

## Report of the Deputy Chief Executive

**BROXTOWE CONSOLIDATION PARKING PLACES ORDER 2020**1. Purpose of report

To recommend that statutory advertising be undertaken for the Consolidation parking places order 2020.

2. Background

Broxtowe's off-street car parks are currently regulated through a range of off-street car parking orders. There are a number of reasons why a Consolidation parking places order is now considered appropriate. These include:

- Exempting vehicles made or specifically adapted for wheelchairs / mobility scooters from the height and weight restrictions that currently apply to them.
- Including the two Beeston Square service yards in the Order so unauthorised parking can be prevented (they currently have no enforceable restrictions).
- Adding new clauses relating to electric vehicles and virtual payment methods.
- Making all car parks long stay, but incentivising short stay parking in the current short stay car parks through the tariff regime - the advantage of doing this being that any car park can be made "short stay" or "long stay" simply by adjusting the tariffs (a 28-day process) rather than through the Order process (6 months).
- Consolidating all the current diverse orders into one consistent order.

3. Detail

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. The Committee is asked to note that there is no intention to withdraw the current charging concessions as part of this process (i.e. free after 4pm Monday to Friday, free after 12 noon Saturdays). The Committee will see from appendix 1 that it has two opportunities to consider any objections to this Order before it is approved.

4. Financial considerations

There are costs (advertising, printing etc.) associated with the process outlined above and these are estimated to be less than £1,000. Provision for these has been made in the 2019/20 revenue budget for car parks.

**Recommendation**

**The Committee is asked to RESOLVE that delegated authority be given to the Deputy Chief Executive and the Head of Legal Services to finalise and undertake the required statutory consultation.**

Background papers

Nil

## APPENDIX 1

Timescale and stages for the Consolidation parking places order 2020

Wednesday 25 September 2019	<b>Committee</b> approval to consult on proposal
Monday 30 September 2019	Statutory Consultation letters sent out (informal) documents online and in reception + site notice
Sunday 20 October 2019	Consultation deadline (21 days) Start preparing legal notices and adverts during this period.
Thursday 24 October 2019	Allow 3 weeks to modify documents following consultation and prepare Notice of Proposal documentation
Wednesday 13 November 2019	<b>Committee</b> consider the informal consultation responses (if any) and agree to publish formal Notice of Proposals
Monday 18 November 2019	Publish Notice of Proposals – site notices – mail shot letters – reception and council website publication, send letters to coincide with advert – and site notices
Monday 16 December 2019	Objection deadline (28 days) Start preparing legal notices and adverts to facilitate the notice of making prepare response for committee
Wednesday 22 January 2020	<b>Committee</b> consider any objections and agree to making of the order – leave 5 working days before acting on the committee’s decisions (i.e. before making the Order) to allow for possible call-ins of the decisions.
Friday 31 January 2020	Sealing of the order
Monday 3 February 2020	Publication of Notice of Making – site notices – mail shot letters, reception and council website publication + site notices.
Monday 16 March 2020	Order comes into force (6 weeks after order is made), car park signs erected or amended accordingly

The following provisos apply:

1. The above is an estimated timetable and is based upon 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 Committee.
3. Committee 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 putting the report to Committee and acting on Committee's 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 Authority, 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.

#### Variation of charges after they have been introduced

Once car parking charges have been introduced, the procedure for amending the charges is streamlined and does not require the detailed consultation and objection procedure set out above.

Amendments to car parking charges may be implemented by the publication of a 'Notice of Variation' in a local newspaper giving full details of the changes and when they will be brought into force. This must be accompanied by notices displayed in and around the relevant off-street parking places, which must be legibly displayed throughout the notice period.

The notice of variation must:

- Identify the date when it is to come into force;
- Identify every parking place to which the notice relates;
- Specify in each such parking place:
  - the charges payable for the use of the parking place at the date the notice is given'
  - the charges that will be payable when the notice comes into force.

A minimum notice period of 21 days is required.