

# **FOR PUBLICATION**

## **MODIFICATION OF OFF-STREET PARKING PLACES ORDER (TV260L)**

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MEETING: CABINET MEMBER FOR TOWN CENTRE AND VISITOR ECONOMY

DATE: 3<sup>rd</sup> AUGUST 2017

REPORT BY: PARKING AND CCTV MANAGER  
LOCAL GOVERNMENT AND REGULATORY LAW  
MANAGER

WARD: ALL

KEY DECISION REFERENCE : 744

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### FOR PUBLICATION

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

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

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#### 1.0 **PURPOSE OF REPORT**

1.1 To seek modification of 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.

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

3.1 The main proposed changes to the 2014 Order (as amended) are:

- The car park at the former North East Derbyshire District Council offices is no longer available.

*Reason for modification:* Parking at the land is no longer available and now needs to be removed from regulation under the 2014 Order.

- The area of the town centre comprising Park Road, Market Place, New Square and Low Pavement is proposed to be regulated under the off-street parking places order.

*Reason for modification:* This land is not public highway and is under the ownership and control of this Council. Currently it is difficult to regulate parking in this area. Derbyshire County Council are also pursuing traffic regulation orders for the public highway to the north of area. If regulated the access to shops, market and buildings by pedestrians would be improved.

- St. Helen's Street parking place is proposed to be regulated under the off-street parking places order.

*Reason for modification:* There have been complaints from shop owners and their customers that they are unable to park due to misuse of the car park by commuters and college students who park there all day. The maximum period of waiting takes account that visitors to the hairdresser might need a longer period of parking.

- The rear access to Wardgate Way shops is proposed to be regulated under the off-street parking places order.

*Reason for modification:* This area is not currently regulated and is used for parking, preventing effective use of the rear access.

- A release fee of £50 is proposed to be charged for any vehicle released from New Beetwell Street and Saltergate Multi-Storey Car Parks remaining outside opening hours.

*Reason for modification:* This is to recover the cost for releasing vehicles charged to the council by its contractors. Currently the Council bears this fee itself and cannot recover the charge. Approximately 40 vehicles a year have to be released by the contractor at the cost of £30 each time to the Council, excluding VAT, plus lost car parking fees of around £5 each release (totalling about £1,400 a year, excluding VAT).

- The Charging Days/Charging Hours and or Maximum period for which vehicles may wait is proposed to be changed for some parking places (see Appendix).

*Reason for modification:* To ensure the parking order properly reflects current requirements for off-street parking.

- Various plans of parking places are substituted to take account of an accurate survey of the parking places.

*Reason for modification:* To ensure the parking order accurately shows the parking places.

- Some car parks are now known by different names, namely Queens Park Sports Centre South and North Car Parks and now Queens Park Sports South and North Car Parks respectively and Holme Hall Shops parking place is now known as Wardgate Way parking place.

*Reason for modification:* To ensure the parking order properly reflects current names of parking places.

- The Council has resolved that the current Saltergate Multi-Storey Car park will be demolished. In due course be replaced.

*Reason for modification:* While operation of the car park can be suspended in the short term, once it becomes unavailable it should be removed from the 2014 Order and in due course the new car park added. Authority is sought to make necessary amendments, if necessary, at the appropriate stage, which might be in a separate modification.

Plans showing new areas proposed to be regulated are attached to this report. Plans that are to be substituted will be available at the meeting.

2.2 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.

2.3 A draft modification order has been prepared to take account of these changes.

### 3.0 **CONSULTATIONS**

3.1 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.

3.2 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.

3.3 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.

### 4.0 **LEGAL IMPLICATIONS**

4.1 The land at the former North East Derbyshire District Council offices is no longer required to be regulated.

4.2 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.

### 5.0 **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

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

6.1 There are no significant equality issues for the changes. The changes proposed are 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. Regulation of the town centre area will help improve access to shops, market and buildings for all, including people with disabilities.

## 7.0 **RECOMMENDATION**

7.1 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 Law Manager be authorised to make the proposed changes to the 2014 Order.

## 8.0 **REASONS FOR RECOMMENDATION**

8.1 To ensure that the 2014 Order (as amended) is modified to reflect changes to parking provision

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



**APPENDIX  
DRAFT AMENDMENTS**

**PARKING PLACES ADDED TO SCHEDULE 1 OF THE 2014 ORDER**

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

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
<b>Park Road, Market Place, New Square and Low Pavement Chesterfield</b>	Waiting is not permitted	Any Vehicle	All Days	All Hours	00:00 hours to 23:59 hours	No parking at any time [except for authorised deliveries]
<b>St. Helen's Street</b>	Wholly within a Parking Bay	Any Vehicle	All Days	All Hours	09:00 hours to 17:00 hours on Monday to Saturday	Up to 3 hours with no return within 3 hours
<b>Access to Wardgate Way Shops</b>	Waiting is not permitted	Any Vehicle	All Days	All Hours	00:00 hours to 23:59 hours	No parking at any time

**SCHEDULE 2**  
**MODIFICATIONS 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

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
<b>Brimington Community Centre</b> , 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
<b>Derbyshire Times Car Park</b> , 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
<b>Duke Street</b> , 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
<b>Foljambe Road</b> , <b>Brimington</b> , 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



1	2	3	4	5	6	7
name of Parking Place	position in which vehicle may wait	classes of vehicle	days of operation of Parking Place	hours of operation of Parking Place	Charging Days and Charging Hours	Maximum period for which vehicles may wait
<b>Old Ship Lane</b> Parking Place, Chesterfield	Wholly within a Parking Bay	Any Vehicle (excluding a Motor Cycle) displaying both a Disabled Persons Badge and an Disabled Persons' Advance Ticket	All days	All hours	08:00 hours to 20:00 hours on any day	4 hours with no return within 4 hours
<b>Queen's Park, South 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 any day	No limit
<b>Storrs Road,</b> Brampton, 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