

# **FOR PUBLICATION**

## **MODIFICATION OF OFF-STREET PARKING PLACES ORDER (TV250L)**

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MEETING:	CABINET MEMBER FOR TOWN CENTRE AND VISITOR ECONOMY
DATE:	21 DECEMBER 2018
REPORT BY:	PARKING AND CCTV MANAGER LOCAL GOVERNMENT AND REGULATORY LAW MANAGER

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### FOR PUBLICATION

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

<https://www.chesterfield.gov.uk/parking-roads-and-travel/parking-and-car-parks/car-parks-in-chesterfield/civil-parking-enforcement-order.aspx#consultation2017>

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### 1.0 **PURPOSE OF REPORT**

- 1.1 To seek approval to consult on proposed amendments to the Chesterfield Borough Council (Off-Street Parking Places) (Civil Enforcement) Order 2014 (as amended) 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 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. Further changes were made by Chesterfield Borough Council (Off Street) Parking Places Modification Order 2018 in May 2018 (the 2018 Order).

### 3.0 **PROPOSED CHANGES**

- 3.1 The following changes are proposed to the 2014 Order, and are detailed in Appendix A and B:

#### 3.2 **Ashgate Road**

*Proposal:* To remove the parking place from the order

*Reason:* The area was used for long stay parking prior to its sale. The Council had been marketing the land for sale for development for several years and it was sold in July 2018 and transferred to the new owner. The land can no longer be regulated under the 2014 Order as the Council is no longer in control of the land. While the new owners are continuing to use the land as a public car park on a temporary basis this is not controlled under the 2014 Order as there is no agreement for it to be regulated and the new owners retain any income from it.

#### **Land Rear of 87 New Square**

*Proposal:* To remove the parking place from the order

*Reason:* Currently this area was a regulated parking place, with other land east of the Customer Services Centre. However the parking in the area shown in blue on the attached plan was purely for authorised vehicles with parking permits and access was barrier controlled. In June 2018 the Council sold 87 New Square and is no longer in control of the land and the land to the rear would no longer be regulated under the 2014 Order. The appropriate plan will also need to be amended to remove this parking place (the blue land). The other land east of the Customer Services Centre will remain in the order.

#### **West Street/Compton Street**

*Proposal:* To remove the parking place from the order

*Reason:* The Council sold this land in 2017 and is no longer in control of the land and it can no longer be regulated under the 2014 Order.

### **Queens Park North Car Park**

*Proposal:* To incorporate changes to the 2014 Order in respect of Queens Park North Car Park to mirror changes made by the 2018 Order in respect of Queens Park South Car Park.

*Reason:* These changes are to ensure the parking order properly reflects current requirements for off-street parking in these locations. Due to an administrative error the changes were not included in the last modification order. No objections were made to the changes relating to Queens Park South Car Park.

### **New Saltergate Multi Storey Car Park (and access road)**

*Proposal:* The former MSCP was regulated for many years until it was closed and demolished to make way for the new car park. It was removed from the parking order at that time. It is proposed to regulate parking at the new Council owned MSCP at Saltergate once construction is completed and the car park is available for use. Parking will also be prohibited on the access road to the car park.

The MSCP will have electric charging bays, but it is considered that existing provisions of the 2014 Order can be applied to permit parking by electric vehicles which are charging and to prevent parking by other vehicles in these bays.

*Reason:* Construction of the new MSCP is underway, with completion of the contract due in Spring 2019. Once the car park is available for use it will need to be regulated under the parking order. See attached plans – if necessary the final plans will be settled if details of layout change.

The order will make it clear that the controls will come into effect on a date to be notified at the car park. The Council will also be widely publicising the opening date.

### **Venture House**

*Proposal:* To regulate parking in certain locations at Council owned Venture House

*Reason:* Currently parking at Venture House is not regulated and some of the parking provision is being abused by parking out of bays and there is parking in disabled parking spaces by unauthorised users. Consequently only part of the car park is to be regulated (see attached plan – edged red: parking in bays, edged blue: parking for people with disabilities only).

#### **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 Ashgate Road, rear of 87 New Square and West Street/Compton Street is no longer in the Council's ownership and cannot be regulated without the agreement of the new owners.
- 5.2 Proposed changes relating to Venture House will help the Council enforce authorised parking only at its premises.
- 5.3 Regulation of the new Saltergate MSCP and its access road is essential to enable enforcement once the car park is available for use.
- 5.4 The other changes proposed will enable updates to, and proportionate control over, parking places which need to be included as modifications to the 2014 Order. This will ensure effective enforcement of controls is possible.

#### **6.0 RISK MANAGEMENT**

Description of Risk	Likelihood	Impact	Mitigating Action	Resultant Likelihood	Resultant Impact
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Area of land which are no longer available to be regulated. Opposition to the change.	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 made	L	M	A report will consider representations made and recommend as appropriate	L	L

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

- 7.1 There are no significant equality issues for the changes, other than that the proposal to regulate parking at Venture House helps protect spaces reserved for parking by people with disabilities.
- 7.2 The changes proposed are to reflect changes in Council land ownership and to help support local businesses and organisations by preventing abuse of parking spaces. It also continues to allow local residents to use the facilities outside business hours once the restrictions are lifted.

## 8.0 **RECOMMENDATION**

- 7.1 That the Local Government and Regulatory Law Manager be authorised to agree the final plans and provisions for the car parks to be added to the order.
- 7.2 That the proposed changes to the 2014 Order (as amended) are made, subject to consideration of any unresolved representations by the Cabinet Member for Town Centre and Visitor Economy, following statutory consultation.
- 7.2 In the event that there are no unresolved representations, that the Local Government and Regulatory 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 (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**  
**ADDITIONS TO SCHEDULE 1 OF THE 2014 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

<b>1</b> <b>name of</b> <b>Parking Place</b>	<b>2</b> <b>position in</b> <b>which vehicle</b> <b>may wait</b>	<b>3</b> <b>classes of</b> <b>vehicle</b>	<b>4</b> <b>days of</b> <b>operation of</b> <b>Parking Place</b>	<b>5</b> <b>hours of</b> <b>operation</b> <b>of Parking Place</b>	<b>6</b> <b>Charging</b> <b>Days And</b> <b>Charging Hours</b>	<b>7</b> <b>Maximum Period</b> <b>For Which</b> <b>Vehicles May</b> <b>Wait</b>
<b>Saltergate New Multi-Storey Car Park,</b> Chesterfield	Wholly within a Parking Bay	Motor Car	All days (excluding Christmas Day) or (if different) such days as advertised at the car park or on the Council's website	All hours	00:00 hours to 23:59 hours on any day	No limit
<b>Saltergate New Multi-Storey Car Park (access road),</b> Chesterfield	Waiting is not permitted	Any Vehicle	All Days	All Hours	00:00 hours to 23:59 hours	No parking at any time
<b>Venture House,</b> Dunston Road, Chesterfield	Wholly within a Parking Bay	Any Vehicle	All days	All hours	00:00 hours to 23:59 hours	No limit

**APPENDIX B**  
**AMENDMENTS TO SCHEDULE 1 OF THE 2014 ORDER**  
*(proposals for removal struck through)*

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
<del>Ashgate Road, Chesterfield</del>	<del>Wholly within a Parking Bay</del>	<del>Motor Car Goods Vehicle</del>	<del>All days</del>	<del>All hours</del>	<del>08:00 hours to 20:00 hours on any day</del>	<del>No limit</del>
<b>Customer Services Centre (East of) And rear of 87 New Square, Chesterfield</b>	<del>Wholly within a Parking Bay to the rear of 87 New Square (shown hatched blue on the corresponding plan)</del>	Any vehicle displaying a Parking Permit	All days	All hours	00:00 hours to 23:59 hours on Sunday	No limit



<b>Queen's Park North Car Park,</b> Boythorpe Road, Chesterfield	Wholly within a Parking Bay	Motor Car Goods Vehicle	All days	All hours	08:00 hours to 18:00 hours on Monday to Saturday any day  00:00 hours to 23:59 hours on Sunday	No limit
<b>West Street/ Compton Street,</b> Chesterfield	Wholly within a Parking Bay	Motor Car Goods Vehicle	All days	All hours	08:00 hours to 20:00 hours on any day	No limit