

## **Report to Cabinet**

**Subject:** Introduction of a new Off Street Car Parking Order

**Date:** 24 April 2014

**Author:** Car Parks and Engineering Officer

### **Wards Affected**

Borough Wide

### **1 Purpose**

- 1.1 To recommend that Cabinet introduce a new Off Street Parking Places Order for the Council's car parks.
- 1.2 To recommend that Cabinet approve the tariff of charges.
- 1.3 To recommend that the current Off Street Parking Places Order be revoked.

### **2 Key Decision**

- 2.1 This is not a Key Decision.

### **3 Background**

- 3.1 In 2009 when Pay and Display charging was introduced, the Council introduced the current Order (The Gedling Borough Council (Civil Enforcement Off-Street Parking Places) Order 2009). Since this time a number of factors, outlined below, have changed requiring the Order to be updated.
- 3.2 The Council has constructed a new car park on High Street Arnold on the site of the former Druids Tavern site. This needs to be included in the Order to enable the Council to charge for parking and carry out Civil Enforcement on this site.

- 3.3 The Traffic Penalty Tribunal (TPT) has expressed a view that a Tariff of Charges should be attached to any Off Street Parking Orders containing a Pay and Display element to charging, which the Council's current order does not have. Whilst this is only an opinion and not legally tested, including this element within the Off Street Parking Order will enhance the Council's position with respect to the appeals process. The order has been changed to take account of the TPT's view, by including a tariff of charges in the schedule attached to the proposed new Off Street Parking Places Order.

#### **4 Proposals**

- 4.1 It is proposed that a new Off Street Parking Places Order be made to enable the inclusion of the car park not currently covered by the order, namely the Druids Tavern, and the reintroduction of Croft Road car park. A copy of the proposed order is attached at Appendix A.
- 4.2 The proposed tariff which was introduced through the 2014/15 Budget Council will now be included as a schedule attached to the proposed new Off Street Parking Places Order. The tariff remains unchanged from the current one except for the introduction of a one pound for four hours step in the Pay and Display Tariff of charges. The full proposed tariff is included in Appendix A. Any future variation to the charges specified in the order will require a notice of variation to be published in the press and displayed on site not less than 21 days before any such changes are due to come into force.
- 4.3 Prior to any new order coming into force, the Council is required to carry out statutory consultations and publicise the proposals. The Council will consider any representations made prior to the order coming into force. Allowing for this process to be followed it is proposed that the new Order will come into force July 2014.
- 4.4 As part of the process of making a new Order the existing order will be revoked, this is to prevent two Orders being in force at the same time for the same locations.

#### **5 Alternative Options**

- 5.1 Not making a new order.

This would not permit the Council to apply the Pay and Display tariff to the Druids Tavern car park, nor allow the changes to the tariff structure

agreed at the Budget Council to be implemented.

This would not address the fact that the Order does not reflect the TPT's stated position.

## **6 Financial Implications**

- 6.1 The cost of making a new order will be contained within the existing car park management budgets.
- 6.2 Approving the tariff attached at Appendix A is estimated to increase car park income by £15000 for 2014/15.

## **7 Appendices**

Appendix A - Copy of proposed order and tariff.

## **8 Background Papers**

None identified.

## **9 Recommendations**

**THAT:**

Members of the Cabinet are asked to agree the following:-

- The introduction of a new Off Street Parking Places Order as soon as practicable.
- As part of the process of making a new Off Street Parking Places Order to revoke the existing order, namely the Gedling Borough Council (Civil Enforcement Off Street Parking Places) Order 2009.
- Agree the Pay and Display tariff as set out in Appendix A.
- Authorise the responsible Corporate Director, in conjunction with the Council Solicitor and Monitoring Officer, to take all necessary steps to make and bring into effect the relevant 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.

- Authorise the responsible Corporate Director to take all necessary steps to implement the car park charging arrangements.

#### **10 Reasons For Recommendations**

- To enable the Druids Tavern car park to be included in the Councils Off Street Parking Places Order.
- To enable the Off Street Parking Places Order to be compliant with the views of the Traffic Penalty Tribunal.
- To enable the introduction of the new car park pay tariffs.