Committee

All Ward Relevance

22 July 2009

OFF-STREET CAR PARKING POLICY

(Joint Report of the Director of Housing, Leisure and Customer Services and Head of Legal, Democratic and Property Services)

1. Summary of Proposals

To propose the adoption of a policy for charging for off-street parking at the private car parks owned by the Council at Trescott Road and the Town Hall and associated parking charges and to seek delegated authority for the drafting, finalisation, publication and implementation of an Off Street Parking Order to enable charges to be made in these car parks.

2. Recommendations

The Committee is asked to **RECOMMEND** that

- 1) the Council adopt a policy of charging for off-street parking on its car parks at the Town Hall and Trescott Road, as shown in Appendix 2) on the days, times and terms set out in the draft Order attached at Appendix 1;
- 2) authority be delegated to the Director of Housing, Leisure and Customer Services and the Head of Legal Democratic and Property Services to take all necessary steps to publish, consult upon, make and implement an Off Street Parking Order in terms similar to the draft "Redditch Borough Council (Off Street Parking Places) Order 2009" ("the Order") attached at Appendix 1; and

subject to the necessary Order being made

- 3) authority be delegated to the Director of Housing, Leisure and Customer Services to issue any passes or season tickets in accordance with the Order; and
- 4) authority be delegated to the Director of Housing, Leisure and Customer Services to suspend the operation of the Order in relation to the Town Hall car park for such days and times as may be appropriate to enable use of the Town Hall car park by Civic Suite hirers; and

- 5) **the car parking charges as set out in the draft Order be added to the Council's Schedule of Fees and Charges**

3. **Financial, Legal, Policy, Risk and Sustainability Implications**

Financial

- 3.1 If the Order is made, it will enable the Council to generate funds at the rates shown in the schedule of charges attached to the Order. It is proposed that public parking at the car parks may on occasions be suspended, either wholly or in part to enable the Council to continue to offer private parking to persons who hire the Council's Civic Suite facilities. The financial implications of this will have to be reviewed in due course as the income from Civic Suite hire on relevant days could be more or less than the income raised by parking charges.
- 3.2 There is likely to be an element of revenue generated from breach by the public of the parking regulations brought into force by the Order. Any such breaches will be enforced by the Penalty Charge Notice and other enforcement procedures by the Council's parking enforcement service.
- 3.3 At its meeting on 6 April 2009, full Council approved the introduction of charges to the two car parks for the purpose of income generation, as part of the Budget Strategy. In addition, the necessary Capital Expenditure for the installation of the necessary machinery, signage etc. was also approved.
- 3.4 The legal costs of the procedure will be met from existing resources.

Legal

- 3.5 Section 32 of the Road Traffic Regulation Act 1984 enables Local Authorities to provide off street parking places and the means of access to and egress from them for the purpose of relieving or preventing congestion of traffic.
- 3.6 An Order for the off road parking is only required if the Local Authority proposes to raise charges and regulate the use of the car park in question and access or egress is onto a road.
- 3.7 The procedure for making the Order is contained in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the Regulations"). The Regulations require that a consultation process is conducted with the County Council as the Highway Authority, the Commissioner for the Local Police, the Freight Transport and Road Haulage Association and such other organisations as the Council see fit. If an objection is received it may have to be resolved by the Secretary of State.

- 3.8 The Regulations require publication of a “notice of proposals” in a local newspaper in a prescribed form. The notice must give an address for objections in writing. If an objection raises certain statutory criteria (i.e. adverse effect on public services) it may cause a public inquiry to be necessary.
- 3.9 Once an Order is made, that fact must be advertised. The Order can become final 6 weeks after the final advert if no procedural objections have been received.

Policy

- 3.10 The Council currently has no parking policy in respect of its off-street parking.

Risk

- 3.11 The Council currently allows access to the public on a free of charge basis to the car parks in question. The degree of risk in terms of the Council’s occupier’s liability does not increase merely because a charge is raised. There may be a greater risk of injury because of the presence of machinery (i.e. ticket machines) but there may also be a reduction in the numbers of persons using the car parks because there will be a charge for what was formerly a free facility.

Sustainability / Environmental

- 3.12 There are no sustainability, environmental or climate change issues beyond those of the existing use of the space as car parks.

Report

4. Background

The existing Council-owned car parks at Trescott Road and the Town Hall are exclusively available for staff and members of the Council, and visitors to the Town Hall, during working hours. In the evenings and at weekends the barriers to both car parks have been left open which has enabled the public to utilise the car parks. It is now proposed to raise a charge to members of the public for parking in the car parks in the evenings and at weekends. The existing usage as staff/Member car parks during working hours is to continue.

5. Key Issues

- 5.1 The practice of allowing the public to use the car parks in the evenings and at weekends has been on an ad hoc basis up to now. There has been no policy and no formal resolution or Order to permit

the practice. An Order is required if the Council proposes to raise a charge for parking.

5.2 If the Council wishes to retain the right to reserve the whole or part of the car parks in the evenings and at week ends for the exclusive use of persons hiring Council function facilities, then there needs to be a process for such decisions to be made. Officers suggest that this decision-making power should be delegated to an Officer to enable appropriately rapid decision-making.

5.3 If the Council does not wish to reserve the whole or part of the car parks in the evenings and at week ends for the exclusive use of persons hiring Council function facilities, there may be an impact on the revenue which the Council receives from hiring of the Civic Suite.

6. **Other Implications**

Asset Management - Machinery, signage and markings will be installed on the Council's land. The revenue costs of operating, enforcing and administering the policy will be met within existing resources.

Community Safety - None beyond those arising from existing usage.

Human Resources - Staff engaged in the enforcement of on-street parking will carry out enforcement for the proposed off-street parking. For Members or staff working at the Town hall during the periods when it is proposed parking charges will apply, a temporary pass will need to be obtained in advance.

Social Exclusion - The proposed charges may not be affordable for some residents of or visitors to the town.

7. **Lessons Learnt**

None

8. **Background Papers**

Draft "Redditch Borough Council (Off Street Parking Places) Order 2009"

Minute of Council Meeting on the 6 April 2009 referring to Budget Strategy, Income Generation and Capital Expenditure.

9. **Consultation**

There has been consultation with relevant Borough Council Officers. Before adopting the Order, the Council will need to carry out appropriate consultation.

10. **Author of Report**

The author of this report is Andy Teepe (Senior Solicitor) who can be contacted on extension 3264 (e-mail: andy.teepe@redditchbc.gov.uk) for more information.

11. **Appendices**

Appendix 1 - Draft "Redditch Borough Council (Off Street Parking Places) Order 2009" including relevant schedules.

Appendix 2 - P2070/16 Trescott Road Car Park Pay and Display Details.
P2070/17 Town Hall Car Park Pay and Display Details.

Appendix 3 Off Street Parking Policy (2009)