

For publication

Modification Of Off-Street Parking Places Order (TV260L)

Meeting: Cabinet Member for Town Centres and Visitor Economy

Date: 21st February 2024

Report By: Parking and CCTV Manager
Head of Regulatory Law

For publication

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 RECOMMENDATION

2.1 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.

2.2 In the event that there are no unresolved representations, that the Head of Regulatory Law be authorised to make the proposed changes to the 2014 Order.

3.0 REASONS FOR RECOMMENDATION

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

4.0 BACKGROUND

4.1 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”).

4.2 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.

4.3 The 2014 order has been modified several times by subsequent Chesterfield Borough Council (Off Street) Parking Places Modification Orders due to changes to car parks provision.

5.0 **PROPOSED MODIFICATION OF THE 2014 ORDER**

5.1 The proposed change to the 2014 Order (as amended) is:

- The area of the former, now demolished, Chesterfield Hotel at Malkin Street / Corporation Street is proposed to be regulated under the off-street parking places order. It is intended that this be called Station Approach Car Park.
- *Reason for modification:* This land is intended as a surface car park pending redevelopment of the site and will provide additional parking at the station approach and help visual amenities of the cleared site in a prominent location. The area now has a graded surface. Until recently it had banking around the perimeter to prevent unauthorised entry, but now has an access and relevant signage.

This would be an online payment only car park, with no cash payments (payment via RingGo), with a flat fee of £3 for any period within a day. It is not intended that the car park will be surfaced nor will lines be provided to delineate parking spaces. This is because the use is temporary. The order would become effective once ready for regulated use and indicated by signage on site.

A plan showing the new area proposed to be regulated is attached to this report. It should be noted that there is some on-street parking at Malkin Street, regulated by Derbyshire County Council, which is outside the off-street area proposed to be regulated by this Council.

5.2 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.

5.3 A draft modification order has been prepared to take account of these changes, with the intention that the changes take effect once notified on site. The changes are set out in the Appendix to this report, with the charge of £3 proposed for insertion in Schedule 3 of the 2014 Order.

6.0 **CONSULTATIONS**

6.1 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.

6.2 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 it is proposed that the Head of Regulatory Law is authorised to make the order.

6.3 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 Head of Communications and Marketing.

7.0 LEGAL IMPLICATIONS

7.1 The change proposed will enable updates to, and proportionate control over, a new, but temporary, parking place which will need to be included as modifications to the 2014 Order. This will ensure effective enforcement of controls is possible. At the point where the temporary car park ceases to be used, due to redevelopment, a further modification will be required.

8.0 RISK MANAGEMENT

| Description of Risk | Likelihood | Impact | Mitigating Action | Resultant Likelihood | Resultant Impact |
|--|-------------------|---------------|--|-----------------------------|-------------------------|
| Failure to regulate new parking area leading to abuse and trespass to Council land | L | L | Add the car park to the order so it can be regulated and enforced. The car park is already available for use but is not regulated under 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. Head of Communications and Marketing will publicise | L | L |

9.0 EQUALITIES IMPACT ASSESSMENT (EIA)

9.1 The changes proposed are to help provide a temporary parking resource pending permanent redevelopment of the land. The site is within easy reach of the town centre and railway station and will be useful for travellers, shoppers and workers.

9.2 It would be a ‘no cash’ car park. Given the temporary nature of the car park it is not practicable or cost effective to provide equipment to take cash. This does have potential equalities implications, as the main way of paying would be online (through a smartphone and the RingGo app) to which some may not have access.

9.3 While payment can also be made by other means which would assist some (e.g. by telephone or text to RingGo – and information would be provided on site), signage can also be erected on site to direct customers to nearby car parks where cash payments are accepted (e.g. Durrant Road, Devonshire Street – though these are not flat tariff car parks and would be more expensive than £3.00 for a whole day). Other parking saver options are also available (e.g. scratchcards) and information could be provided at the car park about these.

9.4 Regulating the parking place under the Off-Street Parking Places Order will help prevent abuse of parking spaces.

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
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 |
|---|---|-------------------------------------|---|--|---|---|
| Station Approach Car Park Malkin Street Chesterfield | Within the parking place | Any Vehicle | All Days | All Hours | 00:00 hours to 23:59 hours | No limit within any charging hours for any day |

**ADDITION TO SCHEDULE 3 OF THE 2014 ORDER
SCALE OF CHARGES**

At the date of this Order the charges to be paid in connection with the use of the Parking Places identified in this Order are as follows.

These charges may be varied from time to time by the Council in accordance with Section 35 of the Road Traffic Regulation Act 1984 (as amended) or other relevant statutory provisions

| Parking Place | Duration | | Charge |
|--|----------|--|--|
| Fringe Parking | | | |
| Station Approach Car Park | | | £3.00 any period [between 00:00 hours to 23:59 hours in any day] |
| All the above rates also apply to Disabled Persons' Badge holders | | | |