

## Report of the Deputy Chief Executive

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

To report back on the outcome of the recent (informal) statutory consultation, and to recommend that the Council proceeds to the next stage of the process, the formal publishing of the Notice of Proposals.

2. Background and detail

Committee will recall the report of 25 September 2019 which explained that Broxtowe's off-street car parks are currently regulated through a range of off-street car parking orders. It also gave a number of reasons as to why a Consolidation parking places order is now considered appropriate. These related to:

- Vehicles made or specifically adapted for wheelchairs / mobility scooters.
- The two Beeston Square service yards.
- Electric vehicles and virtual payment methods.
- Simplifying the process for changing long stay to short stay and vice versa.
- Consolidating all the current diverse orders.

The first stage of the process is informal statutory consultation and this has recently been completed.

Appendix 1 gives details of the consultation undertaken and the four responses received. No significant responses were received either by telephone, email or in writing to challenge the content or parking places order making process. In the absence of any such response, given the wide reaching audience targeted, this should be considered as supportive and an acceptance of the proposed Order.

A summary of the necessary legal processes and timescales is given in appendix 2. The proposed schedule, which will form part of the statutory advertising, was given in the report of 25 September.

3. Financial considerations

There is a small cost (<£1,000) associated with the various stages of public advertising of the off-street car parking order.

**Recommendations**

1. **The Committee is asked to RESOLVE that delegated authority be given to the Deputy Chief Executive to finalise and undertake the required publication of the Notice of Proposals.**
2. **Committee is asked to CONSIDER the consultation responses received and to RESOLVE to respond as per appendix 1.**

Background papers

Nil

## APPENDIX 1

**Organisations consulted as part of the informal statutory consultation stage****Mandatory**

- Road Haulage Association
- Freight Transport Association
- Police
- County Council (as highway authority)

**Major stakeholders, advisory**

- Community and disability groups
- Town and parish councils
- Neighbouring district councils
- Bus companies

**Optional, but considered appropriate**

- Sports clubs
- Health centres
- Major businesses

Note: This stage does not require the erection of notices on site or newspaper advertising. This happens at the next (formal) stage of the process and normally draws more comments and objections.

**Consultation responses received and suggested Council response**

1. Notts Police: “*I have no comment to make*” No response proposed
2. NG (south Broxtowe resident)

*“Although the proposal may seem well meaning it can lead to a situation where users get free 1-hour parking but then get fined up to £50 if they are delayed even 11 minutes getting back to their car despite the fact that 3 hours parking would only cost £1.50. The fine is disproportionate to the offence and the cost of parking for 3 hours and does not seem fair to users of the car park. I recently faced this at (redacted) as I was delayed in the adjacent Church and a ticket was issued 1min past the 10min grace period at 11.31 despite free parking being available from 12.00. This feels like the scheme is designed to trap people into paying a hefty fine for a minor infringement when the cost of parking for 3 hours would only be £1.50.”*

No response proposed as part of this process as the matters raised are not part of it:

- The 10-minute grace period is intended to allow for genuine minor overstay, there cannot then be a further grace period on top of the grace period. Grace periods are not part of the Order-making process.
- The point made regarding a £50 fine compared with £1.50 for 3 hours parking is understood, but the “fine” has to be sufficient to recoup the cost of enforcement and is set county-wide as part of the original introduction of civil parking enforcement. The Borough Council does not have the unilateral means to vary it and it would require a new countywide civil parking enforcement process as the level of fines set is intrinsic to that process.

- If paid within 14 days, the fine is reduced to £25.

3. CS (north Broxtowe resident)

*“The proposed Order discriminates against car park users based on their geographic location: There is neither clear explanation nor clear justification of why charges and penalty fines are to be levied in Beeston/Stapleford while no similar charges/fines are to be levied in car parks in the north of the borough.”*

No response proposed at this stage:

- The point re fines is not understood as they are the same in all car parks across the Borough.
- There is no change proposed to car park charges as part of this process, but the rationale for different charges across different car parks has previously been considered carefully by elected members. Charges can be considered separately by elected members after the Order process and after the Purdah period (further details on this are given in appendix 2). Meanwhile, the drivers for a new Order remain in place - particularly the proposed oversized exemption for vehicles modified for disabled people – suggesting this Order should not be delayed by any review of car parking charges.

4. TM (north Broxtowe resident)

*“I have just been reading the information regarding the parking regulations effective from 2020 and I thought it would have been helpful that on the drawn 'maps' the number of parking places available in the area indicated could have been shown i.e. 12 + 3 disabled. Please note this is not a criticism just an observation.”*

No response proposed as part of this process, but we will continue to ensure Broxtowe's website contains up-to-date information on car park spaces, Blue Badge spaces etc.

**Organisations to be consulted as part of the formal publication of the Notice of Proposals stage**

Under regulation 6 of the Road Traffic Regulation Act 1984 the Council has an obligation to consult with as many people as possible who may have an interest in and/or be affected by the introduction of a Traffic Regulation Order.

The consultees are divided into 2 clear groups, mandatory and advisory. The Council chooses to consult with both groups.

In addition to this there are advisory consultees, other stakeholders, relevant organisations and groups representing persons likely to be affected by the order - groups such as residents' associations, access groups, local major and minor retailers.

Individual properties are also targeted in close proximity to the car parks.

## APPENDIX 2

Timescale and stages for the Consolidation parking places order 2020

Wednesday 25 September 2019	Committee approval to consult on proposal COMPLETE
Monday 30 September 2019	Statutory Consultation letters sent out (informal) documents online and in reception + site notice COMPLETE
Sunday 20 October 2019	Consultation deadline (21 days) Start preparing legal notices and adverts during this period. COMPLETE
Thursday 24 October 2019	Allow 3 weeks to modify documents following consultation and prepare Notice of Proposal documentation COMPLETE
Wednesday 13 November 2019	Committee 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	Committee 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.