

Report to the Cabinet

Report reference: C-041-2016/17
Date of meeting: 1 December 2016



Portfolio: Safer, Greener and Transport

Subject: Approval to Enforce on behalf of Lee Valley Regional Park Authority

Responsible Officer: Qasim (Kim) Durrani (01992 564055).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To agree to the request by Lee Valley Regional Parks Authority (LVRPA) to manage the Waltham Abbey Gardens Car Parking on their behalf on the basis that all management and enforcement costs are recovered by the Council before any income is passed over to LVRPA;**
- (2) To agree an Invest to Save bid of £15,000 for setting up pay and display arrangements, and CSB allocation of £12,000 for ongoing management of the car park, noting that all costs will be recovered from LVRPA;**
- (3) To agree to avail the services of the North Essex Parking Partnership to make the necessary Traffic Regulation Orders to convert this car park to pay and display; and**
- (4) To give delegated authority to the Portfolio Holder for Safer Greener and Transport to agree the final terms of the legal agreement with LVRPA.**

Executive Summary:

The Council currently provides 18 car parks across the District, an additional 3 car parks will become operational in the next financial year. These provide pay and display parking for shoppers, visitors and commuters and are a source of revenue for the Council.

Lee Valley Regional Park Authority (LVRPA) approached the Council earlier in the year to explore the opportunity to increase the number of pay and display parking spaces in the Waltham Abbey area. Cabinet has, in principle, agreed to the request at its meeting on 9 June 2016 subject to a further report. If agreed the increase in parking spaces will benefit the local shops and traders in Waltham Abbey.

In order to convert this car park into a pay and display car park, it will be necessary to incur expenditure to install pay and display machines, tariff boards, make a formal Traffic Regulation Order (TRO) and carry out ongoing maintenance and enforcement.

Reasons for Proposed Decision:

The land owner, LVRPA, intends to introduce car parking charges in the Waltham Abbey Gardens Car Park. Instead of making arrangements with a private provider they have asked to work with the Council. By agreeing to manage the new car park the parking charges and enforcement arrangements will be consistent across all car parks in Waltham Abbey.

Other Options for Action:

LVRPA has indicated that if the Council did not take up the management of this car park then they would approach Broxbourne Borough Council, who currently manage other car parks for them in the Borough of Broxbourne.

Report:

1. Lee Valley Regional Park Authority (LVRPA) have asked the Council to manage their, currently free, Waltham Abbey Gardens Car Park in Waltham Abbey. LVRP have a similar arrangement with Broxbourne Borough Council who manage several car parks for them. Cabinet considered this request earlier in the year and agreed, in principle, subject to a further report setting out the costs.
2. The Waltham Abbey Gardens Car Park is right next to the Councils, Darby Drive Car Park in Waltham Abbey, by agreeing to manage this car park the pay and display charges will be the same. This will avoid confusion to motorists. The Council has management agreements with Sainsbury's in Loughton and Ongar, where it manages their car parks. The Council receives a management fee in the form of a percentage of the pay and display income from the car park. This covers the operational and management costs incurred by the Council. A management agreement will need to be entered into with LVRPA which will be cost neutral for the Council (**recommendation 1**)
3. In order to convert the currently free car park into a paid for car park it will be necessary to provide the following: new pay and display machines, pay by phone facility, new signs, notices displaying tariff and advertising and a formal Traffic Regulation Order (TRO). It is estimated that there would be a one off capital expenditure of £15,000. As this investment will generate an ongoing revenue contribution it is appropriate that an allocation to cover these costs is made from the Invest to Save Fund.
4. Once the car park is commissioned as an off street pay and display car park it will be necessary to maintain it, the ongoing expenditure will include: enforcement to ensure compliance, cash collection, pay and display machine maintenance and monitoring. It is estimated that ongoing revenue expenditure of £12,000 per year will be required. Although it is anticipated that the income from the car parks will be greater than the annual cost, as set out under the Resource Implications and the Council will only pass on any surplus income to LVRPA after all costs have been recovered (**recommendation 2**)
5. In order to charge parking fees in the off street car parks it is necessary to create formal Traffic Regulation Orders. This involves formal advertisements and publication of statutory notices. Expertise to carry out this work does not exist in house. It is proposed that the services of North Essex Parking Partnership be acquired to carry out this work. (**recommendation 3**)
6. The Council will enter into a formal legal agreement with LVRPA such that all capital and revenue costs are fully recovered before any income can be passed over. The Council will, after recovering all costs incurred, charge a management fee for the services offered. The agreement will also set out the role and responsibilities of each party including risks and liabilities. Controversial or significant changes to the original legal agreement quite rightly requires a report to Cabinet but it is suggested that straightforward, minor or consequential changes should be delegated to the Portfolio Holder for Safer Greener and Transport (**recommendation 4**)

Resource Implications:

The income generated in the car park will consist of pay and display and season tickets and PCN income. It is proposed that the tariff in the Waltham Abbey Gardens Car Park be a combined, short/long stay tariff, the same as Darby Drive, which is the nearest car park.

The level of income generated from the car park will vary, although the car parks are currently regularly used the same usage level is not guaranteed once a tariff is introduced. The table below sets out the tariff, estimated income based on similar car parks nearby and a sensitivity analysis for increasing or reducing occupancy of spaces. It is anticipated that the pay and display regimes in these car parks will commence in October 2017, therefore the income will not be realised until the third quarter in the 2017/18 financial year.

Car Park	Spaces	Tariff		Base case income (current usage in Derby Drive car park)	Sensitivity Analysis	
		Mon - Fri	Sat, Sun		15% More	15% less
LVRPA, Waltham Abbey Gardens Car Park	97	Short/Long stay: £0.20 up to 30 min, £0.80 up to 1 hr, £1.60 up to 2 hrs, £3.50 over 3 hrs	Free	£45,000 (income based on yield at Darby Drive Car Park)	£51,750	£38,250
Annual Total				£45,000	£51,750	£38,250
Less CSB Costs				(£12,000)	(£12,000)	(£12,000)
Net Income				£33,000	£39,750	£26,250

The base case scenario, with the same uptake in the usage as the existing car park in Darby Drive, the net income is estimated to be 333,000 per year. However, it is unlikely that the demand in Waltham Abbey will be significantly high all year around, to generate this level of income. A sensitivity analysis has been carried out for +/- 15 percent increase or decrease in usage. If the uptake in usage of the new car park is 15% more than the existing Darby Drive car park the income will be £39,750 per annum whereas if the uptake is 15% less then the yearly income will be £26,250 per annum.

Legal and Governance Implications:

The Council will have a contract in place with Lee Valley Regional Parks Authority, making them responsible for the upkeep of their land and car park. The Council will solely be responsible for arranging maintenance of the Pay and Display Machines, cash collection, enforcement and dealing with challenges to PCN.

Safer, Cleaner and Greener Implications:

All the Council car parks have Park Mark accreditation by continuing to provide adequate enforcement action and maintaining all the car parks in a good state of repair the Council can continue to keep the accreditation. This car park will also be maintained to the same high standard as the rest of the Councils car parks.

Consultation Undertaken:

A public consultation has not been undertaken. As this car park belongs to LVRPA it is for them to carry out a consultation.

Background Papers:

None.

Risk Management:

If the estimated income does not materialise because the usage is not as estimated then there is a risk that the investment undertaken will not be recovered. However, a clause will be added to the contract with LVRPA to recover all costs incurred by the Council.

Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **unlawful discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

The Council charges all users for using these car parks. None of the specific group or characteristics that the Council has a legal duty to have due regard for will be impacted by the changes proposed in this report.

All disabled badge holders are currently exempt from any pay and display charges and it is not proposed to make any changes to this.