Gedling Borough Council

Report to Cabinet

Subject: Enforcement arrangements for the Calverton Parish Council's Car Parks at St Wilfrid's Square Calverton

Date: 2 February 2017

Author: Car Parks Officer

Wards Affected

Calverton.

Purpose

To seek approval to accept responsibility for the civil enforcement of the parking in the car parks at St Wilfrid's Square owned by Calverton Parish Council.

To enter into an appropriate legal agreement and make a new Gedling Borough Council Civil Enforcement (Off- Street Parking Places) Order to give effect to this.

To obtain the necessary delegated authority to Officers to agree the form and content of the agreement and take steps to bring into effect a new Order.

Key Decision

This is not a Key Decision.

Background

1.1 Calverton Parish Council owns and maintains the two car parks at St Wilfred's Square shopping centre in Calverton, shown in the location plan at Appendix 1, providing 53 parking bays of which 7 are designated for disabled users.

1.2 The land that forms the car parks was sold to Calverton Parish Council by Nottinghamshire County Council and it was a condition of the sale that the land must be used to provide free parking. Calverton Parish Council has confirmed that it has no intention of asking for this condition to be amended and that it wishes to continue to provide free parking on these sites.

1.3 The Parish Council provides the car parks to support the local

businesses and intends the parking to be short stay only to allow customers to use the local amenities. However, observations on site carried out by both Gedling Borough Council officers in preparation for this report, and the Parish Council, show vehicles parking for long periods of time and some of the occupants of the parked vehicles using the local bus services. These observations also recorded vehicles parking in disabled parking bays without displaying disabled badges.

1.4 The Parish Council wishes to be able to manage the parking on these sites and have formal enforcement as a deterrent. The Parish Council has the power to provide the car parks and is able to make an Order to regulate their use, however any failure to comply with the provisions of the Order will be a criminal matter. As Members are no doubt aware, from 2008 amendments to the Traffic Management Act 2004 provided for the civil enforcement of most types of parking contraventions. However it does not include parking contraventions in respect of parking places provided by Parish Councils. Arrangements for civil enforcement of on-street parking and Gedling Borough Council car parks, which is carried out by the Nottinghamshire Enforcement Partnership, commenced on 12 May 2008.

1.5 The Parish Council has asked if Gedling Borough Council can assist in providing civil enforcement of the parking in the car parks at St Wilfrid's Square. This request is only to enable Gedling Borough Council to carry out enforcement of the car parks. The ownership and maintenance of the car parks would remain the responsibility of Calverton Parish Council. The signage on site will inform users of the areas of responsibility.

1.6 In order for the two car parks to be brought within the Nottinghamshire Enforcement Partnership and the Borough Council to take responsibility for the enforcement of parking contraventions, the car parks will need to 'provided' under section 32(1) of the Road Traffic Regulation Act 1984. This section enables the County Council or Borough Council (but not the Parish Council) to provide off-street parking for the purposes of relieving or preventing congestion of traffic. The Borough Council does not have to own the car park and can enter into a legal agreement with the Parish Council in order to enable the Borough Council to provide the car parks for the purposes of the Act. Such agreement would set out the roles and responsibilities of the parties.

1.7 The Borough Council has the power to make an Order regulating the use of car parks provided under section 32. Subject to the Borough Council entering into a suitable arrangement with the Parish Council, the conditions regulating the use of the car parks at St Wilfrid's Square can be included within the Gedling Borough Council (Civil Enforcement Off- Street Parking Places) Order. The nature of the proposed amendment to the Order is such that the existing Order will need to be revoked and a new Order will need to be made.

1.8 A proposed amendment of the existing Order to allow the removal of part of the Carlton Square Car Park is also being made in a separate report. The addition of the two car parks in Calverton set out in this report could be advertised and consulted upon at the same time allowing for a new Order to contain both proposed changes.

1.9 The new Order would need to be advertised and a public consultation period of 3 months allowed before the Order could be considered for confirmation, subject to consideration of any objections.

Proposal

2.1 It is proposed that the Council agrees to accept responsibility for the civil enforcement of the parking in the car parks at St Wilfrid's Square and in order to do so enters into a legal agreement with the Parish Council to enable the Borough Council to 'provide' the car parks at St. Wilfred's Square for the purposes of section 32 of the Road Traffic Regulation Act. The terms of such agreement will make it clear that the car parks will remain in the ownership of the Parish Council which will continue to repair and maintain them to an appropriate standard. It is proposed that the Deputy Chief Executive and Director of Finance in consultation with the Director of Organisational Development and Democratic Services be authorised to agree the form and content of the necessary legal agreement. It is expected that the Parish Council will cover the borough Council's costs of entering into such an agreement.

2.2 Subject to an appropriate agreement being entered into, it is proposed that a new Gedling Borough Council Civil Enforcement Off-Street Parking Places Order, including the two car parks, be made and advertised, and that officers are authorised to take the necessary steps to achieve this.

2.3 The proposed conditions of use of the two car parks are:-

Hours of operation: Monday to Saturday 8.00 am to 6.00 pm excluding bank holidays.

Terms of use: maximum stay 2 hours, no return within 2 hours.

Parking charges: free.

Disabled badge holders: no time limit.

All other terms and conditions as per Gedling Borough Council's standard terms and conditions in the existing Order.

2.4 The proposed method of operation is:

The car parks will be enforced as a limited waiting area, with observations carried out by the civil enforcement officers (under the Nottinghamshire Enforcement Partnership arrangements) taken at a

two hour periods, vehicles parked in excess of the maximum stay period, of two hours, may be issued with a Penalty Charge Notice. The time between the off-street observations will be used for on-street enforcement in the Calverton area.

It is not proposed to introduce stay, or pay and display, or any associated ticket or barrier equipment.

Appeals against the issue of a penalty charge notice will be dealt with by the Borough Council's Car Parks Officer.

2.5 In view of the fact that the addition of these two car parks from the existing Order is not considered to be a minor variation, the current Order will need to be revoked and a new Order made including the above provisions. Other than this, it is intend that the new Order is on the same terms as the current Gedling Borough Council (Civil Enforcement Off-Street Parking Places) Order 2014. Before any changes can be made the Council is required to carry out statutory consultations and publicise the proposals. The Council will consider any representations made prior to the new Order coming into force. It is proposed that the Deputy Chief Executive and Director of Finance in consultation with the Director of Organisational Development and Democratic Services be authorised to take all necessary steps to revoke the existing Order and bring into effect a new Car Park Order in accordance with the proposals set out in the report, including consideration of objections received pursuant to the statutory consultation and any necessary decisions pursuant to the applicable regulations.

Alternative Options

3.1 Not to accept responsibility for the civil enforcement of the parking in the car parks at St Wilfrid's Square, but to leave the Parish Council to introduce its own Parking Order or request that the County Council accepts responsibility for civil enforcement.

3.2 For the Parish Council to transfer ownership of the car parks to the Borough Council. The advantage would be that the Borough Council would be able to provide the car parks and make the Order in its own right without a separate legal agreement with the Parish Council. However the Borough Council would become responsible for the costs of maintaining the car parks.

Financial Implications

4.1 The enforcement would be provided from existing resources with no additional cost. Any income from penalty charge notices issued on the car parks would be used to pay for the enforcement and back office costs. It is expected that the cost will break even with the expenditure (see 4.2). Any surplus would remain with Gedling Borough Council; there is no intention in these proposals to pay back any income to

Calverton Parish Council.

4.2 Hours of enforcement would be monitored and adjusted as necessary to ensure the income from Penalty Charge Notices covers the cost of enforcement.

4.3 The Civil Enforcement Officers' beats would be amended to make use of the time between observations on the car parks to enforce local on street restrictions (which have been extended recently). As part of any agreement Calverton Parish Council would have the option of purchasing additional enforcement hours if they required.

4.4 Calverton Parish Council has agreed to fund the provision of the necessary new signage.

4.5 The Parish Council is expected to pay the Borough Council's full costs of entering into any legal arrangement necessary to enable the Borough Council to accept responsibility for the civil enforcement of the parking in the car parks at St Wilfrid's Square. These are estimated to be in the region of £2,000.

4.6 It is proposed to ask Calverton Parish Council to contribute £500 to the cost of advertising a new Order. This level of contribution would only be applicable if the changes to the Order where advertised at the same time as the introduction of the Order proposed to allow for the removal of a section of the Carlton Square car park, otherwise Calverton Parish Council would be responsible for the full cost of making a new Order estimated at £2,000. In the future, if the Parish Council wished to amend the parking management regime in these car parks to such an extent that it would require the re-advertising of the Car Parking Order the whole of the cost of this would be the Parish Council's responsibility.

Appendices

5 Appendix 1 – Location plan showing car parks.

Background Papers

6 Gedling Borough Council (Civil Enforcement Off-Street Parking Places) Order 2014.

Recommendations

THAT:

(a) the Council agrees to accept responsibility for the civil enforcement of the parking in the car parks at St Wilfrid's Square;

(b) this is subject to the Council entering into a legal agreement with the Parish Council to enable the Borough

Council to ‘provide’ the car parks at St. Wilfrid’s Square for the purposes of section 32 of the Road Traffic Regulation Act, and the Parish Council agreeing to pay the Borough Council’s costs of such an agreement;

(c) the Deputy Chief Executive and Director of Finance in consultation with the Director of Organisational Development and Democratic Services be authorised to agree the form and content of the necessary legal agreement;

(d) subject to the Borough Council entering into the necessary legal agreement with the Parish Council, that the Deputy Chief Executive and Director of Finance in consultation with the Director of Organisational Development and Democratic Services be authorised to take all necessary steps to revoke the existing Order and bring into effect a new Car Park Order in accordance with the proposals set out in the report, including consideration of objections received pursuant to the statutory consultation and any necessary decisions pursuant to the applicable regulations.

Reasons for Recommendations

7 To support Calverton Parish Council in providing parking in support of the local businesses and enable the effective civil enforcement of parking contraventions through the Nottinghamshire Enforcement Partnership.

To ensure that the Borough Council is able to exercise its statutory powers without assuming the cost and liability for maintaining the car parks at St Wilfrid’s Square.

To enable a new Off-Street Parking Places Order to be made.