

# **FOR PUBLICATION**

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

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MEETING: CABINET MEMBER FOR TOWN CENTRES AND VISITOR ECONOMY

DATE: 24<sup>TH</sup> OCTOBER 2019

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

WARD: DUNSTON

COMMUNITY FORUM: ALL

KEY DECISION REFERENCE : N/A

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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-car-parks-and-parking-fines/car-parks-in-chesterfield/civil-parking-enforcement-order.aspx>

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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) and then by the Chesterfield Borough Council (Off Street) Parking Places Modification Order 2019 in April 2019.

### 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 **Duke Street**

*Proposal:* To remove the parking place from the 2014 Order.

*Reason:* The Council has carried out a corporate asset review of its parking places out of the town centre and is of the view that this small car park at the northern end of Whittington Moor (hatched red on the plan attached) is surplus to requirements for off-street parking in this part of the borough.

There is other public parking available on-street, though this is limited at peak times, and also customer and shoppers parking at the Lidl store on the opposite side of Sheffield Road which allows 90 minutes of free parking.

Consultation on a proposal to restrict parking at this car park to two hours (no return within 4 hours) took place in 2017. This led to representations by local businesses to the time restrictions proposed. This was on the basis that staff use the car park to park all day, have meetings with clients and hold events which require parking for longer periods. However, the proposal did not proceed at that stage due to emerging proposals regarding disposal due to the corporate review.

The parking place comprises an irregular area of land with parking for up to 33 vehicles. There are no charges for parking and no restriction on waiting time.

With the Chapel Street parking place (see below) there is no income to the council, but a cost of £6,500 each year in business rates, together with other costs including repairs and maintenance, insurance, and back office management. There is also a disabled WC within the parking place for which utilities and legionella testing have cost the Council about £1,200 over the last 3 years.

It is intended that any purchaser of the land would liaise with surrounding businesses and shops about continued use of the car park in return for an appropriate contribution towards rates and running costs. However this arrangement would be private and outside the control of the Council or the parking order. Any purchaser would also maintain, repair/replace and manage the disabled WC facility.

### **3.3 Chapel Street**

*Proposal:* To remove the parking place from the 2014 Order.

*Reason:* The Council has carried out a corporate asset review of its parking places out of the town centre and is of the view that this small car park at the northern end of Whittington Moor (hatched red on the plan attached) is surplus to requirements for off-street parking in this part of the borough.

There is other public parking available on-street, though this is limited at peak times, and also customer and shoppers parking at the Lidl store on the opposite side of Sheffield Road which allows 90 minutes of free parking.

The parking place comprises an area reserved for 5 residents parking (hatched blue on the plan) and 5 spaces for public parking (hatched red on the plan). There are no charges for parking and no restriction on waiting time. There is no income to the Council for this parking place. Information for costs of this parking place are included with figures relating to Duke Street above.

It is intended that any purchaser of the land would retain the existing residents' parking spaces and would liaise with surrounding businesses and shops about continued use of the car park in return for an appropriate contribution towards rates and running costs. However this arrangement would be private and outside the control of the Council or parking order.

## **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 after consultation 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 it is recommended that 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.
- 4.4 Ward members have been approached informally about these proposals. Of those that responded, they do not support the changes. Their view is that there should be additional consultation, with the suggestion that this should be by way of a letter to nearby businesses, shops and residents.

## 5.0 **LEGAL IMPLICATIONS**

The changes proposed will help ensure appropriate parking provision in this part of the borough following a review of parking provision and approved development of an enterprise centre, which would need to be included as modifications to the 2014 Order.

## 6.0 **RISK MANAGEMENT**

Description of Risk	Likelihood	Impact	Mitigating Action	Resultant Likelihood	Resultant Impact
Parking place provision in the Whittington Moor area is inappropriate resulting in unnecessary costs to the Council	H	M	Remove parking places from the order, while seeking to ensure the parking places remain available to key users if the land is sold	L	L
Parking provision is insufficient for local users	M	M	Other parking available locally for shoppers (Lidl – 90 minutes) and any purchaser of the land would be required to allow local businesses (subject to	M	L

			contributions) and existing residents to continue to use the car parks		
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 published and displayed at the car parks. 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. The changes proposed are to reflect the Council review of parking places.

Initial equality analysis has been undertaken with no negative impacts being identified at this stage, however this will be reviewed following the completion of the consultation period and will inform the final decision.

## 8.0 **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 and suggested additional 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 appropriate changes to parking provision.

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

Officer recommendation supported/not supported/modified as below or Cabinet Members' recommendation/comments if no Officer recommendation.

Officer recommended.

Signed

Cabinet Member

Date

Consultee Cabinet Member/Assistant Cabinet Member comments (if applicable)

**APPENDIX A**

**AMENDMENTS TO SCHEDULE 1 OF THE 2014 ORDER**

**Proposed removal of parking places from 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
<del>Chapel Street, Whittington Moor, Chesterfield</del>	<del>Wholly within a Parking Bay</del>	<del>Any Vehicle</del>	<del>All Days</del>	<del>All Hours</del>	<del>00:00 hours to 23:59 hours</del>	<del>No Limit</del>
<del>Chapel Street, Whittington Moor, Chesterfield (shown edged and hatched blue on the corresponding plan)</del>	<del>Wholly within a Parking Bay</del>	<del>Any Vehicle displaying a Parking Permit</del>	<del>All Days</del>	<del>All Hours</del>	<del>00:00 hours to 23:59 hours</del>	<del>No Limit</del>
<del>Duke Street, Whittington Moor, Chesterfield</del>	<del>Wholly within a Parking Bay</del>	<del>Any Vehicle</del>	<del>All Days</del>	<del>All Hours</del>	<del>00:00 hours to 23:59 hours</del>	<del>No Limit</del>