

# CHESHIRE EAST COUNCIL

## REPORT TO: CABINET MEMBER FOR COMMUNITIES

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<b>Date of Meeting:</b>	30 March 2016
<b>Report of:</b>	Paul Traynor, Strategic Commissioning Manager
<b>Subject/Title:</b>	Variation of the Cheshire East Borough Council (Off-Street Parking Places) Order 2015
<b>Portfolio Holder:</b>	Cllr Paul Bates

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### 1.0 Report Summary

- 1.1. On 22 February 2016 Cllr Jones, the Leader of the Council, 'deputising' for the Cabinet Member for Communities authorised the publication of proposals to vary the Off-Street Parking Places Order. The variation has been advertised and has attracted objections, some of which remain extant. As a result of that the Council are obliged to consider the objections and in accordance with the decision of the Leader those objections must be considered at a meeting
- 1.2. It is intended to have the variations to the Order in place for 1 April 2016 to coincide with the opening of the new Leisure Centre and to synchronise with the new Financial Year, hence it is urgent that a decision be made today
- 1.3. Although there were two objectors, one objector withdrew his objection but the remaining objector wants his objections formally considered.
- 1.4. The still extant objections are set out below. They all relate to the Wilmslow Leisure Centre Car Park only and the proposal to make the same a short-stay car park with a maximum parking period of three hours.:

"I am writing to object to the proposal to amend the parking times at the Wilmslow Leisure car Park to be limited to shorter stays of only 3 hours instead of up to 5 hours. ...

1. The Leisure Centre car park is well used but it is fairly infrequent that it is totally full. It is unnecessary to stop one group of the longer staying cars from using the car park
2. Although this car park is managed by the Leisure Centre, it is intended to be used by all members of the public and arrangements for its timings should not be deliberately biased towards the Leisure Centre users.
3. Changes in parking over the last couple of years (notably parking restrictions on Daveylands and Vardon Drive and other Wilmslow roads) have meant that the nearby Broadway Meadow long stay car park is

regularly full by 8.45 each weekday. It was previously available for cars arriving throughout the day for users – such as train commuters and local office and shop workers. This has directly displaced these cars to use the Leisure Centre car park for up to 5 hours. For example, my own regular use has been for a shopping trip by train to Manchester or Stockport. The proposed changes will displace this significant group of users, with no easy alternative. If the Parking Services Department is trying to follow a cohesive strategy for all types of users – cars, trains, bikes etc. then they should not be supporting this proposal.

4. The proposed change would simply continue the trend of making changes in response to a vociferous minority that then have an adverse effect on other users and the general parking problem is simply displaced to another location.

5. It is incumbent on the parking authority and the Leisure Centre (as managers of this car park for all users, not just Leisure Centre users), to be considering the overall parking implications. They should be identifying the alternative parking locations that can be used by the displaced cars. Until this is satisfactorily demonstrated, this change should not be made.”

The objection also asked for some information. That is being dealt with in the usual way under the Freedom of Information Act 2000

1.5. On 21 March the Parking Services Team Leader responded to the Objector thus:

“... only 1 objection to the proposed change on the Leisure Centre car park has been received whereas several complaints concerning its current tariff and hours of operation were received, hence the proposed change. Only 11% of ticket sales indicate users of the current 2-5 hour category and we believe that altering it to a maximum stay of 3 hours will certainly accommodate some of those who may be displaced by this proposed change.

1) You are correct in advising that the Leisure Centre Car Park is not specifically designated for the exclusive use of Leisure Centre users, however, the Leisure Trust (ESAR) is responsible for its management and maintenance. The Council purely provides an enforcement presence so as to ensure it is used in accordance with the terms and conditions as specified on the notice boards. The Trust is also responsible for the monies collected from the pay and display machines situated thereupon.

2) Whilst our records show comments exclusively from the Leisure Centre users, as in accordance with the Law, we have advertised these proposed changes on all affected car parks, on our website and in the appropriate newspapers for a period of 21 days so as to ensure that we are consulting with the full range of users, including the 2 – 5 hour group and yours is the only objection that has been received.

3) You are correct in that ‘everyone’ has just as much right to use the car parks and available parking in Wilmslow irrespective of whether they are Leisure Centre users, workers, residents, businesses and visitors.

4) A wider parking Strategy is currently being developed which will consider the needs of all users of parking facilities on a town by town basis and your suggestions/comments will be forwarded to the team dealing with this for inclusion.

5) There are other car parks in Wilmslow which can accommodate the 2-5 hour user (although the proposed change would only affect those 3-5 hour users) such as Spring Street car park and the long stay area of South Drive Car Park. Other car parks can accommodate the 'up to 4 hour' user such as Rex/Hoopers car parks".

- 1.6. Subsequent contact with the objector has confirmed that he maintains his objection.
- 1.7. The proposals as approved on 22 February 2016 contained a whole raft of proposals, relating to a number of car parks across the Borough; this objection purely refers to the Wilmslow Leisure Centre.
- 1.8. The changes were proposed in response to complaints from users of the Leisure Centre. This car park is closely associated with Leisure Centre use and whilst it is not possible to say that it is dedicated to the Leisure Centre, its function is patent and the few who might be displaced by this change are catered for by other car parks. Given this relationship it must be right that the management of the car park is set up in a way that serves the leisure centre, rather than provides for a more general need that can and is satisfied close by.
- 1.9. As this is the only objection, it seems clear that the weight of public opinion is in favour of these proposals and we see no reason to recommend that the proposals as originally formulated be modified or abandoned.

## **2.0 Decision Requested**

- 2.1. To authorise the making of the Order bringing the variations to the Cheshire East Borough Council (Off-Street Parking Places) Order 2015 proposed at the meeting on 22 February 2016 into force on 1 April 2016 or as soon as possible thereafter

## **3.0 Reasons for Recommendations**

- 3.1. The reasons for the recommendations remain the same as the reasons for the original proposals:
- 3.2. To ensure that appropriate enforcement is accommodated within the existing Consolidated Order
- 3.3. To take account of some updated car park control provisions in Wilmslow and proposals for Alderley Edge.
- 3.4. To amend and increase the charges at Teggs Nose Country Park car park and Brereton Heath Local Nature Reserve car park

- 3.5. To accommodate the required parking provisions at the Lifestyle Centre in Crewe
- 3.6. To allow for the relocation of purchasers of parking permits for the civic centre car park in Crewe at other designated car parks in Crewe
- 3.7. To reduce the cost at Oak Street car park in Crewe to £1.00 from £1.10 so as to enable efficient and cost effective reimbursement to the public for the use of the Leisure Centre facilities<sup>3.1</sup>

#### **4.0 Wards Affected**

- 4.1. All, but specifically, Crewe Central, Macclesfield East, Brereton Rural, Wilmslow West and Chorley & Wilmslow East as all those using the car parks are affected, not just those living nearby

#### **5.0 Local Ward Members**

- 5.1. All, but specifically, Cllrs Faseyi, Brookfield, Chapman, Newton, Grant, Flude, Hogben, Bailey, Rhodes, Roberts, Warren, Wray, Menlove, Barton, Brooks and Browne <sup>5.1</sup>

#### **6.0 Policy Implications including - Carbon reduction**

- 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

#### **7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

- 7.1. The changes to the Crewe car parks to support the new Lifestyle Centre will have a potential financial impact through the reimbursements to Lifestyle centre users. These reimbursements are predicted to be in the region of £66,000 per annum across both Crewe car parks. The overall usage of the car parks is expected to increase due to the addition of the Lifestyle users, which it is hoped will take advantage of their town centre visit by stopping longer than the 2 hours to shop in the town, this would have the effect of reducing this £66,000 pressure. Overall it is predicted that the decision to reimburse Lifestyle users will create an additional Council budget pressure, it is hoped that a significant portion of this will be offset by new car park users being attracted to the town.
- 7.2. The reimbursements will be managed separately to the ESAR management fee.
- 7.3. There will be a cost implications relating to the publication of the statutory notices. The estimated publicity costs for the statutory notices, in the region of £6,700, will be met from the service that is directly responsible. ESAR will

meet the costs for all changes that relate to the Wilmslow Leisure Centres Car Park. Costs associated with the parking requirements for the opening of the Crewe Lifestyle Centre will be met from the Lifestyles Centres Project budget. Countryside service will meet all costs associated with the alterations to Teggs Nose and Brereton Heath car parks.

7.4. The increase in Countryside income has been built in to their 2016-17 budgets and will cause a pressure if the prices are not amended as set out in the report in time for 1/4/16

7.5. The changes to the maximum stay hours at Spring Street and allowing the use of Rex car park as an alternative to Hoopers, do not result in any financial implications

## **8.0 Legal Implications (Authorised by the Director of Legal Services)**

8.1. After having invited comments on the original proposals, the Council are obliged to consider any representations. The proposals are not in the category which would require the Council to hold a Public Inquiry or seek further approval from the Secretary of State, but they nevertheless have to be considered. However, the Council are free to reject any objections as long as in doing so they give lawful reasons for doing so.

8.2. There are further notification requirements designed to ensure that the public are made ware of the changes and when they will take effect. There is also a period of six weeks following the making of the variation order during which a challenge by way of judicial review may be brought

## **9.0 Risk Management**

9.1. As previously reported, as long as the Council gives proper consideration to the objections the risk of successful challenge is reduced

## **10.0 Background and Options**

10.1. The alternative would be to not vary the existing Order as regards Wilmslow Leisure Centre Car Park, but then users of the new Leisure facilities in Crewe and other users of the Councils parking provisions would be adversely affected by not having the appropriate short stay parking facilities needed nearby.

## **11.0 Access to Information**

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

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