

# **FOR PUBLICATION**

## **MODIFICATION OF OFF-STREET PARKING PLACES ORDER (E885L)**

---

MEETING: CABINET MEMBER FOR TOWN CENTRE AND VISITOR ECONOMY

DATE: OCTOBER 2015

REPORT BY: PARKING AND CCTV MANAGER

WARD: ALL

COMMUNITY FORUM: ALL

KEY DECISION REFERENCE : N/A

---

### FOR PUBLICATION

Background papers: Chesterfield Borough Council (Off-Street Parking Places) (Civil Enforcement) Order 2014:

<http://www.chesterfield.gov.uk/Parking-Order-1376.html>

---

### 1.0 **PURPOSE OF REPORT**

1.1 To seek modification of the Chesterfield Borough Council (Off-Street Parking Places) (Civil Enforcement) Order 2014 to take account of changes to the parking provision in the borough.

### 2.0 **BACKGROUND**

2.1 The Council has statutory power to provide off-street parking places, and can by order regulate use of those parking places. In 2009 the Council made an order relating to its off-street car parks which changed to an enforcement system through the civil (rather than criminal) courts. Parking in off-street car parks in the borough is now regulated by the Chesterfield Borough Council (Off-Street Parking Places) (Civil Enforcement) Order 2014 (“the 2014 Order”).

2.2 The 2014 Order regulates over 50 car parking areas and sets out the controls, fees and enforcement provisions that apply to them. Fees are modified from time to time, in accordance with Council decisions on parking charges, by statutory public notice.

2.3 Changes necessary since the 2014 Order:

- The Council has sold former Staveley Area Housing Office. Parking at the land now needs to be removed from regulation under the 2014 Order.
- Marsden Street car park was sold in May 2014 and the land now needs to be removed from regulation under the 2014 Order.
- Angel Yard car park was sold in February 2014 and the land now needs to be removed from regulation under the 2014 Order.
- A small area at the north eastern corner of Soresby Street car park was sold earlier this year and this piece of land now needs to be removed from regulation under the 2014 Order.
- Parking at the new Queen's Park Sports Centre will need to be regulated to assist in the management of the facility and needs to be included in the 2014 Order.

2.4 There are statutory procedures for the modification of traffic regulation orders, such as off-street parking places orders. However, before a modification order can be made there is a period of consultation with the public, police and highway authority and any representations received must be considered.

### 3.0 **PROPOSED MODIFICATION OF THE 2014 ORDER**

3.1 It is proposed that the 2014 Order be modified:

- a) to exclude Staveley Housing Office car park, Marsden Street and Angel Yard car parks from the 2014 Order completely
- b) to remove the north eastern corner of Soresby Street car park from the 2014 Order and
- c) to include the new Queen's Park Sports Centre car park under the regulation of the 2014 Order.

The areas of parking to be affected by the modification to the 2014 Order at (b) and (c) are shown on the attached plans.

### **Staveley Housing Office Car Park**

- 3.2 The controls over parking at the Staveley Area Housing Office were principally to regulate short stay parking by people visiting the housing office. After closure of the office the parking was used by shoppers. The sale of the former office and surrounding land to a private business means that the car park is no longer be available to the public; it is used by staff and customers of the new owners.
- 3.3 Operation of the land as a public car park was suspended when the land was sold in May 2015. It is now outside the Council's control and can no longer be regulated, so must be removed from the order.

### **Marsden Street Car Park**

- 3.4 This car park covered an area of 0.2 acres and could accommodate 33 parking spaces. It was let through a tenancy agreement to a number of local businesses, which meant that only permit holders could use this car park.
- 3.5 The land was sold by the Council in May 2014. It is now outside the Council's control and can no longer be regulated, so must be removed from the order.

### **Angel Yard Car Park**

- 3.6 This car park covered an area of 0.21 acres and could accommodate 28 parking spaces. Half of the spaces were let, through a tenancy agreement, to a local business and the remainder were allocated to individual permit holders.
- 3.7 The land was sold by the Council in May 2014. It is now outside the Council's control and can no longer be regulated, so must be removed from the order.

### **Soresby Street Car Park**

- 3.8 In March 2015 the Council sold approximately 0.09 acres of land that fronted on to the corner of Saltergate and Soresby Street. The disposal site comprises the north eastern corner of the Soresby Street car park (approximately 6 car parking spaces), and the former portacabin and car park of the Derbyshire Unemployed Workers Trust. The purchaser intends to develop the site for mixed use subject to planning consent.
- 3.9 The area covering these 6 car parking spaces, as shown on the attached map, is now outside the Council's control and can no longer be regulated, so must be removed from the order.

## **The New Queen's Park Sports Centre**

- 3.10 The new Sports Centre is due to open in January 2016 and will have a car park as part of the facilities provided. Parking provision at the new centre is for visitors to the sports centre and controls need to be put in place to assist with the management of this facility.
- 3.11 It is proposed to introduce a maximum 3 hour stay (no return within one hour) in this car park with a requirement for parking in marked bays. The car park will be open to the public from 6.15 am to 10.30 pm, Monday to Friday and 7.30 pm to 8.30 pm Saturday and Sunday. Weekend opening will be extended on occasions for special events.
- 3.12 A draft modification order has been prepared to take account of these changes.

### **4.0 CONSULTATIONS**

- 4.1 Before an order can be made information about the proposal must be published and members of the public have a statutory right to make representations on the changes.
- 4.2 It is proposed that the Cabinet Member for Town Centre and Visitor Economy consider any unresolved objections to the draft order and decide whether or not to make an order. In the event that there are no unresolved objections to the order the Local Government and Regulatory Law Manager is authorised to make the order.
- 4.3 There is a requirement to give public notice of the making of the order in the press and on site. The changes would also be publicised by the Communications and Marketing Manager.

### **5.0 LEGAL IMPLICATIONS**

- 5.1 The land at the former Staveley Housing Office, Marsden Street and Angel Yard car parks and the small area of Soresby street car park all have been sold by the Council and are no longer required to be regulated. Subject to the consultation process, the proposed modification to the 2014 Order is necessary to remove the land from regulation as it is no longer owned by the Council.
- 5.2 The proposed introduction of a maximum 3 hour stay (no return within one hour) at the new Queen's Park Sports Centre Car Park will enable proportionate control over parking and needs to be included to the 2014 Order.

## 6.0 **RISK MANAGEMENT**

<b>Description of Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigating Action</b>	<b>Resultant Likelihood</b>	<b>Resultant Impact</b>
Areas of land which have been sold – no longer able to regulate the areas	L	L	Car park no longer owned by the Council so must be removed from the order	L	L
Unregulated parking on the new Queen's Park Sports Centre	M	H	Regulation will ensure that parking can be managed and controlled	L	L
Public not aware of proposals or changes to 2014 Order	L	M	Public notices will be put up. Consultation will take place. Communications and Marketing Manager will publicise	L	L

## 7.0 **EQUALITIES IMPACT ASSESSMENT (EIA)**

- 7.1 There is adequate provision of bays, both on street in Staveley and at Staveley Healthy Living Centre, for blue badge holders, which is free of charge. Parking in Staveley town centre is free of charge and limited to 1 or 2 hours depending on exact location.
- 7.2 There was no provision for blue badge holders in either Marsden Street or Angel Yard car parks.
- 7.3 The sale of the land in the north eastern corner of Soresby Street car park does not impact on the provision of car parking spaces for Blue Badge holders in this car park.
- 7.4 Parking in the car park at the new Queen's Park Sports Centre is proposed to be free of charge for a maximum of 3 hours and there will also be adequate provision of bays for blue badge holders.

## 8.0 **RECOMMENDATION**

- 8.1 That the proposed changes to the 2014 Order are made, subject to consideration of any unresolved representations by the Cabinet Member for Town Centre and Visitor Economy, following statutory consultation.
- 8.2 In the event that there are no unresolved representations, that the local Government Law Manager be authorised to make the proposed changes to the 2014 Order.

## 9.0 **REASONS FOR RECOMMENDATION**

- 9.1 To ensure that the 2014 Order is modified to reflect changes to parking provision

Further information on this matter can be obtained from Gerard Rogers (Extension 5310).