

Cabinet Member for Environmental Services

Agenda

Date: Thursday, 16th December, 2010
Time: 11.00 am
Venue: The Tatton Room - Town Hall, Macclesfield SK10 1DX

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos. 11 and 35 a total period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to its work.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. It is not required to give notice of the intention to make use of public speaking provision. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

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Members of the public should provide 3 clear working days' notice, in writing, if they wish to ask a question at the meeting, and submit the question at the time of notification, in order for an informed answer to be given.

4. **Nantwich Parking Review** (Pages 1 - 20)

The Cabinet Member for Environmental Services is asked to approve the Nantwich Parking Review report and authorise Officers to take steps to implement its recommendations.

5. **Proposed Amendment to the Borough of Crewe & Nantwich (General) (Off-Street Parking Places) (Consolidation) (Minor) Order 2008 to Allow the Sale of Annual and Seasonal Permits for Parking on Specific Long-Stay Car Parks** (Pages 21 - 24)

The Cabinet Member for Environmental Services is asked to approve, subject to consultation, an amendment to the Borough of Crewe and Nantwich (General) (Off-Street Parking Places) (Consolidation) (Minor) Order 2008 ('the Order') the effect of which will be to allow the sale of annual and seasonal contract permits for parking on the long-stay car parks of Love Lane, Snow Hill and First Wood Street, Nantwich.

6. **Proposed Amendment to the Cheshire East Borough Council (Off-Street Parking Places) (Congleton Area) Order 2010 (the Order) to Change the Charging Hours to 9.00 am - 5.00 pm: Consideration of Objections Received** (Pages 25 - 36)

The Cabinet Member for Environmental Services is asked to consider the objections received in respect of the proposed amendments to the Order in relation to the charging hours applicable to specified car parks in Congleton town centre.

7. **Proposed Amendment to the Cheshire East Borough Council (Off-Street Parking Places) (Congleton Area) Order 2010 (the Order) to extend the Maximum Stay to Eight Hours - Princess Street Car Park, Congleton: Consideration of Objections Received** (Pages 37 - 44)

The Cabinet Member for Environmental Services is asked to consider an objection received in respect of the proposed amendment to the Order in relation to the maximum period a vehicle may wait within the charging hours at Princess Street Car Park, Congleton.

(There are no Part 2 items)

CHESHIRE EAST COUNCIL

Cabinet Member for Environmental Services

Date of Meeting: 16 December 2010
Report of: Head of Safer and Stronger Communities
Subject/Title: Nantwich Parking Review

1.0 Report Summary

- 1.1. This report proposes acceptance of the report following the recent Nantwich Parking Review.

2.0 Recommendation

- 2.1 That the Cabinet Member for Environmental Services approves the Nantwich Parking Review report and authorises officers to take steps to implement the recommendations it contains, in particular:
- 2.1.1 To amend the Off Street Parking Places Order to enable the Council to sell contract parking permits on long stay car parks in the town. This is the subject of a separate report at this meeting;
- 2.1.2 To establish the costs of improvements to Snow Hill car park and proceed to formal quotations subject to availability of funds;
- 2.1.3 To carry out a further review of car park usage and any other changes following the introduction of new tariffs, in 3 months' time;
- 2.1.4 To carry out preliminary studies of residents parking schemes where these have been requested by local residents;
- 2.1.5 Highways officers to investigate and propose changes to access to the town square.

3.0 Reasons for Recommendations

- 3.1 The recommendations in the Review report received the support of both Ward and Town councillors, as well as the Town Council Transport Group.

4.0 Wards Affected

Nantwich

5.0 Local Ward Members

Cllr Arthur Moran, Cllr Andrew Martin, Cllr Brian Dykes

6.0 Policy Implications including Climate Change and Health

- 6.1 Should the change to town centre access be made, this should contribute to improved pedestrian safety and reduce damage to surfaces leading to trip hazards.

7.0 Financial Implications

- 7.1 Should this report be approved, subsequent reports will take forward statutory processes to action the recommendations and financial implications will be detailed there in each case.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 S 122 Duty

Section 122 of the Act imposes a general duty on the local authority to have regard to certain factors when exercising its functions under the Act, including car parking order making. Section 122 states the following;

- 8.1.1 *'It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.*

- 8.1.2 The matters specified under s122(2) are as follows:

(a) the desirability of securing and maintaining reasonable access to premises;

(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

(c) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);

(d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(e) any other matters appearing to the local authority to be relevant.'

8.1.3 It is considered that the changes proposed in this report will not adversely affect the fulfilment of the Authority's duties under s122(2).

8.2 Changes which would require the alteration of the Borough of Crewe & Nantwich (General)(Off Street Parking Places)(Consolidation)(Minor) Order 2008 require the proposing and making of an amendment order. The procedure for making such an order is prescribed within the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (of which statutory consultation and consideration of any objections is part). Any such proposals will be the subject of separate decision reports

9.0 Risk Management

9.1 N/A

10.0 Background and Options

10.1 The parking review was carried out in response to a Cabinet decision earlier this year to conduct reviews in all Cheshire East's centres. The entire report itself is available for inspection. This report sets out findings from the Review of the parking situation in the town centre in respect of both on and off street parking and control measures. The objectives of this Review were:

- To study the controls and facilities for parking in the central area of Nantwich town and
- identify changes needed to improve the provision, control and management of parking.

10.1.1 Ward Councillors submitted a range of comments to the Review. The Town Council have also supplied views at meetings held.

10.2 The options remain either not to accept the report's recommendations. However the proposal in this paper stems from the consultations in the review as shown above so already has considerable support.

11.0 Access to Information

Contact:

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Parking Review:

Nantwich Town Centre

October 2010

Nantwich Parking Review

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1.0 Introduction, Scope and Objectives

- 1.1. This report sets out findings from a review of the parking situation in the town centre in respect of both on and off street parking and control measures.
- 1.2. The objectives of this Review are:
 - 1.2.1. **To study the controls and facilities for parking in the central area of town and**
 - 1.2.2. **identify changes needed to improve the provision, control and management of parking.**
- 1.3. The study focuses specifically on the town centre (as defined on the map shown at Appendix I) in order to understand the effect of parking demand and supply on traffic circulation and parking for all vehicle users in a well defined central area.
- 1.4. This report summarises the analysis of the current controls and provisions for parking and makes recommendations for changes to improve both customer service and circulation through appropriate controls.
- 1.5. Management of public parking in the town centre consists of a combination of
 - 1.5.1. on street restrictions and limited waiting provision, and of
 - 1.5.2. provision of off street public car parks.
 - 1.5.3. Control is exercised through Civil Parking Enforcement (CPE) (under the terms of the Traffic Management Act 2004). Civil Parking Enforcement of both on and off street parking began in January 2008. Prior to this on street control rested with the Police.
 - 1.5.4. The enforcement service is provided by one team of 26 Civil Enforcement Officers (CEOs) and 9 Notice Processing staff covering the whole of the Cheshire East area.

2. On Street control and provision

2.1.1. Location of and nature of existing restrictions: The restrictions in force can be found on the Council's website interactive mapping facility:

<http://maps.cheshire.gov.uk/cheshirecc.interactivemapping.web.internet/Default.aspx?e=365209&n=352325&mp=1&layers=BOU.PLA.PLO.CARP&hLayer=&hField=&hValue=>

2.2. Parking Patterns on Restricted Streets: a survey was carried out of parking on streets having limited waiting and no waiting restrictions.

2.2.1. The occupancy of town centre bays observed was as follows:

Table 1

Nantwich Limited Waiting Bays Survey August 2010 (1 week)							
Location	No. of spaces	Tue		Thu		Sat	
Occupancy		am	pm	am	pm	am	pm
Market St	6	25%	33%	88%	60%	100%	75%
Pillory St	16	56%	73%	69%	100%	88%	65%
Hospital St	21	65%	82%	79%	90%	75%	40%

Overstay No. of Vehicles							
Market St	6			1			2
Pillory St	16	1	2	1	1	1	2
Hospital St	21	1	1			1	1

This indicates that other than on market day (Thursday) there are sufficient limited waiting bays for the demand

2.2.2. The limited waiting bays marked in Welsh Row are currently unenforceable as time plates are missing. The road has been the subject of works and changes to limit through traffic subsequent to the opening of the alternative route past the Football Club (Waterlode extension). The bays are used by local residents and workers and the unrestricted parking does not appear to cause difficulties. However the future of the restrictions needs to be resolved to allow appropriate control.

2.2.3. Access to the pedestrianised area around the War Memorial is controlled with a gate at the end of Pepper Street (Thursday, Friday and Saturday, locked at 10am and opened at 4pm). However vehicles can still gain access at all times from Mill Street and past the Crown Hotel. This leads to potential conflicts with pedestrians often from large vehicles making deliveries, as well as damage to yorkstone flag paving near the memorial. This is raised by Council Members following complaints from customers.

2.3. Parking Patterns on unrestricted streets: sample studies were conducted in order to establish usage patterns and the extent of any displacement parking on streets.

These showed long stay parking during the day probably by town centre workers. This was especially the case in Volunteer Fields. However this does not appear to have caused inconvenience or obstruction as no complaints or requests for action have been received.

2.4. Residents in other locations affected by displacement parking have requested Residents Schemes, and these are dealt with in the relevant section below.

2.5. Enforcement: The level of enforcement in terms of numbers of Penalty Charge Notices (PCNs) issued (table 2) indicates:

2.5.1. that compliance is generally good though extra vigilance is required on market day and during festivals.

2.5.2. that this low and reducing figure may have been affected by variable frequency of patrol and vacancies in the CEO team which have stretched the resource and may have masked non compliance to some extent. Complaints have been few however.

2.5.3. that there is reduced vehicle presence in the town due to the economic situation.

2.5.4. Last year, of the PCNs issued , On street the main reasons were for parking on prohibited waiting streets (56%) and overstay on limited waiting bays (42%).

2.5.5. Off Street, main contraventions were failure to pay (53%) or ticket expired (37%).

2.5.6. This year to July the picture is similar though on street overstays have fallen significantly.

Table 2

PCNs Issued						
Nantwich						
yr 09 10				yr 10 11		
	On Street	Off Street	Total	On Street	Off Street	Total
April	93	150	243	53	115	168
May	98	196	294	37	147	184
June	96	204	300	25	149	174
July	106	221	327	44	176	220
August	88	245	333	34	162	196
Sept	90	190	280			
October	61	222	283			
November	117	232	349			
December	88	198	286			
January	45	183	228			
February	43	181	224			
March	58	166	224			
Total	983	2388	3371	193	749	942

3. Off Street Parking

Parking Stock

- 3.1. Council- operated car parks are shown in table 1 below together with the current charging status. The map attached at Appendix I shows locations.
- 3.2. Fees and charges are strictly beyond the scope of this Review. However the current position is shown below together with the proposed change, for completeness. The change has been proposed in response to many comments and complaints that since amalgamation, the fees in the town were out of step with the structure of tariffs elsewhere. That is to say that there is no clear, incremental stepping of tariffs through the stay lengths. This does affect customer choices and therefore effective management of the parking stock .

Table

Name/Location	Maximum Capacity	Disabled Spaces	M/Cycle Bays	Up to 1 Hr	Up to 2 Hrs	Up to 4 Hrs	Up to 5 Hrs	Up to 10 Hrs (all day)
Bowers Row	32	2	1	70p	£1.00			
Bowling Green	53	1	2	70p	£1.00	£1.50	£2.20	
Church Lane	33	0	0	70p	£1.50			
Civic Hall	151	12	3	70p	£1.00	£1.50	£2.20	
Dysart Buildings	25	2	0	70p	£1.00	£1.50	£2.20	
First Wood Street	50	3	0	70p	£1.00	£1.50		£2.20
Love Lane	124	4	0	70p	£1.00	£1.50		£2.20
Manor Road	19	1	1	70p	£1.50			
Market Area	16	1	0	70p	£1.50			
Snow Hill	247	8	1	70p	£1.00	£1.50		£2.20
Total	725	34	8					

- 3.3. At the time of writing it is proposed to move towards conformity with tariff step patterns elsewhere in Cheshire East. In particular, currently short stay prices start at too high a fee, and long stay prices have no tariff steps over 4 hours.

The proposal is as follows and is subject to approval:

Proposed Tariff					
Name/Location	Up to 1hr	Up to 2hrs	Up to 4hrs	Up to 5 hrs	4 to 10 hrs
Bowers Row	£0.50	£0.90			
Church Lane	£0.50	£0.90			
Market Area	£0.50	£0.90			
Manor Road	£0.50	£0.90			
Bowling Green	£0.50	£0.90	£1.90		
Civic Hall	£0.50	£0.90	£1.90		
Dysart Buildings	£0.50	£0.90	£1.90		
Love Lane	£0.50	£0.90	£1.90	£2.30	£2.50
First Wood Street	£0.50	£0.90	£1.90	£2.30	£2.50
Snow Hill	£0.50	£0.90	£1.90	£2.30	£2.50

- 3.4. This change may have an effect on the distribution and volume of parking in the town and as a consequence, further study may be required after a period of operation with these charges.
- 3.5. The physical condition of the pay and display car parks is generally good. Signs and meters conform to required standards as detailed in the condition survey. Equally, surface condition and line markings are adequate, although there some maintenance requirements this year, and Snow Hill in particular may be in need of surface dressing at least within 12 months.
- 3.6. The car parks have been the subject of a general condition survey and the results are attached at Appendix II. More immediate small works will be undertaken in ensuing weeks; more substantial work will be investigated with a view to obtaining contractor quotation in accordance with Cheshire East Procurement rules.
- 3.7. Additional town centre parking is provided by Morrisons and ALDI supermarkets. These are operated privately and parking is not charged for though maximum stay is limited.
- 3.8. Informal parking takes place at St Anne's Lane (former gasworks); typically 100 vehicles use what is uncontrolled open space in the ownership of the Council. It is classed as land in need of remediation before any improvement may take place.
- 3.9. Nantwich Town Football Club also has a large parking area which is occasionally made available to the public (eg during festivals). The club is believed to have plans to improve the unsurfaced section and is currently operating it as a public long stay car park (£1.50 all day). This would accommodate approximately 200 vehicles.
- 3.10. Malbank secondary school also has a large car and coach park at the furthest end of Welsh Row. This is often suggested as suitable for public parking out of term time. However the distance from the town centre coupled with difficulties in setting a Car Park Order to cope with term variations, as well as risk issues, renders this problematic.
- 3.11. There are currently no provisions for the sale of contract parking permits. This may be especially useful if the proposed new tariffs are introduced. As a result displacement onto the streets may increase, at least initially. Contract permits would give some customers a choice of a discounted season ticket in effect. It is not known whether the Football Club arrangements will be in place or attractive enough to minimise the effect of such displacement. Therefore the offer of a permit could help to

reduce displacement. This will require a change to the Car Park Order, to allow sales of permits on certain long stay car parks.

- 3.12. The Town Council has been investigating use of the former railway station yard as a public car park. This would be useful for rail commuters and long stay parking for the town. However the site is in multiple ownership, the chief of which is Network Rail, agreement with whom has proved difficult to achieve to date. This Council is not involved in negotiations but the Town Council is understood to be pursuing the matter.
- 3.13. There are 725 bays of which 34 are for disabled only. The breakdown across long, short, paying and free, is

Table 2

Current Breakdown (since May 2010):

Max. Stay	No. of Bays	
	Total inc Disabled	Paying Only
Short Stay (<5 hrs)	304	285
Long Stay (5 hrs +)	421	406

Usage and Occupancy:

- 3.14. Pay and Display charging was introduced over 15 years ago. Civil Parking Enforcement on and off street was introduced from January 2008. The usage of the car parks in 2009/10 has been analysed based on sales of tickets.
- 3.15. Income from the car parks last year averaged £12500 per week or 11750 ticket sales. This split at 64% short stay (under 5 hours) ticket sales, giving over 59% of the sales income. However only 41% of the bays are short stay which suggests not only that these are “working hard” but also that such a small town centre is adequately provided with long stay bays.
- 3.16. Turnover of bays in a car park (the frequency with which vehicles use the bays, on average) is a useful measure of occupancy. In Nantwich during the last year turnover as indicated by the sales information is:

Table 3

Parking Bay Turnover						
Car Park	Max stay (hrs)	Bays	2009/10 P+D Sales (units)	less: Sunday sales	Average Daily Sales (305 days)	Turnover/ bay/day
Bowers Row	2	30	49078		161	5.4
Church Lane	2	33	34938		115	3.5
Market Area(3days/wk)	2	15	6670	768	39	2.6
Manor Road	2	18	29837	1584	93	5.1
Bowling Green	5	52	46841		154	3.0
Snow Hill still <5 hrs)	5	239	225405	12000	700	2.9
Civic Hall (still >5 hrs)	5	114	116081	4644	365	3.2
Dysart Buildings (still >5hrs)	5	23	13260	348	42	1.8
Love Lane	10	120	68838		226	1.9
First Wood Street	10	47	20177	768	64	1.4
Total		691	611125			

- 3.17. On average bays in car parks mainly used for long stay achieved 2.1 per bay per day. Those used for short stay (more central, higher tariff) achieve 3.5. This is expected to grow as two of the car parks changed to short stay this year. (In Crewe, long stay car parks are on average at 1.4 to 1.5 with short stay at from 3.1 to 4.3). This implies that, relatively, more short stay users are using the longer stay (though still dual-purpose) locations. This is natural to an extent where car parks are relatively few and located close to the centre.
- 3.18. The decision was made this year to change Civic Hall and Dysart to maximum 5 hours stay to reflect the increased demand for short stay due to the Health Centre construction. To compensate, Snow Hill was increased to 10 hours at the same time.
- 3.19. For some years, the relative strength of Nantwich's retail economy, coupled with its growth as a tourist and festival centre, has led to calls for an expansion in parking provision. In particular during festivals, demand can be acute and the need has been suggested for more out of town parking in conjunction with park and ride. The difficulty in this lies in the extreme contrast between festival days and normal trading days. This renders a permanent park and ride service cost ineffective. On normal days the existing parking stock, managed through tariffs and enforcement, appears adequate as people can find a space within a reasonable time.
- 3.20. The likely effect of the proposed new tariffs must be considered. As these represent an improved incentive to short stay parking in the town, along with an increase in long stay prices, patterns of movement and demand could change.
- 3.21. However as the Football Club (NTFC) site is now offered as a public car park, this may provide an outer zone tariff to divert "overspill" long stay customers and allow central car parks to serve more shoppers and visitors.

3.22. Car Park Order : The car parks are managed and controlled under the terms of an Off Street Parking Places Order (Car Park Order or CPO) put in place by the former Borough Council and also covering Crewe. It is in need of updating and the overall management of car parks in the town over time would benefit from a standardised approach in the CPO. This would be best delivered as a new, Cheshire East wide Car Park Order. However the existing Order is functional and so it is not proposed to start work on a new Order immediately.

4. Enforcement:

4.1. The PCN issue figure is reflecting the high demand for space and relatively low availability. However it does also reflect the balance of attention paid to on or off street locations given the restricted CEO team availability during this time.

4.2. The occupancy and enforcement figures together indicate that capacity overall, for parking in the town, is sufficient for the observed average level of demand. However during festivals, events, and frequently on market day (Thursday) it can be difficult for customers to find a space.

4.3. **Provision for Disabled Drivers:** the Off Street Order allows customers displaying a valid Blue Badge to park without charge within any bay on a public Council operated car park. Of the total of 725 off street bays in the town under public control, 34 wide disabled bays are offered, ie. 5%. This conforms to the national guideline minimum. Organisations for the Disabled often cite 10% as their preferred figure. However, in view of Cheshire East's current policy of not charging any disabled customer, 5% should be sufficient.

4.4. Uncharged Car Parks : There are no adopted public car parks in Nantwich uncharged for at point of use. The St Anne's Lane site is unlikely to be adopted as a public car park due to the high cost of remediation, and the need thereafter to repay the Development Land Grant.

5. Consultation:

5.1. Ward Councillors submitted a range of comments and these are summarised below, together with Officer comments.

5.1.1. Off Street capacity is generally sufficient with notable exceptions at peak times such as Thursday (market day) and Saturday – main trading periods especially in the summer, as well as during festivals and events. The Football Club and Malbank school are able to absorb some of the excess demand but members would like additional land on the outskirts of town to be considered for possible overflow parking at some point in the future, subject to owners' agreement and to local sensitivity.

5.1.2. The signage indicating 1st Wood St car park needs to be improved to encourage long stay use.

5.1.3. The car park around the old Medical Centre on Beam St could be operated by the Council to improve availability and capacity.

5.1.4. Whitewell Close residents have expressed an interest in a Residents Scheme.

- 5.1.5. Double parking in Park View can become an issue causing congestion.
- 5.1.6. Access to the town centre (central square needs more restriction to exclude delivery vehicles in peak trading time- a barrier on Mill St is needed.
- 5.1.7. Civil Enforcement Officers need to step up vigilance in this area to ensure that loading/unloading time is observed.
- 5.1.8. Access through Snow Hill car park (Wall Lane) is used as a rat run and presents some risk to crossing pedestrians. Could this be better controlled?
- 5.1.9. Shrewbridge Road Open area- the capacity of this site to take more vehicles to be explored by the Council (Leisure/Open Space). Better car park signs should be provided.
- 5.1.10. It was agreed that changes to the car park tariffs will have some effect and that officers and members need to take time to observe the result in traffic management terms and to make further recommendations as necessary.
- 5.1.11. Coach parking needs to be catered for but the opening of NTFC car park may absorb this; again further observation needed.
- 5.2. **Nantwich Town Council Transport Group**: echoed many of the above points (see Appendix IV).

6. Residents' Parking Schemes

- 6.1. Nantwich has a number of residential streets within the central business district and, due to its compact size, larger residential areas within walking distance of the centre. There have been only a few requests for residents' schemes, from the former. Streets further out tend only to be affected by displacement parking to some extent during festivals and events. At other times residents appear not to suffer inconvenience sufficient to warrant a request for a scheme.

To date, requests for such schemes have come from residents in the following locations:

Street	Town	Surveyed	Suitable for RP
Barker Street	Nantwich	Yes	Possible
Whitewell Close	Nantwich	Yes	No
Crewe Rd (requested)	Nantwich	No	
Pratchitts Row (requested)	Nantwich	No	

- 6.1.1. Barker Street/Love Lane: only one area is appropriate to be considered- a cul- de- sac area with marked parking bays (currently uncontrolled).
- 6.1.2. The other two streets requesting schemes will be surveyed as soon as possible.

7. Conclusion and Recommendations from this review

The control and management of parking in Nantwich is generally felt to be satisfactory, although there are persistent concerns at peak times in the summer months and at festivals. Actions recommended are:

7.1. On Street Controls: (for Highways):

- 7.1.1. The status of the limited waiting bays in Welsh Row needs to be finalised by Highways department.
- 7.1.2. Access to the town centre from Mill St and the Crown should be reviewed and the possibility of barriers here considered. This should be progressed following submissions from the Ward Members via their Ward Lists.
- 7.1.3. Wall St access should be referred to the Highways Road Safety unit for review and recommendation.

7.2. Off Street Control (for Parking Services):

- 7.2.1. Monitor car park occupancy and on street compliance once the new tariffs have been introduced; as this may lead to changes in demand and pressures on streets with no restrictions.
- 7.2.2. Review customer vehicle movements and behaviour over the next 6 months following the opening of the NTFC car park, affecting mainly long stay demand, in conjunction with the tariff changes in CEC car parks.
- 7.2.3. Introduce Contract Parking Permits on some long stay car parks to give an option of discounted seasonal parking. This will require a change to the Car Park Order.
- 7.2.4. Consider resurfacing Snow Hill Car Park subject to availability of capital funding.
- 7.2.5. Install a sign at Shrewbridge Road site indicating availability for parking.
- 7.2.6. Conduct surveys on two further zones in respect of residents parking Schemes.

Appendix II

Nantwich Parking Review: Condition Survey 2010

Recommendations by Car Park

Snow Hill Car Park: the surface and drainage of this site has been deteriorating for some time and requires some repair.

2. Car parks not charged for at point of use

St Anne's Lane (former Gasworks)

This is an area of open land used as an informal car park. It is not adopted and has no car park order in place. Considerable remediation study and work would be required at significant cost, before such adoption and construction could take place.

Shrewbridge Road (near Airman's Grave)

This is also an informal open space used as a car park serving the Mill Island and lake. With some minor improvement its capacity could be improved which would be useful during festivals.

Appendix III

Parking Patterns near to Nantwich town centre on non restricted sections of road

Scope and purpose

Surveys were undertaken of a sample of roads and streets near Nantwich Town Centre where no restrictions apply. The purpose of these surveys was to determine:

- Total number of spaces available
- Total occupancy rate of spaces during the day
- Total occupancy rate of spaces in the evening
- Total number of spaces being used by residents during the day
- Total number of spaces being used by non residents during the day

Collection of data and reliability

Data collection was carried out by logging registration numbers during the day and during the evening (outside normal working hours). Vehicles parked during the evening were assumed to be residents' vehicles and this information was used to assess the number of residents parking during the day also.

The reliability of the data therefore must take into account the following:

- this method of survey provides data which is approximate.
- The accuracy is affected by the frequency of survey visits: with only 3 or 4 surveys carried out the result is only a "snapshot" and will not take into account seasonal variations or changes occurring e.g. during school holidays.
- The assumption that all vehicles parked in the evening are residents' vehicles and that all residents are present during the evening is only suitable for "provisional" results but does give a picture which is useful if the limits are remembered. To some extent the errors cancel themselves out but this cannot be guaranteed.

Conclusions from the data obtained

- 1 Volunteer Fields sees regular day time car parking by town workers with numbers fairly static.
- 2, St. Lawrence Crt experiences the same as Volunteer Fields but substantially less numbers.
- 3, Bowyer Ave, Volunteer Ave, Blakney and Shrewbridge Crst appear fairly static day and evening, suggesting residential traffic.
- 4, In most cases day/evening parking for residents is not an issue. No complaints from residents since going decrim.
- 5 All streets surveyed with the exception of Volunteer Fields are free of yellow lines. Volunteer Fields having 10 mtrs of d/y lines on the east and west side near to Beam street junction.

Appendix IV Nantwich Town Council Transport Group Consultation

The Group was consulted at its meeting on 23rd November 2010 following email notification of the Review's scope and objectives. At this meeting the interim recommendations were explained as shown in this Review report. Comments received included:

1. Civic Hall Car Park: Suggestions were made of increased efforts to ensure compliance and of a "free half hour" to allow people to undertake activities like a quick purchase or collect a prescription. Paul Burns (PB) explained that the new tariff of 50p per hour would partly address the issue; ½ hr tariff is not practical as it is very difficult and costly to enforce.
2. Points were made by the Group to the effect that a 50p per hour tariff was a step in the right direction but hopefully there would be further moves to parity with other towns.
3. Difficulties of parking in Whitewell Court were mentioned. PB felt a residents parking scheme was highly unlikely because of the existence of adequate off-street parking. Residents may therefore need to request restrictions through the Ward Member list system.
4. Pedestrian area on the Square: Malcolm McCuaig said that he was prepared, subject to resources, to consider the possibility of an experimental order in Mill Street, restricting traffic. The way to progress it was through the 'Ward Member' system. PB will ensure that this recommendation would also be included in the Review report.

CHESHIRE EAST COUNCIL

Cabinet Member for Environmental Services

Date of Meeting:	16th December 2010
Report of:	Head of Safer and Stronger Communities
Subject/Title:	Proposed Amendment of the Borough of Crewe and Nantwich (General) (Off Street Parking Places) (Consolidation) (Minor) Order 2008, to allow the sale of Annual and Seasonal Contract Permits for parking on specific long stay car parks.

1.0 Report Summary

- 1.1 This report proposes the amendment of the Borough of Crewe and Nantwich (General) (Off Street Parking Places) (Consolidation) (Minor) Order 2008 ('the Order') the effect of which will be to allow the sale of annual and seasonal contract permits for parking on the long stay car parks of Love Lane, Snow Hill and First Wood Street.

2.0 Recommendation

- 2.1 The Cabinet Member for Environmental Services is requested:

- 2.1.1 subject to statutory consultation, to approve a proposed amendment to the Order, the effect of which would be to make provision for the sale and use of annual and seasonal contract parking permits in relation to Love Lane Car Park, Snow Hill Car Park and First Wood Street Car Park, Nantwich, the cost of which would be as follows:

Annual Charge	£495
Quarterly Charge	£135

- 2.1.2 to authorise the Borough Solicitor, or officer acting on her behalf, to publish a notice of proposals in relation to the proposed amendment order, with any objections to be made within the statutory consultation period of twenty-one days. In the event that objections are received, for these to be referred back to the Cabinet Member for consideration at a future meeting.
- 2.1.3 in the event that no objections to the proposed amendment order are received, to authorise the Borough Solicitor, or officer acting on her behalf, to make and bring into force the proposed amendment order (as set out in 2.1.1 above) and to give notice thereof in accordance with statutory requirements.

3.0 Reasons for Recommendations

- 3.1 The Order currently contains no provision for sale of annual or quarterly contract permits, and does not, at present make provision for the issue of contract permits at all in relation to Love Lane Car Park, Snow Hill Car Park and First Wood Street Car Park, Nantwich. It is suggested that annual and quarterly contract permits would represent a convenient alternative to those customers who park most regularly in the town of Nantwich, especially those who work there. The discount offered compared with the cost of paying to park daily (i.e. £2.50 with effect from 18th December 2010) is beneficial as this the removal of the need to find change for pay and display machines.
- 3.2 The Council would benefit from the advance payment which improves cash flow.
- 3.3 The proposed charges are in line with the current contract charges elsewhere in the Borough where daily charges are equivalent to those in place in Nantwich i.e. £2.50 (as amended in the recent Notice of Variation with effect from 18th December 2010). The contract price represents a discount of 35% for customers parking up to 305 days per annum or an equivalent of £1.62 per day. The annual permit will in fact permit parking on 365 days of the year.
- 3.4 The car parks named have been specified, as they are the only long stay car parks in Nantwich. Shorter stay car parks are not appropriate for long stay permits.

4.0 Wards Affected

- 4.1 Nantwich

5.0 Local Ward Members

- 5.1 Councillors B Dykes, A Martin, A Moran

6.0 Policy Implications

- 6.1 The proposal is in line with existing policy of sale of contract permits elsewhere in the Borough. It should not lead any significant effect on climate change or Health and Safety.

7.0 Financial Implications

- 7.1 Cost of implementation should not exceed £2000 to include advertisements and signage.
- 7.2 Currently, spare capacity exists on most days in 1st Wood St and Snow Hill car parks as turnover is good at present, (more than 2 per bay per day on

average) and whilst the imminent increase in daily charges to £2.50 may reduce long stay parking, the offer of a contract at a discount may also increase income to compensate. However, until the take-up of contracts is known it is difficult to quantify the full financial impact on income levels.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Section 122 Duty

Section 122 of the Road Traffic Regulation Act 1984 ('the Act') imposes a general duty on the local authority to have regard to certain factors when exercising its functions under the Act, including car parking order making. Section 122 states the following;

8.1.1 *'It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.'*

8.1.2 The matters specified under s122(2) are as follows:

(a) the desirability of securing and maintaining reasonable access to premises;

(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

(c) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);

(d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(e) any other matters appearing to the local authority to be relevant.'

8.1.3 It is considered that the change proposed in this report does not adversely effect any of the factors specified in section 122(2), and that it assists in securing the expeditious, convenient and safe movement of vehicular traffic and the provision of suitable and adequate parking facilities, as the proposals seek to provide customers the opportunity to utilise a more convenient method of payment.

8.2 The proposals suggested with the report require the proposing and making of an amendment order to amend the Order, the procedure for which is as

set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

- 8.3 The Regulations prescribe that before making an order a local authority must publish a 'notice of proposals' in a newspaper circulating in the area in which any road or other place to which the order relates is situated and to place documents relating to the proposals on deposit for inspection by members of the public. The local authority is also required to consult with certain prescribed bodies, including the Chief Officer of Police, and is required to take into consideration any objections received within the 21 day consultation period. Failure to consider any such objections would pose a risk to any subsequent decision. If any objections are received then these will be reported to the Cabinet Member for consideration.

9.0 Background and Options

- 9.1 These are covered within this report at 3.0 above

10.0 Risk Management

- 10.1 The risk of a large take-up of contracts resulting in a net loss of income is low judging from existing evidence in other locations where permits are sold.

11.0 Access to Information

Name: Paul Burns
Designation: Parking Manager
Tel No: 01270 537805
Email: carparks@cheshireeast.gov.uk

CHESHIRE EAST COUNCIL

Cabinet Member for Environmental Services

Date of Meeting:	16 th December 2010
Report of:	Head of Safer and Stronger Communities
Subject/Title:	Proposed Amendment of the Cheshire East Borough Council (Off Street Parking Places) (Congleton Area) Order 2010, (the Order) to change the charging hours to 9am to 5pm : consideration of objections received

1.0 Report Summary

This report sets out the objections received in respect of the proposal to amend the Order as it relates to Charging Hours in specified Congleton Town Centre car parks, together with possible responses to them.

2.0 Recommendation

2.1 The Cabinet Member for Environmental Services is requested to consider the representations received in relation to the proposed amendments to the Order in relation to the Charging Hours applicable to specified car parks in Congleton Town Centre.

2.2 The Cabinet Member for Environmental Services is further requested:

2.2.1 to resolve whether, in the light of the objections, to approve the proposed amendment to the Cheshire East Borough Council (Off Street Parking Places) (Congleton Area) Order 2010 the effect of which would be as follows:

(a) to change the Charging Hours from 8am to 6pm (Monday to Saturday) to 9am to 5pm (Monday to Saturday) in relation to the following car parks in Congleton: Antrobus Street, Princess Street, Fairground, Roe Street, Back Park Street, Chapel Street, West Street and Park Street;

(b) to amend the Maximum Period a Vehicle may wait within the Charging Hours from 10 hours to 8 hours in relation to the following car parks in Congleton: Back Park Street; Chapel Street; West Street and Park Street

(c) to amend the tariff structure to in relation Back Park Street, Chapel Street, West Street an Park Street car parks in Congleton from:

0 -2 hours £0.50; 2 – 4 hours £1.00; and 4 – 10 hours £1.50

to:

0 – 2 hours £0.50; 2 – 4 hours £1.00; and 4 – 8 hours £1.50

and

- 2.2.2 if the proposed amendment order is approved, to authorise the Borough Solicitor, or officer acting on her behalf, to make and bring into force the proposed amendment order (as set out in 2.2.1 above) and to give notice thereof in accordance with statutory requirements.

3.0 Reasons for Recommendation

- 3.1 At a meeting on 19th October 2010 the Cabinet Member for Environmental Services authorised the publication of a 'notice of proposals' in relation to proposed amendments to the Order as it relates to Charging Hours in Congleton Town Centre car parks. A number of objections were received in response to the notice of proposals. For this reason, in accordance with the Local Authorities' Traffic Orders (Procedure)(England and Wales) Regulations 1996, the matter has been referred back to the Cabinet Member so that he may consider the objections. Details of the objections together with responses to them are set out within paragraph 10 below.

4.0 Wards Affected

- 4.1 Congleton Town East and West

5.0 Local Ward Members

Congleton Town East -David Brown, Peter Mason, Andrew Thwaite
Congleton Town West - Gordon Baxendale, Roland Domleo, David Topping

6.0 Policy Implications - Climate Change and Health

- 6.1 None significant: minimising of vehicle movement through parking control should remain effective after the proposed changes.

7.0 Financial Implications 20010/11 and beyond (Authorised by the Borough Treasurer)

- 7.1.1 Costs of changes to pay and display meters and to signs will amount to approx. £2200 and will be found from the existing budget.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 **S 122 Duty** : Section 122 of the Act imposes a general duty on the local authority to have regard to certain factors when exercising its functions under the Act, including car parking order making. Section 122 states the following:

- 8.1.1 *'It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient*

and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

8.1.2 The matters specified under s122(2) are as follows:

- (a) *the desirability of securing and maintaining reasonable access to premises;*
- (b) *the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;*
- (c) *the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);*
- (d) *the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and*
- (e) *any other matters appearing to the local authority to be relevant.'*

8.1.3 It is considered that the changes proposed in this report will not adversely affect the fulfilment of the Authority's duties under s122(2). The reduced hours for charging are a response to councillors' and business owners' observations that beyond this period (9am to 5pm) there is insufficient business activity and therefore vehicle movements to justify control by means of charging. Therefore the change is unlikely to compromise access, safety or air quality.

8.2 Changing the charging hours of the Car Parks requires the proposing and making of an amendment order to amend the Original Order. The procedure for making such an order is prescribed within the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

8.3 In accordance with the Regulations a 'notice of proposals' was published in the Congleton Chronicle on 11th November 2010. Consultation has also taken place with prescribed bodies, including the Chief Officer of Police. The Council is required to take into consideration any objections received within the 21 day consultation period. Objections have been received and therefore the matter has been referred back to the Cabinet Member.

8.4 Public inquiry

When considering whether to make an order under the Road Traffic Regulation Act 1984, the Cabinet Member will be aware of the discretion he has to hold a public inquiry. Factors which ought to take into account in deciding whether or not an inquiry should be held are;

- the complexity of the proposals;
- the nature of the objections received;
- whether the decision maker is able to take into account competing arguments and weigh them against each other;

- 8.5 The discretion as to whether to hold a public inquiry or not should be exercised according to rules of natural justice, i.e. fairly in all the circumstances. Any decision is not to be based on any self-imposed rule of policy or practice and therefore the decision must be made in relation to the present circumstances. It must not be based upon any previous presence or absence of an inquiry in similar proposals, nor must it be based upon a fear of setting a 'precedent'.

8.6 Making of an order

As soon as practicable after an order is made the Council is required to place a copy of the order with the documents on deposit at the Council's offices and, within fourteen days of the making of the order publish a 'notice of making'; inform any person who has objected to the order of the order being made; and ensure adequate publicity is given to the making of the order. A six week high court challenge period will then follow from the date the order was made.

9.0 Risk Management :

N/A

10.0 Background and Options

- 10.1 As the Cabinet Member will recall on 19th October he was asked to consider a report in relation to a proposal to change the Charging Hours in relation to certain car parks in Congleton Town Centre from 8 am – 6 pm (Monday to Saturday) to 9 am – 5 pm (Monday to Saturday).

- 10.2 As set out within the legal implications above, a 'notice of proposals' was published in the Congleton Chronicle and on site on 11th November 2010. The notice specified that any objections to the proposals were to be received by 2nd December 2010. Objections have been received, details of which are set out below, and therefore the matter has been referred back to the Cabinet Member for consideration.

- 10.3 The objections received were as below. The texts of the original objections are shown as Appendices.

10.3.1 Objection - (Appendix I)

(1) The proposal will not make any difference to residents parking overnight because most still have to leave for work before 8am, so they will not benefit from the change; (2) the proposal will not benefit traders who open at 9 and 10am; (3) the objector suggests reducing the car park charges by a further 2 hours, to 9am to 3pm, giving the town traders a chance to have some less stressed out shoppers to actually do some purchasing; (4) the objector stated that the suggestion within (3) above would help parents when collecting children from the nearby Marlfields Primary school, which is in close proximity to West Street and Antrobus Street car parks; (5) the objector stated that the suggestion

within (3) above would mean that residents arriving home from an early shift would benefit from complete free overnight parking; and (6) the objector suggests that charges are withdrawn completely as they are contributing to hardship in the town.

Response to objection

In respect of (1) residents: the change was made in response to representations partly on their behalf so it is therefore to be assumed that a benefit will in fact accrue to these individuals. (2) Secondly, traders should continue to benefit from the control exercised on long stay parking in the town centre which in fact has freed many spaces close to their businesses for customers and visitors. (3) It is not considered advisable to further reduce controlled hours as this would negate the main reason for introduction which was to regulate vehicle movements and ensure adequate opportunity for parking in busy town centre car parks. (4). The current control and charge regime is felt to achieve a reasonable balance, both ensuring space is available for customers and other short stay visitors such as school parents, and that the short stay charge of 30p for one hour is not excessive. (5) With reference to response at (1), provision is felt to be adequate for residents. (6) The removal of charges altogether is not advised as this runs counter to the Council's policy of seeking to control and regulate vehicle movements in town centres to improve availability of parking space for visitors to the centre and its businesses. Finally, the objector states that parking is free on Crewe Council car parks at ASDA and Argos. In fact parking is not free on any Council car parks in Crewe on Bank Holidays, and the car park serving Argos is not Council operated.

10.3.2 Objection - (Appendix II)

The objector contends that whilst the change to charging hours is of some benefit to those who are making short visits to the town centre, there is no plan for residents of Antrobus, Holford, Cross and North Streets. In the objector's professional capacity there is a need to transport heavy files and a laptop to the car, which needs to be close to the objector's home in Antrobus Street, especially in view of recent health problems.

Response to objection.

A Residents On-Street Parking Scheme had been proposed some months ago immediately following the introduction of short stay control on Antrobus Street car park but very few residents responded at that time. However since the recent Parking Review, it has been agreed to repeat the survey and to again offer to design such a scheme if it is the wish of the majority of residents. During the review it was considered whether Antrobus Street car park controls should be extended to allow long stay but it was agreed that the car park was correctly designated as short stay, being in such close proximity to the town centre's businesses. Alternative long stay parking is available close by at West Street car park. Residents of the streets in question could use this until the residents' on street scheme question is resolved. Those, such as the

objector, needing to load heavy equipment could arrange to first move the vehicle from West Street closer to the house, and load in a short time before departing, either by paying the modest 30p for 1 hour's parking off street, or parking in the street where restrictions allow loading and unloading.

10.3.3 Objection – (Appendix III)

The objector opposes the charges in their entirety and therefore does not support the changes proposed. No specific grounds are cited but there is an implication that the charges are responsible for the alleged closure of 40 business premises and that the car parks are little patronized.

Response to objection.

Neither of these allegations is strictly relevant to the change proposed. However, it is considered, as above, that the removal of charges altogether is not advised as this would run counter to the Council's policy of seeking to control and regulate vehicle movements in the town centre, in order to improve availability of parking space for visitors to the centre and its businesses. The majority of car parks are in fact well used.

10.3.4 Objection - (Appendix IV)

The objector suggests that (1) the controlled hours be amended to from 9am to 3pm and cites the examples of Chester and Staffordshire. The objector also suggests that (2) Cheshire East should allow free parking in the run up to Christmas.

Response to objection:

The response to point (1) is as paragraph 10.3.1 above. Officers have enquired with neighbouring Staffordshire authorities and have as yet found no examples of such a provision. In fact Stoke City introduced evening charging in April of this year. In Chester Free after 3pm is limited to three specific car parks. The second point is outside the scope of this proposal but it is understood that this authority does not intend to offer free parking up until Christmas. The control and management of even larger volumes of vehicles through the limited parking stock, is felt to be even more important at this time of year and best done by means of the existing, reasonable, charge levels.

- 10.4 The Cabinet Member is requested to consider the objections received and to determine whether, in light of them, to approve the making of an order in the terms within paragraph 2.2.1 above. The alternative options are either (i) not to approve any amendment to the order; or (ii) to propose further modifications to the Order. It should be noted that if any proposed modifications would make a substantial change in the proposed order, before making an order the authority is required to take such steps as appear appropriate for (a) informing persons likely to be affected by the modifications; (b) giving those persons an opportunity of making representations; and (c) ensuring that any such representations are duly considered by the authority.

11.0 Access to Information

Background Documents: Appendices I to IV: Objections received (see below).

Name: Paul Burns

Designation: Parking Manager

Tel No: 01270 537805

Email: carparks@cheshireeast.gov.uk

Appendix I

Sent: 28 November 2010 10:19

To: KHAN, Kate

Subject: Fw: Parkng Fee Charges, Chance to have a say.

I write with regards to the Article on the back page of the Congleton Chronicle dated Thursday 25th November 2010, under the above heading. **Parking Fee Charges, Chance to have a say.**

I wish to submit my comments on the council's plans to change the parking charge system in Congleton as requested by the article.

I submitted my comments to the first consultation meeting held on 19th October 2010 and also the Congleton Chronicle but as usual seems to fall on deaf ears with this present council.

While I welcome the council's plans to reduce the parking charges from 10 hours down to 8, being instead of 8am to 6pm would be 9am to 5pm. This does not go far enough to resolve problems in the town centre created by parking charges in the first place.

This will not make any difference to residents parking overnight because most still have to leave for work before 8am, so they won't benefit from the change and what will this change do for the traders who open up at 9 and 10am? Nothing!

Common sense would prevail and would be more appropriate if the council reduced the car park charges by a further 2 hours, this being 9am to 3pm, giving the town traders a chance to have some less stressed out shoppers to actually do some purchasing. Also it would help parents when collecting children from the nearby Marfields Primary school, which is in close proximity to West Street and Antrobus Street car parks, plus the residents arriving home from an early shift will benefit from complete free overnight parking. But then again, CEC won't want to be losing car park revenue by accepting this recommendation would they?

What would be more acceptable if the car park charges were scrapped completely, as it was the worse thing CEC did in implementing these parking charges during these hard financial times when everybody is struggling. Furthermore, why does Crewe have free parking on Bank Holiday's at the Asda and Argos council car parks when Congleton gets nothing?

Finally, when this present council lose massive votes from Congleton electorates at the next local May elections, they will be asking themselves! Which fool suggested implementing these parking charges in Congleton in the first place?.

Regards,

Appendix II

Sent: 29 November 2010 13:27

To: KHAN, Kate

Subject: Charging Hours

In July 2009 I suffered a major heart attack and various complications. I have been declared fit for work (I'm an Insurance Broker) and my employer carried out a "Return to Work" exercise in October 2010 to enable me to do so. This resulted in my employer offering me a return to work based on working from home for 4 days per week and 1 day in our office in Stafford. My role involves visiting clients throughout Staffordshire and Cheshire and I have a company car.

I live in a terraced house in the centre of town with no garage and a single yellow line restriction on one side of the street. Although I can occasionally park on the opposite side of Antrobus Street, I find that shoppers, workers from out of town and other occupiers in this restricted area use Antrobus Street itself to avoid parking charges. It doesn't help that every day I see Antrobus Street car park barely used - how many spaces are there and how many are paid for on a daily basis?

Since Antrobus Street car park is short stay, if I can't find space on Antrobus Street itself I have to park on West Street; this is a very expensive practice and involves me carrying heavy files and a laptop to and from there to my home. This is particularly nerve-wracking in the winter months and is not good for me from a health point of view.

In these days of employers encouraging work from home, wi-fi enabling easy access, the need for people to travel less when possible, how are people such as myself expected to manage their parking requirements? Instead of encouraging the work from home ethos, East Cheshire Council seems to be doing it's best to discourage the practice.

Whilst the change to charging hours is of some benefit to those who are making short visits to the town centre, what provision does the Council plan for residents of Antrobus, Holford, Cross and North Streets?

Appendix III:

Sent: 30 November 2010 00:15

To: KHAN, Kate

Subject: Amendments to parking hours in Congleton

Dear Sir/Madam

My comment on your proposed amendments to 1) on-road parking hours and 2) changes to status of car parks is as follows.

Parking charges were introduced despite almost 100% opposition by Congleton residents. There was no problem for parking charges to 'solve' and there was no meaningful consultation - far from it. There are now more than 40 empty shops and the car parks are little patronised.

I see the proposed amendments as akin to the council deciding to build a bitterly-contested motorway outside my house then saying they have changed their minds and it will be merely a dual carriageway, that is a change to something which should never have happened in the first place. In these circumstances I cannot support them.

yours sincerely

Appendix IV

Sent: 26 November 2010 14:24

To: KHAN, Kate

Subject: Car parking charges

Councillor Fitzgerald knows all about my concerns regarding car park charges in Congleton.

With respect to the proposed changes in timing of car park charges and usage, I suggested that the car park charges, if we must have them, should start at 9.00am as proposed but that they should finish at 3pm as they do in our neighbouring county Staffordshire. I cite also Chester which ceases to charge for car parking after 3pm

This would help the local shopkeepers who continue to struggle and there are currently 37 vacant shops in our town.

Secondly might I reiterate yet again that it would be a nice gesture if Cheshire East were to allow free car parking over the Christmas period as indeed Biddulph has done. Cheshire East has a lot of brownie points to make up with Congleton people and this could be a start.

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CHESHIRE EAST COUNCIL

Cabinet Member for Environmental Services

Date of Meeting:	16 th December 2010
Report of:	Head of Safer and Stronger Communities
Subject/Title:	Proposed Amendment of the Cheshire East Borough Council (Off Street Parking Places) (Congleton Area) Order 2010, (the Order) to extend the maximum stay to eight hours – Princess Street Car Park, Congleton: consideration of objections received

1.0 Report Summary

This report sets out the objection received in respect of the proposal to amend the Order as it relates to the maximum period a vehicle may wait within the Charging Hours in relation to Princess Street car park in Congleton.

2.0 Recommendation

2.1 The Cabinet Member for Environmental Services is requested to consider the representation received in relation to the proposed amendment to the Order in relation to the maximum period a vehicle may wait within the Charging Hours at Princess Street Car Park, Congleton.

2.2 Subject to the decision in relation to the separate proposal regarding an amendment to the Charging Hours, the Cabinet Member for Environmental Services is further requested:

2.2.1 to resolve whether, in the light of the objections, to approve the proposed amendment to the Cheshire East Borough Council (Off Street Parking Places) (Congleton Area) Order 2010 the effect of which would be as follows:

(a) to extend the maximum permitted length of stay on Princess Street Car Park, Congleton from 3 hours to 8 hours; and

(b) to amend the charging regime to the following: Monday to Saturday inclusive: 9am to 5pm: up to 1 hour: 30p; up to 2 hours: 50p; up to 3 hours: £1.00; up to 4 hours £1.00; up to 8 hours £1.50.

and

2.2.2 if the proposed amendment order is approved, to authorise the Borough Solicitor, or officer acting on her behalf, to make and bring into force the

proposed amendment order (as set out in 2.2.1 above) and to give notice thereof in accordance with statutory requirements.

2.3 If the separate proposal in relation to Charging Hours does not receive approval, the Cabinet Member for Environmental Services is requested:

2.3.1 subject to statutory consultation, to approve an amendment to the Order, the effect of which would be:

(a) to extend the maximum permitted length of stay on Princess Street Car Park, Congleton from 3 hours to 10 hours; and

(b) to amend the charging regime to the following: Monday to Saturday inclusive: 9am to 5pm: up to 1 hour: 30p; up to 2 hours: 50p; up to 3 hours: £1.00; up to 4 hours £1.00; up to 10 hours £1.50.

2.3.2 to authorise the Borough Solicitor, or officer acting on his behalf, to publish a notice of proposals in relation to the proposed amendment order, with any objections to be made within the statutory consultation period of 21 days. In the event that objections are received, for these to be referred back to the Cabinet Member for consideration at a future meeting.

2.3.3 in the event that no objections to the proposed amendment order are received, to authorise the Borough Solicitor to make and bring into force the proposed amendment order (as set out in 2.3.1 above) and to give notice thereof in accordance with statutory requirements.

3.0 Reasons for Recommendation

3.1 At a meeting on 19th October 2010 the Cabinet Member for Environmental Services authorised the publication of a 'notice of proposals' in relation to proposed amendments to the Order as it relates to the maximum period a vehicle may wait within the Charging Hours in relation to Princess Street car park, Congleton. An objection has been received in response to the notice of proposals. For this reason, in accordance with the Local Authorities' Traffic Orders (Procedure)(England and Wales) Regulations 1996, the matter has been referred back to the Cabinet Member so that he may consider the objection. Details of the objection, together with a response to it, are set out within paragraph 10 below.

3.2 The proposed maximum stay of 8 hours is to be in line with the proposal in a separate report to change Charging Hours in Congleton town centre off street car parks (including Princess Street) to 8 hours (i.e. 9am to 5pm). The statutory consultation for that proposal will run simultaneously with that relating to the proposal within this report. Should that proposal for any reason fail, this will also necessitate a revision to the proposal in respect of Princess Street. A suggested amended proposal is set out within paragraph 2.3.1 in the event that the separate proposals in relation to Charging Hours do not receive approval.

4.0 Wards Affected

4.1 Congleton Town West

5.0 Local Ward Members

Councillors Gordon Baxendale, Roland Domleo and David Topping

6.0 Policy Implications

6.1 None significant: minimising of vehicle movement through parking control should remain effective after the proposed changes.

7.0 Financial Implications

7.1 A small income increase initially of 20% (£5000 per annum) may be expected due to the increased facility for long stay parking.

7.2 There will be some costs required in year 2010/11 for altering signs, lines and administration and statutory advertising which will be absorbed in existing budgets. These should not exceed £2000.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 **S 122 Duty** : Section 122 of the Act imposes a general duty on the local authority to have regard to certain factors when exercising its functions under the Act, including car parking order making. Section 122 states the following:

8.1.1 *'It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.'*

8.1.2 The matters specified under s122(2) are as follows:

- (a) *the desirability of securing and maintaining reasonable access to premises;*
- (b) *the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;*
- (c) *the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);*
- (d) *the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and*

(e) *any other matters appearing to the local authority to be relevant.'*

8.1.3 It is considered that the change proposed in this report will not adversely affect the fulfilment of the Authority's duties under s122(2). The changed hours for charging are a response to councillors', officers' and business owners' observations that this car park is underutilised as a short stay. The change will make it easier for some longer stay vehicles to find a safe and convenient parking space that does not compromise the availability of short stay space in the centre. Therefore the change is unlikely to compromise access, safety or air quality.

8.2 Changing the charging hours of the Car Parks requires the proposing and making of an amendment order to amend the Original Order. The procedure for making such an order is prescribed within the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

8.3 In accordance with the Regulations a 'notice of proposals' was published in the Congleton Chronicle on 11th November 2010. Consultation has also taken place with prescribed bodies, including the Chief Officer of Police. The Council is required to take into consideration any objections received within the 21 day consultation period. An objection has been received and therefore the matter has been referred back to the Cabinet Member.

8.4 Public inquiry

When considering whether to make an order under the Road Traffic Regulation Act 1984, the Cabinet Member will be aware of the discretion he has to hold a public inquiry. Factors which ought to take into account in deciding whether or not an inquiry should be held are;

- the complexity of the proposals;
- the nature of the objections received;
- whether the decision maker is able to take into account competing arguments and weigh them against each other;

8.5 The discretion as to whether to hold a public inquiry or not should be exercised according to rules of natural justice, i.e. fairly in all the circumstances. Any decision is not to be based on any self-imposed rule of policy or practice and therefore the decision must be made in relation to the present circumstances. It must not be based upon any previous presence or absence of an inquiry in similar proposals, nor must it be based upon a fear of setting a 'precedent'.

8.6 Making of an order

As soon as practicable after an order is made the Council is required to place a copy of the order with the documents on deposit at the Council's offices and, within fourteen days of the making of the order publish a 'notice of making'; inform any person who has objected to the order of the order being made; and ensure adequate publicity is given to the making of the order. A six week high court challenge period will then follow from the date the order was made.

9.0 Risk Management :

N/A

10.0 Background and Options

- 10.1 As the Cabinet Member will recall on 19th October he was asked to consider a report in relation to a proposal to amend the period a vehicle may wait within the Charging Hours at Princess Street Car Park, Congleton from 3 hours to 8 hours and to amend the tariff for parking accordingly.
- 10.2 As set out within the legal implications above, a 'notice of proposals' was published in the Congleton Chronicle and on site on 11th November 2010. The notice specified that any objections to the proposals were to be received by 2nd December 2010. An objection has been received, details of which are set out below, and therefore the matter has been referred back to the Cabinet Member for consideration.
- 10.3 The objector makes reference to the proposals and states that she cannot support the proposed amendments and states that the introduction of a charging regime should not have happened. The text of the original objection is shown as Appendix I.
- 10.4 In response to this objection, it is suggested that neither of the allegations within the objection are strictly relevant to the change proposed. However, it is considered, that the removal of charges altogether is not advised as this would run counter to the Council's policy of seeking to control and regulate vehicle movements in the town centre, in order to improve availability of parking space for visitors to the centre and its businesses. As reported to the Cabinet Member on 19th October 2010, occupancy of this car park has been low in recent months since the introduction of control through charging. Following the Car Parking Review and consultation with the Ward Councillors, Town Councillors and the Business Association, it was considered that this change would increase options for long stay users near to the centre and help reduce displacement parking in adjacent streets. However it was agreed also to retain the short stay fees as the car park does serve local shops, businesses and the market. Princess Street car park holds eighty-two bays and so does have sufficient capacity to accommodate longer stay as well as shorter stay customers.
- 10.5 The Cabinet Member is requested to consider the objection received and to determine whether, in light of it, to approve the making of an order in the terms within paragraph 2.2.1 above. The alternative options are either (i) not to approve any amendment to the order; or (ii) to propose further modifications to the Order. It should be noted that if any proposed modifications would make a substantial change in the proposed order, before making an order the authority is required to take such steps as appear appropriate for (a) informing persons likely to be affected by the modifications; (b) giving those persons an opportunity of making representations; and (c) ensuring that any such representations are duly

considered by the authority. If the separate proposal in relation to Charging Hours does not receive approval, the Cabinet Member is requested to consider a suggested amendment order to extend the maximum period of waiting to 10 hours and to adjust the tariff bandings accordingly. Any such proposal would be subject to further consultation.

11.0 Access to Information

Background Documents: Appendix I Objection received (see below).

Name: Paul Burns

Designation: Parking Manager

Tel No: 01270 537805

Email: carparks@cheshireeast.gov.uk

Appendix I

Dear Sir/Madam

My comment on your proposed amendments to 1) on-road parking hours and 2) changes to status of car parks is as follows.

Parking charges were introduced despite almost 100% opposition by Congleton residents. There was no problem for parking charges to 'solve' and there was no meaningful consultation - far from it. There are now more than 40 empty shops and the car parks are little patronised.

I see the proposed amendments as akin to the council deciding to build a bitterly-contested motorway outside my house then saying they have changed their minds and it will be merely a dual carriageway, that is a change to something which should never have happened in the first place. In these circumstances I cannot support them.

yours sincerely

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