

FOR PUBLICATION

MODIFICATION OF OFF-STREET PARKING PLACES ORDER (TV260L)

MEETING:	CABINET MEMBER FOR TOWN CENTRE AND VISITOR ECONOMY
DATE:	08 JANUARY 2018
REPORT BY:	PARKING AND CCTV MANAGER LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
WARD:	ALL
KEY DECISION REFERENCE :	N/A

FOR PUBLICATION

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

<https://www.chesterfield.gov.uk/parking-roads-and-travel/parking-and-car-parks/car-parks-in-chesterfield/civil-parking-enforcement-order.aspx>

1.0 **PURPOSE OF REPORT**

- 1.1 To report representations on proposed modification of the Chesterfield Borough Council (Off-Street Parking Places) (Civil Enforcement) Order 2014 (as amended)
- 1.2 To seek approval of proposed amendments to the 2014 Order.

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. There is no legal requirement to provide off-street parking. 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") following amendments to the 2009 Order.

- 2.2 The 2014 Order regulates 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 The 2014 order was modified by the Chesterfield Borough Council (Off Street) Parking Places Modification Order 2016, due to changes to car parks provision.
- 2.4 On 3rd August 2017 the Cabinet Member for Town Centre and Visitor Economy agreed that consultation be carried out on various proposed amendments to the 2014 Order (as amended). A copy of the report is attached at Appendix A.
- 2.5 Consultation ran from 14th September to 9th October. A notice about the proposals appeared in the Derbyshire Times and was displayed on relevant car parks. Full details of the proposed changes appeared on the Council's website and were available for viewing at the Town Hall Reception (and a further copy was held at the Customer Services Centre).

3.0 **REPRESENTATIONS ON THE PROPOSED CHANGES**

- 3.1 About 25 objections were received to the proposals, with the main concerns being expressed about proposals for car parks at Brimington and at Duke Street. These objections are summarised below.

3.2 **Foljambe Road, Brimington**

Proposal: 2 hours waiting, no return within 2hrs 09:00-17:00 Monday-Friday

Representations: Residents felt that if parking restrictions were applied there would be nowhere to park as parking on-street was limited. Local businesses were objecting to the restrictions as staff would not be able to park, although they suggested the introduction of parking permits.

Brimington Community Centre/Church St/Hall Road Brimington

Proposal: Introduction of 2 hours waiting with no return within 2 hours

Representations: Local businesses were objecting to the restrictions as staff would not be able to park. It has been suggested that the car park be

extended onto the green to create more parking spaces. There is a fear that by imposing the time restraints it will only push the problem on to local streets thereby creating more parking issues.

Duke Street car park

Proposal: introduction of 2 hours waiting with no return within 4 hours

Representations: Local businesses objected to the time restrictions as they say staff use the car park to park all day and have meetings with clients and hold events which require parking for longer periods.

Parking Services were unaware that this car park was part of a corporate review of car parks and may be sold.

Storrs Road car park

Proposal: introduction of 2 hours waiting with no return within 2 hours between 09:00 to 17:00 Monday to Friday

Representations: A complaint has been received with regards to abuse of the car park and a request to widen the bays.

St Helens Street

Proposal: introduction of a 3 hours with no return within 3 hours between 09:00 hours to 17:00 hours on Monday to Saturday

Representations: A local business has requested that more parking permits are made available for staff working in the area.

Access to Wardgate Way Shops

Proposal: introduction of no parking at any time

Representations: a disabled driver has requested more parking facilities in this area.

- 3.3 The remaining proposals in the draft order have not resulted in any representations.

4.0 CONSIDERATION OF REPRESENTATIONS

- 4.1 Cabinet member is asked to consider officers' views on the representations and to make a decision on the proposals.

Foljambe Road – Brimington

In light of the objections received, discussions were held with ward members about parking issues in the Brimington area. As a result, this change is no longer proposed.

It is recommended that the car park will remain as in the current Order and no changes introduced.

It is noted that there are issues regarding parking in Brimington which will require further discussion and consideration.

Brimington Community Centre/Church Street/Hall Road

After discussion with ward members the representation received was reviewed and a revised proposal is now recommended.

It is recommended that the restriction is a 2 hour stay with no return within 2 hours but to apply from 08:00 to 18:00 Monday to Friday (rather than at any time).

It has been suggested that the car park be known as Hall Road to avoid any confusion. This is agreed.

It is recommended that this car park be known as Hall Road Car Park.

Duke Street

Notwithstanding representations received, during the consultation process it was identified that the car park is being considered for disposal and may be sold in the future. In light of this any changes should be postponed at this time.

It is recommended that the car park will remain as in the current Order and no changes introduced.

Storrs Road

The proposed changes will help the local businesses and resolve the issue raised in the objection. At the present time wider bays are not to be introduced but may be considered at some time in the future. The proposals should go ahead as planned.

It is recommended that no changes are made to the proposed modification order.

St Helens Street

The issue of parking permits is a Derbyshire County Council issue and those making representations have been made aware that they need to speak to DCC in relation to this.

In terms of the proposed restrictions the car park is not intended as a staff car park and should be free to use for local businesses and residents. The changes create a fair balance for the needs of the local people and the proposals should go ahead as planned.

It is recommended that no changes are made to the proposed modification order.

Access Road at Wardgate Way

The restriction is to resolve a known safety issue of parking near a loading area and on a junction that is frequented by lorry deliveries. We are looking to provide an additional disabled parking bay in the nearby car park to help accommodate disabled users' needs. It is recommended that the proposed restriction should go ahead as planned.

It is recommended that no changes are made to the proposed modification order.

- 4.2 As a general comment, the Council does not have a statutory obligation to provide off street parking for residents of the Borough. Where off street parking is available this may be subject to specific terms and conditions that try to reflect the needs of the locality. This could either be to assist with the pressures residential parking brings or the need to support local businesses. On-street parking is the responsibility of Derbyshire County Council.
- 4.3 The recommended changes to the draft modification order are shown in Appendix B.

5.0 LEGAL IMPLICATIONS

- 5.1 The amended changes proposed will enable updates to, and proportionate control over, parking places. To be enforceable these need to be included as modifications to the 2014 Order. This will ensure effective control is possible.
- 5.2 If Cabinet member agrees that the order should now be made as amended 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.

6.0 RISK MANAGEMENT

Description of Risk	Likelihood	Impact	Mitigating Action	Resultant Likelihood	Resultant Impact
Area of land which are no longer available to be regulated	L	L	Car park no longer available to the Council so must be removed from the order	L	L
The parking places order fails to reflect current position	M	H	Regulation will ensure that parking can be properly managed and controlled, with effective enforcement in the event of breach	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
Representations not properly taken into account	L	M	This report considers representations made and recommends changes where appropriate to the proposed order	L	L

7.0 **EQUALITIES IMPACT ASSESSMENT (EIA)**

- 7.1 It is still considered that there are no significant equality issues for the changes. Any issues relating to disabled parking have been taken into account. Regulation of the town centre area will help improve access to shops, market and buildings for all, including people with disabilities.

8.0 **RECOMMENDATION**

- 8.1 That an order modifying the 2014 Order (as amended) be made as proposed in the report to the Cabinet Member dated 3rd August, with the changes recommended by officers as set out in this report.

9.0 **REASONS FOR RECOMMENDATION**

- 9.1 To ensure that the 2014 Order (as amended) is modified to reflect necessary changes to parking provision.

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

APPENDIX A

[\[Click here to view the report to Cabinet Member on 3rd August 2017\]](#)

APPENDIX B
AMENDMENTS TO DRAFT MODIFICATION ORDER

Amendment to Article 2(i)

2. The Chesterfield Borough Council (Off Street Parking Places) (Civil Enforcement) Order, 2014 as amended by the Chesterfield Borough Council (Off Street) Parking Places Modification Order 2016 (“the 2014 Order”) shall have effect as though:

...

- (i) The parking places in Schedule 1 of the 2014 Order named as:

- **Queens Park Sports Centre – North Car Park** was named as **Queens Park North Car Park**
- **Queens Park Sports Centre – South Car Park** was named as **Queens Park South Car Park**

Add

- **Brimington Community Centre Car Park** was named as **Hall Road Car Park**

AMENDMENTS TO SCHEDULE 1 OF THE DRAFT MODIFICATION ORDER

The Parking Places under this Order are listed below and shown edged and hatched in red (or shown edged and hatched in blue where indicated) on the corresponding attached plans

1 name of Parking Place	2 position in which vehicle may wait	3 classes of vehicle	4 days of operation of Parking Place	5 hours of operation of Parking Place	6 Charging Days and Charging Hours	7 Maximum period for which vehicles may wait
Brimington Community Centre, Church Street/Hall Road, Brimington, Chesterfield	Wholly within a Parking Bay	Any Vehicle	All Days	All Hours	00:00 hours to 23:59 hours	2 hours with no return within 2 hours
Derbyshire Times Car Park, Station Road, Chesterfield	Wholly within a Parking Bay	Motor Car Goods Vehicle	All days	All Hours	08:00 hours to 20:00 hours	No Limit
Duke Street, Whittington Moor, Chesterfield	Wholly within a Parking Bay	Any Vehicle	All Days	All Hours	00:00 hours to 23:59 hours	2 hours with no return within 4 hours
Foljambe Road, Brimington, Chesterfield	Wholly within a Parking Bay	Any Vehicle	All Days	All Hours	09:00 hours to 17:00 hours Monday to Friday	2 hours with no return within 2 hours