

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 on Princess Street Car Park, Congleton, to Extend the Maximum Stay to 8 Hours

1.0 Report Summary

- 1.1 This report proposes the amendment of the Cheshire East Borough Council (Off Street Parking Places) (Congleton area) Order 2010 (as amended to comply with the Traffic Management Act 2004) (the Order) the effect of which will be to extend the maximum permitted length of stay on Princess Street Car Park, Congleton from 3 hours to 8 hours.

2.0 Recommendations :

- 2.1 The Cabinet Member for Environmental Services is requested

- (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 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.
- (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; and
- (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 2.1.1 above) and to give notice thereof in accordance with statutory requirements.

3.0 Reasons for Recommendations

- 3.1 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.
- 3.2 Princess Street Car Park holds 82 bays and so has sufficient capacity to accommodate longer stay as well as shorter stay customers.

4.0 Wards Affected

- 4.1 Congleton West

5.0 Local Ward Members

- 5.1 Councillors Gordon Baxendale, Roland Domleo, David Topping

6.0 Policy Implications - Climate Change and Health

- 6.1 There may be some increase in vehicle movements at this location which may marginally increase emissions. However this may be balanced by reduced displacement parking in narrow streets with its consequent safety issues.

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

- 7.1 A small income increase 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.

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 maximum stay of the Car Park requires 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.

- 8.4 The proposed maximum stay of 8 hours is to be in line with the proposal in a separate report to change all controlled hours in Congleton town centre off street car parks to 8 hours (i.e. 9am to 5pm). The statutory consultation for that proposal will run simultaneously with that for this report. Should that proposal for any reason fail, this will also necessitate a revision to the proposal in respect of Princess Street in this report.

9.0 Background and Options

- 9.1 The proposal stems from the findings of the Congleton Parking Review as explained above.
- 9.2 Options include the following:
- 9.2.1 not to change the maximum stay to 8 hours: this would result in occupancy remaining low and not maximising best use of the car park.

10.0 Risk Management

N/A

11.0 Overview of Year One and Term One Issues

- 11.1 This car park will be affected by the proposed Bridestones Redevelopment and may be absorbed into it, so becoming unuseable. However there is no fixed date for this yet and so it is felt to be worth the expense and resource to make this change.

Access to Information

Background Document:

Cheshire East Borough Council (Off Street Parking Places) (Congleton area) Order 2010 (as amended to comply with the Traffic Management Act 2004)

Documents are available for inspection at: Westfields, Middlewich Road, Sandbach, or through contacting the report writer:

Name: Paul Burns

Designation: Parking Manager

Tel No: 01270 537805

Email: carparks@cheshireeast.gov.uk