

CHESHIRE EAST COUNCIL

Cabinet Member for Environmental Services

Date of Meeting: 19th October 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, to Change the Charging Hours to 9am to 5pm

1.0 Report Summary

- 1.1. This report provides details of proposals to change the charging hours on the relevant car parks in Congleton town, from 8am to 6pm Monday to Saturday, to 9am to 5pm Monday to Saturday and to make consequential changes arising therefrom.

2.0 Recommendation

- 2.1 That the Cabinet Member for Environmental Services approves

(1) subject to statutory consultation, a proposed amendment to the Cheshire East Borough Council (Off Street Parking Places) (Congleton Area) Order 2010 (as amended to comply with the Traffic Management Act 2004), the effect of which will 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; and
- (c) to amend the tariff structure to in relation to Back Park Street, Chapel Street, West Street and 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

- (2) that the Borough Solicitor, or officer acting on his behalf, be authorised to publish a notice of proposals in relation to the amendment order, with any objections to be made within the

statutory consultation period of 21 days. In the event that objections are received, they be referred back to the Cabinet Member for consideration at a future meeting; and

- (3) that in the event that no objections to the proposed amendment order are received, the Borough Solicitor be authorised to make and bring into force the proposed amendment order (as set out in (1) above) and to give notice thereof in accordance with statutory requirements.

3.0 Reasons for Recommendations

- 3.1 The amended hours will prove beneficial to town centre residents in particular, who otherwise find difficulty parking at the beginning and end of the day without charge. Adequate control and management of the car parks will be achieved by the new hours because they cover the key trading and business period in the town.
- 3.2 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.

4.0 Wards Affected

Congleton Town East and West

5.0 Local Ward Members

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

6.0 Policy Implications including Climate Change and Health

- 6.1 There should be no significant effect on vehicle movements and therefore on emissions.

7.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

- 7.1 Costs are estimated as follows:

Reprogramming of meters and processing software:	£3,000
Alteration of car park signs:	£1,400
Legal and advertising costs	£1,000
Total	£5,400

Minimal impact on income is expected. These will be funded from existing expenditure budgets.

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

(d) 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 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 these 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 The Regulations prescribe that before making an order the 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. If any objections are received then these will be reported to the Cabinet Member for consideration.

9.0 Risk Management

- 9.1 N/A

10.0 Background and Options

- 10.1 At the time of the adoption of the Car Park Order for the town it was agreed that subsequent review of the controls and their effects would be conducted and recommendations made for change.
- 10.2 The change has been proposed as a result of recommendations coming from the Congleton Town Centre Parking Review completed in September 2010, following consultations with Ward members, the Town Council and Business Association as well as feedback from residents.
- 10.3 Relevant detail from the Review report is included as an Appendix and 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 Congleton town and
 - identify changes needed to improve the provision, control and management of parking.
- 10.3.1 Ward Councillors submitted a range of comments to the Review. The Town Council and Congleton Business Association have also supplied views at meetings held. All backed a move from the existing restrictions to a narrow time band for control.
- 10.3.2 Although in some locations Residents Parking Schemes may be preferred by residents, this is not universal; nor are they appropriate or practical in all locations. Without this general change to off street hours, there will remain parking difficulty at each end of the day for those residents without the option of an on street scheme.

- 10.4 Ward Members felt strongly that this change should be made to assist residents in a town centre who have consistently expressed to them their difficulties where residential areas are significantly interspersed in the business district. Their situation was felt to be unusual to the extent that control and off street charging had hitherto not been exercised and so this measure was proposed to lessen impact on them whilst still maintaining control and management as required in the Council's Parking Strategy. The proposal is consistent with this Parking Strategy the objectives of which are:

Strategy Objectives

The Council's existing parking objectives set out to be consistent with and contribute to the overall aims of the National and Regional transport strategies which seek to:

- *Achieve a reduction in overall traffic*
- *To increase use of more sustainable and healthy forms of travel*
- *To achieve a more effective and efficient transport system, whilst taking into account:*
 - *The economic vitality of the town centre*
 - *The parking needs of people with disabilities*
 - *The parking needs of local residents, shops and businesses*

- 10.4.1 It is considered that the narrower period of controlled hours reflects the Council's recognition of local needs and pressures whilst still in keeping with the objectives of encouraging different travel choices and balancing the needs of different user groups. In this way the limited resource of parking in town continues to be managed effectively improving bay turnover and availability.

- 10.5 The options remain either not to change the charged hours at all, or to propose another range of hours. However the proposal in this paper stems from the consultations in the review as shown above so already has considerable support.

11.0 Overview of Year One and Term One Issues

- 11.1 The redevelopment of the Bridestones Shopping Centre which may begin within one year, will affect demand for parking in the town. It is unclear at this stage what impact the revised charging hours may have on this demand.

12.0 Access to Information

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

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EXTRACT FROM THE CONGLETON PARKING REVIEW REPORT

6. Conclusion and Recommendations from this review

6.1 On Street and Off Street Controlled Hours:

6.1.1 On Street: The period of control for some restrictions runs from 8am until 7pm Monday to Saturday. There appears to be no reason to continue with this from a control viewpoint. It creates difficulties for residents. The proposed introduction of Residents' Schemes may adequately address the issue in some specific locations but this will not be appropriate everywhere. A proposal has been made to reduce on street controlled hours to 9am to 5pm Monday to Saturday. Given the compact nature of the town centre and its retail and business profile this seems reasonable. There are few major retailers with trading hours beyond this time, and residential and business properties are particularly close to each other. This will require a change to the On Street Parking Order and Traffic Regulation Orders following statutory consultation.

6.1.2 Off Street: For the same reasons it is also proposed to reduce chargeable hours from 8am to 6pm, to 9am to 5pm also to ensure compatibility with the on street hours and to avoid confusion for customers. This will assist residents living in streets within the town centre with parking difficulties at the beginning and end of each day. This will require a change to the Off Street Parking Places Order following statutory consultation.