

CHESHIRE EAST COUNCIL

CABINET

Date of meeting:	8 September 2009
Report of:	Strategic Director Places
Title:	Proposed Off Street Parking Places Order (to introduce Car Parking Control and Charging in the area of the former Borough of Congleton: Consideration of outcome of statutory consultation period.
Portfolio Holder	Councillor David Brickhill

1.0 Purpose of Report

1.1 The report summarises the grounds cited for objections to the proposal to introduce control and charging on council-operated public off street car parks within the area of the former Borough of Congleton.

1.2 Members will recall that the proposal was considered at the Cabinet Meeting of 14th July. Cabinet approved the proposal to make the Car Park Order, subject to the results of statutory consultations, for the following reasons:

1. In order to ensure a uniform approach to car park management and control throughout Cheshire East, the Cabinet has approved the introduction of car parking control and charging on public car parks within the former Congleton Borough (subject to consultation). This is to be in advance of securing civil enforcement powers under the Traffic Management Act 2004 for both on and off street parking, which is expected to receive Department for Transport (DfT) approval before the end of this year.
2. The improved control of parking which should result from charging would benefit the economies of the town centres, in that the principle is to remove long stay parking from very central locations, freeing up spaces for shorter stay customers and visitors. This also discourages non- essential car use in general.
3. The proposal would bring parking control in the proposed area into line with the Council's Parking Strategy as approved by Cabinet on 21/4/09.

Off street parking in Congleton area is currently uncontrolled and free of charge at point of use. Car park operational and maintenance costs are therefore borne by the Council Tax payer as a whole rather than the users of the facilities.

2.0 Decision Required

2.1 Members are asked to consider the objections made to the proposed off street parking places order, and in the light of those objections resolve **either:**

2.1.1 To approve the order on the basis of the proposals as set out within the notice of proposals and subject to the Borough Solicitor taking action to remove any legal impediments regarding the affected land holdings, to authorise the Borough Solicitor to make the Cheshire East Borough Council (Off Street Parking Places)(Congleton Area) Order 2009 as advertised; **or**

2.1.2 To approve, subject to further consultation, a modification to the order as it relates to Fairview Car Park, Alsager so as to remove provision for a free first thirty minutes' parking; and in the event of there being no objections to the proposed modification and subject to the Borough Solicitor taking action to remove any legal impediments regarding the affected landholdings, to authorise the Borough Solicitor to make the Cheshire East Borough Council (Off Street Parking Places)(Congleton Area) Order 2009 duly modified in relation to the Fairview Car Park, Alsager as set out above ; **or**

2.1.3 To approve, subject to further consultation, any further modifications to the order that Cabinet consider necessary to take account of the responses from the consultation process, and in the event of there being no objections to the proposed modification and subject to the Borough Solicitor taking action to remove any legal impediments regarding the affected landholdings, to authorise the Borough Solicitor to make the Cheshire East Borough Council (Off Street Parking Places)(Congleton Area) Order 2009 duly modified as set out above.

3.0 Financial Implications for Transition Costs

3.1 N/A

4.0 Financial Implications 2009/10 and beyond

4.1 If the proposal is adopted, gross income of approximately £500,000 per annum should accrue to the authority. This year that sum is reduced to £250,000 should the proposal be adopted at the earliest opportunity which is now October 1st 2009.

4.2 Whilst the proposed income from off street car parks includes an element of surplus, which may be used in support of Council Services, this only derives from parking charges themselves. Any surplus arising from fine income must be separately considered and may only be used for parking or transportation improvements.

5.0 Legal Implications

- 5.1 The legal advice contained within the Part II Report to Cabinet of 16th June 2009 in respect of certain car parks remains relevant and these legal impediments will need to be resolved before any Order is made. The car park at Scotch Common remains subject to further advice. Before the Order is made, it will be necessary to ensure that the car parks to be the subject of the Order have been appropriated to car parking purposes.
- 5.2 As Cabinet's decision may include an amendment to the order as a result of objections received, legal officers' advice is as follows:
- 5.3 The Local Authorities' Traffic Orders (Procedure)(England and Wales) Regulations 1996 provide that before a local authority makes an off-street parking places order it must consider all valid objections received during the consultation period which have not been withdrawn. The Regulations further provide that an authority may modify an order before it is made, but where such modification makes a 'substantial change' in the order the authority shall 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;
 - (c) ensuring that any such representations are duly considered by the authority.

This will require a further period of consultation and thereafter consideration of any further objections received and not withdrawn.

- 5.4 As soon as practicable after an order is made the authority is required to include a copy of the order within the documents held on deposit at the Council's offices and, within fourteen days of the making of the order publish a 'notice of making'; notify the making of the order to any person who has objected to the order; and take such steps as are considered appropriate to ensure adequate publicity is given to the making of the order.

6.0 Risk Assessment

- 6.1 Estimates of income from car parking carry the element of risk in that occupancy levels are increasingly unpredictable and are dependent on more factors than tariff levels, enforcement or available spaces.

7.0 Background and Options

- 7.1 The proposal was originally considered by Cabinet on 16th June 2009 and approved subject to consultation. It was subsequently *called-in* by Environment and Prosperity Scrutiny Committee which sat on 8th July, and whose advice was reported to Cabinet on 14th July. Cabinet then approved the final proposal for statutory consultation, agreeing that this period be extended to 35 days from the statutory minimum of 21 days. The consultation period ended on 2nd September 2009. In addition, 5 public meetings were

held across the former Congleton Borough area to discuss these proposals and listen to the views of residents and businesses.

- 7.2 Many objections were received from the public in all of the affected centres. These are supported in some cases by sizeable petitions. (Members should note that all submissions are available for inspection at Westfields Offices and that these will be available for inspection at the Cabinet meeting). Section 8.0 is a summary of the main grounds cited for objection, which were common to all the centres.
- 7.2.1 A significant volume of objections has come from each of the towns affected by the proposal, both from the public meetings held in each town and from letters and emails.
- 7.2.2 The public meetings attracted attendances as follows: Sandbach approx 150, Congleton approx 100, Middlewich approx 100, Alsager over 200, and Holmes Chapel approx. 50.

8 Summary of Key Grounds for Objections

A large number of objections focussed on the following key themes which are summarised as follows:

8.1 Economic Impact

- 8.1.1 Objectors felt that parking charges will have an adverse impact on town centre businesses by discouraging customers who may choose to go to other town centres, superstores and retail parks where parking is free. The current recession may accelerate this. In addition, charges penalise low paid or voluntary staff who have to drive to work and for whom employers have no private parking. If businesses lose staff due to parking charges there will be knock-on effects on other businesses which rely on their expenditure in the town. Charging should at least be deferred until the recession is coming to an end.

Response: Effective control through charging will encourage the circulation and turnover of customers on short-stay 'shoppers' car parks and restrict long stay parking in the central locations. There is no clear evidence that the imposition of appropriate charges is the key factor in a customer's decision as to whether to visit a town. It is the retail offer itself which is the main determinant of a destination as well as other factors such as accessibility, convenience and security. Charging can provide the incentive to town centre workers to explore alternative means of travel to work. Equally, charging should encourage employers to assist their colleagues in doing so.

- 8.1.2 Congleton residents and Town Council raised the need for out of town "park and ride" car parks to improve long stay capacity and offer alternatives to charges.

Response: This can be considered subject to land availability but this is not a reason to delay the introduction of charges now in order to achieve a measure of control as well as contributing to the financing of such a facility.

8.2 Impact on Community Groups

8.2.1 Objectors considered that charges unfairly affect the elderly and less able to pay in some locations. Groups such as University of the Third Age (U3A), set up to encourage older people to be active, fear loss of membership and attendance due to parking charges. Community facilities such as churches and community halls, which rely on free use of the car park by their customers, will suffer reduced usage and therefore income. In many instances the car parks are regarded locally as “community assets” which help to promote thriving community and cultural life in the centres.

8.2.2 Similarly, several car parks serve medical centres or surgeries and objectors feel it unfair to charge visitors to these facilities.

Response: This position is similar for other facilities around the Borough, including hospitals, which are already served by charged for car parks. Charging control assists with the availability of spaces and the current proposal uses a low tariff option to minimise the impact on such users.

8.2.3 Parents visiting schools in both Middlewich and Alsager have no choice but to use the car parks especially for safety reasons and so are unfairly affected by charges.

Response: The proposed Order includes a first half hour free on Alsager car park. However this will be extremely difficult and costly to implement. Instead, parents visiting schools or playgroups (Alsager and Middlewich) could be issued with a **parking permit or pass**, specific to the times and days required, which would then only require normal regular levels of patrol to enforce. As this might involve considerable administration, the school could be asked to administer it themselves (ie collect vehicle details, issue and update permits, maintain records and so on).

8.3 Tariffs

Sandbach Town Council suggested that the charges, if introduced, should be at a lower rate of 20p for 1 hour for short-stay but to double the proposed long-stay rates to address the need for control and separation of long stay parkers and encourage shoppers.

Response: It is difficult to justify this cheaper rate solely for Sandbach. If this were agreed it would require a review of all the rates in the Borough. This review is to be undertaken as part of the Budget setting process for 2010/11 anyway and the proposed rate in the Order of 30p is already the lowest across Cheshire East Boorough.

- 8.3.1 Objectors in the smaller centres claim that charges should not be imposed because there is no availability or control issues in these locations and that again, a much lower rate should be considered. Charging in small towns and villages will not be cost –effective in that occupancy will be insufficient to cover operating costs.

Response: Charging is to be introduced consistent with Cheshire East's policy of charging for parking at point of use. Control of long and short stay is most effectively achieved through charging. Financial modelling of these car parks suggest this will be cost effective.

- 8.3.2 Others request a "first hour free" tariff to aid local businesses who wish to encourage "top up shoppers" staying for short periods.

Response: This was previously considered by Cabinet following the call-in and is extremely difficult to put into effect without large capital investment in new technology or virtually full time patrol presence.

- 8.3.3 Some car parks were considered to be wrongly designated: in Congleton, Chapel St should be long stay, with Fairground and Roe Street both needing to be short stay. (In fact these changes were accommodated in the final, advertised proposal). In Holmes Chapel some felt that to control long stay parkers, the car parks needed to be restricted to a maximum of 4 hours.

Response: Restricting long stay is a valid alternative; however with limited space in the village it is felt better to allow long stay albeit with a charge.

8.4 **Alternative Control**

- 8.4.1 Several of the Town and Village Councils were interested in the idea that Cheshire East Borough Council should hand over control of the car parks to them in return for a sum to cover Cheshire East's fixed costs. This approach could be applied to all, or some of the towns concerned. To allow necessary negotiation and legal work, Cheshire East would be asked to defer the introduction of charging pending any agreement.

Response: This solution would fragment traffic and parking control across the Borough, against the aims of the Local Transport Plan and sets a precedent for a piecemeal, ad-hoc approach to the devolution of local powers. Further, it is not yet clear what residual costs or liabilities would lie with Cheshire East and any agreement would need to be in the form of a contract with specific terms and conditions. This suggestion could be considered in the future as part of the Council's overall approach to the *localism* agenda.

8.5 **Legal Impediments**

- 8.5.1 Several objectors cited legal reasons why charges could not be introduced including the existence of Common rights (in Middlewich and Alsager).

- 8.5.2 The issue of Scotch Common has also been given as a reason not to introduce charges in Sandbach at all until it is resolved.

Response: No evidence has been found of other legal impediments affecting the two Middlewich car parks proposed for charging. All other legal issues affecting car parks are dealt with in the Part II report referred to in the original Cabinet Report of 16th June.

8.6 Strategic Considerations

- 8.6.1 Charges should not be imposed without full reviews of parking and traffic control. Off Street charging will otherwise lead to increased on-street parking and therefore lead to worsening traffic control, safety and access problems.
- 8.6.2 Charges should not therefore be decided upon unless and until sustainable public transport alternatives are made adequate and cost-effective.
- 8.6.3 Income from charges, if introduced, should be ringfenced for improvements to local infrastructure and environment.
- 8.6.4 It was also felt that charges should only be imposed in tandem with on-street enforcement powers being granted to Cheshire East BC.

Response: Charging at point of use is in line with the Council's Parking Strategy and the Local Transport Plan as it is recognised as the most effective means of managing supply, accessibility and behaviour in support of a town's broader objectives. Income from charging is first applied to the costs of the service including ongoing improvements to parking facilities. Any surpluses accrue to the Council's General Fund for other services which include the development of sustainable public transport.

8.7 Residents' Parking

- 8.7.1 A number of responses to the Order stated that Residents' Permit Schemes should be introduced alongside the introduction of controls on car parks to avoid displacement problems due to imposition of charges. Introduction of charges should then be deferred until a Residents' Parking Scheme for town centre residents can be rolled out.

Response: It is very difficult to accurately predict the level or impact of any displacement of vehicles resulting from introduction of charging. There is a risk of introducing residents' schemes at considerable cost where they are not actually needed or helpful, whilst delaying the introduction of control and charging. It is usually more effective to react to observed difficulties and tailor scheme solutions to fit the local problem after charging has been introduced. Whilst a Residents' Parking Policy is to be imminently discussed at Scrutiny Committee and shortly submitted to this Cabinet, a simultaneous introduction in every town and projected location is virtually impossible given that the design of a scheme and proper consultation with residents can take up to six months. Residents'

Parking Schemes are currently being piloted in the former Macclesfield Borough Council area.

8.8 Parking for Festivals and Events

- 8.8.1 Several car parks are used periodically by local groups for events and for annual fairs and festivals.

Response: These can be accommodated by existing car parking management policy either through dispensations or temporary closures. The events organisers will not be charged for this.

8.9 Other Free Car Parks

- 8.9.1 Objectors have referred to other towns and villages in Cheshire East where parking is uncharged. In addition, they refer to Council staff and members who receive free parking and claim this is unfair.

Response: All Cheshire East Council operated car parks are to be reviewed and considered for charging using the criteria established in the Parking Strategy. Staff and member parking is also under review by the Council.

8.10 Development and Planning Applications Pending

- 8.10.1 Objectors refer to 'imminent' developments which could affect a decision to charge for parking in that this will act against the development aims of the town centre. In Alsager reference is made by the Town Council to the overall plan for the town contained in the Supplementary Planning Document (SPD) which sets the scene for town centre regeneration to encourage shoppers and visitors.

Response: The imposition of control through charging will assist with the circulation of users and management of our parking assets during major developments. Any loss of space due to development will be the subject of review and negotiation during the development proposal and planning application phases.

9 Overview of Day One, Year One and Term One Issues

- 9.1 Introduction of charges was estimated to result in gross income of £500,000 per annum. The 2009/10 base budget assumed charging would commence at the start of quarter 2. Should the proposals be adopted with effect from 1st October 2009 a resulting shortfall of income amounting to £125,000 would accrue against the base budget. Deferral beyond 1st October 2009 would result in further lost income of £42,000 per month.

For further information:

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Background Documents:

Consultation File : containing all responses received during the statutory consultation period.

Lodged at Westfields, in John Nicholson's PA Office and available at Cabinet Meeting 8th September 2009

Public Documents available at Westfields and on the Cheshire East Website.

Cabinet Report of June 16 2009 (Part I available to the public; Part II is confidential)

Environment and Scrutiny Committee Report of July 8th 2009

Cabinet Report of July 14th 2009

Proposed Off Street Parking Places Order

APPENDIX A: Sandbach Town Council Proposal