

Report of the Portfolio Holder for Economic Development and Asset Management

**STAPLEFORD SUPPLEMENTARY OFF-STREET CAR PARKING
ORDER 2024 (DERBY ROAD CAR PARK)**1. Purpose of Report

To recommend that statutory advertising be undertaken for a supplementary off-street car parking order for a new car park in Stapleford.

2. Recommendation

Cabinet is asked to RESOLVE that delegated authority be given to the Head of Legal Services and the Executive Director to finalise and undertake the required statutory consultation in respect of the new car park at Derby Road, Stapleford.

3. Detail

Public car parks are currently provided in Stapleford by the Council at Cliffe Hill Avenue, Eatons Road, Halls Road and Victoria Street. The Victoria Street car park which has 51 spaces, including 6 disabled bays, will be replaced by the newly constructed car park on Derby Road being provided by the Enterprise Hub project as part of the Stapleford Towns Deal. The new car park will have 44 spaces, including 6 disabled spaces. Parking spaces are also being explored at the Enterprise Hub site to make allowances for parking spaces within the public realm design. Cabinet approved a decision to appoint VIA EM under a single tender waiver to design and construct the replacement car park at its meeting in December 2022. However, since that time, VIA EM have declared that they no longer wish to be involved in the construction of the car park and their work linked to this project will cease after the design stage reaches final completion. The construction of the car park will now go out to open market tender. The costs relating to the new car park design and build will be met entirely from the Stapleford Towns Deal without financial risk to the Council. This will include all necessary signing.

As the car park is owned by the Council, it will take on its future management and the proposed parking charges will match those in other Stapleford town centre car parks. A supplementary off-street parking places order is needed to be in place before the car park is operational. It is expected that work on the construction of the Enterprise Hub will commence before the order comes into effect.

A summary of the necessary legal processes and timescales is given in APPENDIX 1. The proposed schedule, which will form part of the statutory advertising, is given in APPENDIX 2.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

The costs relating to the new car park design and build will be met entirely from the Stapleford Towns Deal without financial risk to the Borough Council. This will

include all necessary signing. Once parking charges are introduced the income generated will accrue to Broxtowe Borough Council in accordance with existing general budget financial projections.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

The Council as the traffic authority has the powers to deal with off-street parking charges under Sections 32, 35 and 35C of the Road Traffic Regulation Act 1994 ('RTRA'), where appropriate. Section 32(1) of the RTRA gives traffic authorities powers to provide parking places where it is for the purpose of relieving or preventing congestion of traffic, and allows for the Council to provide off-street parking places together with means of entrance to and egress from them. Where an order under section 35(1)(b)(iii) of the RTRA makes provision as to the charges to be paid in connection with the use of off-street parking places, the authority making that order may vary those charges by notice given under Section 35C of the RTRA. The procedure for making and varying such orders are set out in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 as amended ("the Regulations"). Regulation 25 (3) of the Regulations stipulates that where an authority proposes to give a notice of variation under section 35C or 46A of the RTRA it shall be given by publishing it at least once in a newspaper circulating in the area in which the parking places to which the notice relates are situated at least 21 days before it is due to come into force. Regulation 25(4) requires that the notice of variation shall specify the date when it is due to come into force; identify every parking place to which the notice relates; specify the charges payable for the use of the parking place at the date the notice is given; the charges payable when the notice comes into force. The Council must consider all objections duly made and may modify the proposed Order in the light of objections, or re-consult on the Order if the objections are substantial.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:
No comments

7. Union Comments

The Union comments were as follows:
Not applicable.

8. Climate Change Implications

The comments from the Waste and Climate Change Manager were as follows:
No comments

9. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

An equality impact assessment is not required.

11. Background Papers

Nil.

APPENDIX 1

Stapleford Supplementary Off-street Car Parking Order 2024
Approximate Implementation Timescale

Tuesday, 9 January 2024	-	Seek approval from Cabinet to advertise a new off-street parking places order and publish notice of proposal
Tuesday, 19 March 2024	-	Publish Notice of Proposals
Tuesday, 16 April 2024	- -	Objection deadline Start preparing legal notices and adverts
Officers consider any objections – between 17 April – 1 May 2024	-	Officers consider any objections and agree to making of the order
5 working days after officers' consideration meeting	-	Sealing of the order Publication of Notice of Making
6 weeks after the Order is made	-	Order comes into force, car park signs erected or amended accordingly

The following provisions apply:

1. The above is an estimated timetable and is based on the assumption that the implementation procedure runs smoothly with no unexpected delays.
2. Any substantial change made to an order after the Notice of Proposals has been published may require the publication process to be repeated, adding a substantial number of weeks to the above process. This could occur, for instance, following the consideration of objections to the proposed order by Cabinet.
3. Delegated officers would be required to consider any objections raised against the proposed Order and respond to them. Time must be factored-in for this process. A delay in response could extend the timescale.
4. Any new order is potentially subject to a challenge by application to the High Court during the 6 weeks following the making of the order (this is reflected in the final stage above).
5. Under certain circumstances, which are unlikely to affect this Council, a Public Inquiry is mandatory; otherwise, a Public Inquiry is at the discretion of the local authority. Were such an Inquiry deemed necessary, it would add substantially to the above estimate.

APPENDIX 2

Proposed schedule

Category	NAME OF PARKING PLACE	POSITION IN WHICH VEHICLE MAY WAIT	CLASSES OF VEHICLE	DAYS OF OPERATION OF PARKING PLACE	CHARGING HOURS	MAXIMUM PERIOD FOR WHICH VEHICLE MAY WAIT	SCALE OF CHARGING	
	STAPLEFORD							
B	Derby Road, Stapleford Plan Ref: TBA	Wholly within a parking bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	24 hours Except Bank Holidays, but including Good Friday.	Maximum stay 12 hours No return within 3 hours	Waiting Period	Charge
							Up to 2 hours	£1.00
							Up to 3 hours	£2.00
							Up to 6 hours	£3.00
							Over 6 hours	£15.00