

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

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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.