

Report to the Cabinet

Report reference: C-028-2011/12
Date of meeting: 24 October 2011



Portfolio: Safer, Greener and Highways
Subject: Off Street Parking Places Order 2011
Responsible Officer: Simon Hill (01992 564249).
Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That the Director of Environment and Street Scene be authorised to advertise the draft Off Street Parking Order 2011;**
- (2) That should objection be made to the Order within the statutory timescale, the Safer, Greener and Highways Portfolio Holder be given delegated authority to consider and determine such objections and if appropriate approve amendments to the Order;**
- (3) That, taking into account recommendation (2) above, the Director(s) of Environment and Street Scene/Corporate Support Services be authorised to make and seal the order in accordance with statutory regulation;**
- (4) That the Director of Environment and Street Scene, in consultation with the Safer, Greener and Highways Portfolio Holder be authorised to seek, consider, negotiate and issue permits and/or enter into contracts on behalf of the Council for Commercial Business Permits envisaged within the Parking Order; and**
- (5) That, subject to review each year by the Cabinet and approval of tariffs by the Council, the Director of Environment and Street Scene be authorised to publish notices under Section 35C of the Road Traffic Regulation Act 1984 to enable the implementation of future variations to parking.**

Executive Summary:

The Council has an Off Street Parking Order which was sealed in 2003. This Order controls the use of the Council's Car Parks and is used for the basis of enforcement controls.

Since 2003 when the original order was made there have been a further three orders made which make amendments to the original order. In addition, the Council has published a number of notices which have varied parking charges over time in accordance with budget decisions.

The proposed order will consolidate all previously made orders, regularise use of the Council's RINGO system and introduce a new class of Permit to allow, at the Council's discretion, use of parking places for commercial enterprises.

Reasons for Proposed Decision:

The Council is now part of the North Essex Parking Partnership and it is important that the Council's Parking Orders are robust and up to date and reflect current operation. The proposal for Commercial Permits would allow additional income to be generated within the car parks.

The proposal to delegate decisions on the making of the parking order is in line with previous decisions made by the Council.

Other Options for Action:

The Council could choose not to make the Parking Order at this time, or to seek to alter its charging regime.

Report:

1. The Council's Off Street Parking Places are controlled by means of a statutory Order made under the Road Traffic Regulation Act 1984. This Order specifies uses of the parking places, classes of vehicles and users allowed to park, charges that apply and penalties for contraventions.
2. Since the main Order was sealed in 2003, the Council has made three further Parking Orders which have the effect of amending the 2003 Order. These Orders covered (i) changes to parking arrangements at Quaker Lane Car Park in Waltham Abbey (2006), (ii) changes to parking arrangements in and around the Broadway as a result of the town centre improvement works (2007); and (iii) minor changes to the status of the Vere Road Car Parks (2008).
3. In addition the Council has adopted parking contravention penalty charges pricing band 2 under the Civil Enforcement of Parking Contraventions Guidelines in 2007.
4. The enforcement of the Council's Off Street Car Parks is currently undertaken by the Council's Parking Contractor, but it is intended to transfer enforcement to the North Essex Parking Partnership with effect from October 2012.
5. The proposed Order, a full copy of which is available on request, has the effect of bringing together the provisions of the four made orders into one document, making enforcement easier. It also now contains new provisions which seek to include the operation of the Council's payment by telephone system 'RINGO' and a minor change to hours of charging at Traps Hill, Loughton to assist users of the Sports Centre. No other changes to hours of operation are proposed.
6. In addition, officers are proposing new provisions within the Order which would enable it to issue Commercial Parking Permits. Together with an appropriate delegation, these new provisions would allow limited commercial operations to operate from our car parks, for example, car washing operations. These would be subject to careful consideration as to location and scale and maximising income generation. Furthermore, any lease or tenancy granted would be made subject to the provisions of Sections 24 -28 of the Landlord & Tenant Act 1954 to ensure that the tenant would not obtain the automatic right to renewal when the tenancy came to an end.
7. Members will be aware of work being undertaken by Price Waterhouse Coopers looking at income generation. Some elements that are being reviewed could necessitate the rewording of the Order. Officers hope to be in a position to reflect any changes in the Order

before publication.

8. The Order will be subject to public notice and consultation. It is proposed that the Director of Environment and Street Scene be authorised to determine any views submitted and in discussion with the portfolio holder make any suggested amendments to the Order as thought necessary.

9. Council has previously taken decisions as to levels of parking charges as part of its budget considerations. It is proposed that the authority for officers to publish the required notices and implement the wishes of Council in setting future charges be included in the current scheme of delegation.

Resource Implications:

The cost of advertising this new Order can be contained within existing budgets and are estimated at two insertions at £1,200. As the scale of changes to the existing Orders is limited in scope, the advertising costs are not considerable.

There would be income from any new Commercial Permits.

Legal and Governance Implications:

The Order is to be made in accordance with statutory regulation. Notices seeking views will be located in each pay and display parking place. Any views received would be considered by the portfolio holder who, it is proposed, will be given authority to determine any objections made. Any changes to the Order would be subject to further public notice.

Safer, Cleaner and Greener Implications:

Ensuring optimum utilisation of available car parking spaces in the Council owned car parks.

Consultation Undertaken:

Parking Manager of the North Essex Parking Partnership.

The publication of the draft Order is subject to public consultation.

Background Papers:

Epping Forest District (Off Street Parking Places) Orders 2003, 2006, 2007 and 2008.

Impact Assessments:

Risk Management

The Council's existing Orders provide a good framework for enforcement therefore the risks of not completing the redrafting of the Order would not affect income or the Council's legal position in enforcement matters. However, it is desirable to consolidate these Orders and to regularise current methods of operation.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?

No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.