

CHESHIRE EAST COUNCIL

Cabinet Member for Communities

Date of Meeting:	September 2015
Report of:	Steph Cordon Head of Communities
Subject/Title:	Making of Consolidated Off Street Car Parking Order
Portfolio Holder:	Cllr Les Gilbert

1. Report Summary

- 1.1 Cheshire East Council as a Residents and Business First Council are pro-actively considering how best to regenerate town centres and also keep the traffic moving safely and swiftly. To this end, consultation is beginning around a parking strategy with residents and businesses to establish safe and sufficient parking provision for each of our localities. A big part of this will be to ensure the pricing policy is attractive and contributes towards economic prosperity.
- 1.2 The purpose of this report is to formalise the making of an Off Street Parking Order for Cheshire East. We have committed as a Council to be less process laden and bringing together all of the different orders for Cheshire East into a consolidation order will make interpretation far easier and more robust, assist Adjudicators when considering appeals, and provide a strong platform to make any future changes. The order attached to this report retains the current position on car parks in terms of pricing with the exception of Crewe Railway Station parking. Other changes include the removal of car parks no longer in Council ownership or control and adding in a section to enable electric vehicle charging points.

2. Recommendations

- 2.1 That the Cabinet Member considers the responses to the further consultation exercise.

- 2.2 That, in the light of those responses the Cabinet Member decides whether to make the consolidated Off Street parking order attached at **Appendix A** and, if not, what steps to take next.
- 2.3 That, if the order is made, the Cabinet Member delegate any further changes to the order except in relation to fees and charges to the Head of Communities in consultation with the portfolio holder.

3. Reasons for Recommendations

- 3.1 To enable a consolidated car parking order to be established for Cheshire East taking into account any objections, comments or representations received as a result of the further consultation exercise.
- 3.2 To delegate decision making to the Head of Communities to enable her to make any future changes subject to the necessary consultation with statutory consultees and residents and businesses

4. Wards Affected

- 4.1 All those with Council owned parks.

5. Local Ward Members

- 5.1 Ward Members will be involved and engaged in the Council's parking strategy.

6. Policy Implications

- 6.1 Carbon Reduction – Parking facilities should assist with reducing carbon emissions through reduced congestion in town centres and encourage public transport use.
- 6.2 Health - As above, effective parking services can help improve air quality by reducing vehicle emissions.

7. Implications for Rural Communities

- 7.1 The consolidated order as proposed retains the status quo, but we will ensure that our rural communities who travel into the town and village centres to use local amenities will have the opportunity to be engaged in any future conversation about changes to make sure that they have a positive impact on rural communities.

8. Financial Implications

- 8.1 The additional income from changing ticket prices for the Crewe railway station car parks is estimated at up to £25k (albeit based on no change in the number of ticket sales). Otherwise there are no significant financial implications arising from the proposed consolidated parking order.
- 8.2 The financial implications of those car parks no longer in Council ownership or control have been captured previously in budgeting and business planning processes.

9. Legal Implications

- 9.1 Section 35 of the Road Traffic Regulation Act 1984 ('the 1984 Act') provides local authorities with the power to make orders which make provision for the use of parking places provided by it and the conditions on which such parking places may be used. The procedure to be adopted in making orders under section 35 is set out within Schedule 9 to the 1984 Act and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (the Regulations).
- 9.2 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. This exercise was carried out in September 2014 and there were no objections made to the proposed order.
- 9.3 The Regulations also provide that a local authority may modify a proposed order, whether in consequence of any objections or otherwise. However, before such an order is made, the authority must take such steps as appear to the authority appropriate for informing persons likely to be affected by the modifications; giving those persons an opportunity of making representations; and ensuring that any such representations are duly considered by the authority. Failure to consider any such objections would pose a risk to any subsequent decision.
- 9.4 Modifications have been made to the proposed order and a further consultation exercise has been carried out for those living in the areas affected by the proposed changes. Any responses will be considered by the portfolio holder as

part of the decision-making process about the final form of the car parking order.

10. Risk Management

10.1 This is a common sense approach to consolidating all off street parking orders into one order for Cheshire East. It makes it easier to make any changes after consultation with residents, businesses

11. Background and Options

11.1 In September 2014 the Council gave notice of its intention to make a consolidated off street car parking order for the borough of Cheshire East. We have committed as a council to be less process laden. Bringing together all of the different orders for Cheshire East into a consolidated order will make interpretation far easier and more robust, assist Adjudicators when considering appeals, and provide a strong platform to make any future changes. The order attached to this report is largely the same as that which was proposed in September 2014 except that it retains the current position on car parks in terms of pricing apart from the long stay car park in Crewe. In February 2015 the portfolio holder agreed to make some changes to the proposed order. A copy of that report is attached as **Appendix B**.

11.2 Where the Council decides to modify a proposed order, the authority must take such steps as appear to the authority appropriate for informing persons likely to be affected by the modifications; giving those persons an opportunity of making representations; and ensuring that any such representations are duly considered by the authority. The proposed modifications were advertised in the affected areas on the 4th September 2015. As these modified proposals largely reflect the current situation the deadline for consultation responses is relatively short but is considered to be adequate.

11.3 Responses are to be received by 21st September 2015. Any responses will be made available to and considered by the portfolio holder as part of the decision-making process about the final form of the consolidated off street car parking order.

11.4 In February 2015 it was intended to review the operation of the proposed order once it had been in place for 12 months. This work is now likely to be subsumed into the development of a parking strategy. The development of a parking strategy that deals with the supply and management of parking can be one of the most useful tools available to Cheshire East Council in helping us achieve our economic, social and environmental objectives and is likely to lead to further changes to the consolidated order that is eventually made.

11.5 In order to be able to implement those changes as quickly as possible it is recommended that the Head of Communities be given the authority to implement any further changes to the order except in relation to fees and charges which, under the Constitution, must be made by the portfolio holder for Communities.

11.6 A copy of the proposed draft off street parking order is attached as **Appendix A**.

12. Access to Information

12.1 The background papers relating to this report can be inspected by contacting the report writer:

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