

Cheltenham Borough Council
Cabinet – 10th September, 2019
The Borough of Cheltenham (Off-Street Parking Places) Order
2019

Accountable member	Andrew McKinlay, Cabinet Member for Development and Safety
Accountable officer	Mike Redman, Director of Environment
Ward(s) affected	All
Key/Significant Decision	Yes
Executive summary	<p>This report seeks implementation of a critical element of the Parking Strategy. A new draft Parking Order has been subject to public consultation to meet statutory requirements. The proposed new Order includes much of the content of the previous Order, but also incorporates changes proposed in the Council's Town Centre Access and Parking Strategy approved in June 2017 and provides a robust, workable instrument for enforcement.</p> <p>Key points within the new Order include:</p> <ul style="list-style-type: none"> a) the introduction of new season ticket arrangements across all Council-owned car parks except Regent Arcade; b) the inclusion of new maximum wait times and tariffs in five car parks as outlined in the draft Order (excluding Church Piece and Whitefriars car parks in Charlton Kings, which will continue to be operated on a similar basis in response to public consultation feedback); c) the removal of the Sandford Lido car park from the Order; and d) Proposed changes at St George's Road car park, to underpin a land swap with Gloucestershire County Council in relation to facilitating the delivery of the 'Workshop Cheltenham' project. <p>The key reasons for proposing changes are:</p> <ul style="list-style-type: none"> 1) The need to maintain an up to date and enforceable Parking Order, to facilitate car park management under the Road Traffic Regulation Act 1984; 2) To modify arrangements in relation to parking places with a history of congestion and parking overstay by commuters and long stay parkers, thereby promoting the Council's public parking management objectives. 3) To support the Council's wider asset management objectives.
Recommendations	Cabinet is recommended to:-

- 1) Confirm the proposed removal of the Sandford Lido Car Park from the Off-Street Parking Places Order;**
- 2) Authorise the Director of Environment, to make the required amendments to the draft “Borough of Cheltenham (Off-Street Parking Places) Order 2019” as detailed at Section 6 of this report and in the responses to the public consultation at Appendix 9;**
- 3) Authorise the Director of Environment to arrange for the sealing of the “Borough of Cheltenham (Off-Street Parking Places) Order 2019”;**
- 4) Authorise the Director of Environment to arrange for the publication of a Notice of Making of the Order with an appropriate date for the implementation of the Borough of Cheltenham (Off-Street Parking Places) Order 2019.**

Financial implications	<p>The recommended changes within the proposed new Parking Order are likely to generate some additional income to the Council, as we will be charging for some car parks that were previously free, however, this will be offset by the need for additional enforcement resourcing, therefore it is expected that overall, the changes will have a minimal impact on the Council's finances. The 'Workshop Cheltenham' changes will be covered in a separate paper once this is ready to move forward.</p> <p>Contact officer: Andrew Knott, Andrew.knott@publicagroup.uk, 01242 264121</p>
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Legal implications

The Authority is required to comply with relevant legislative requirements when setting fees and charges. In particular, councils cannot set fees and charges with the express purpose of creating a revenue surplus. Any changes to car parking charges will require an Order to be made under the Road Traffic Regulation Act 1984 (RTRA 1984).

Any variation to an Off Street Parking Order under the RTRA 1984 needs to be made in accordance with the procedure set out in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996. The procedure requires a formal 21 day consultation period following the publication of a Notice of the Council's intention to vary the order in a local newspaper. The procedure also requires consultation with Statutory Consultees. After the consultation period has closed appropriate consideration needs to be given to any objections that are received and particular consideration needs to be given to any objections made by the statutory consultees. Once this has been completed and any variation agreed the Order can be sealed and a Notice of Making needs to be published confirming the date that the variation is to take effect.

Where an Authority has, in relation to an Order, complied with regulations in respect of consultation, publication of proposals and consideration of objections, they may make the Order in part by making an Order giving effect to some of the proposals to which the Order relates whilst deferring a decision on the remainder.

Any decision in relation to the making of an Order, or part of an Order, can be the subject of judicial review and therefore any decision must be lawful, reasonable and fair.

In addition to the consultation obligations under the RTRA 1984, the Authority is required to have due regard to the Public Sector Equality Duty, as set out in section 149 of the Equality Act 2010, when exercising their functions. Protected characteristics are defined in the Equality Act 2010 and include disability and it is important, therefore, that meaningful consultation is undertaken. Before making any decision the Authority must be satisfied that it has given Due Regard to its Public Sector Equality Duties.

With regard to any disposal, the Authority has a general obligation to obtain the best consideration that can reasonably be obtained (s.123 Local Government Act 1972). "Best consideration" has been judicially considered and, briefly, can be represented by money or by anything that has a quantifiable monetary value. Where a proposed disposal is at less than best consideration, the consent of the Secretary of State is required. A General Consent has been issued where the disposal can be shown to be for the social, economic or environmental benefit of the inhabitants of the Borough or any of them. Additionally, if there is a disposal at an undervalue, State Aid requirements may affect this and would have to be carefully considered and, where applicable, complied with.

In relation to the procurement of goods and services the Authority will be required to comply with the Contract Rules, as set out in the Constitution. Confidential legal advice is provided to Cabinet as an exempt appendix in relation to the Sandford Lido car park (Appendix 10).

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HR implications (including learning and organisational development)	<p>The HR Business Partner will work closely with the Director of Environment to ensure that, due to the proposed increase in the number of public car parking spaces subject to enforcement, there is adequate Civil Protection Officer resource and will assist in any necessary recruitment.</p> <p>Contact officer: clare.jones@publicagroup.uk</p>
Key risks	<ul style="list-style-type: none"> • If car parking provision is too plentiful and/or too cheap, this may lead to increased congestion, poorer air quality and a reduction in the use of more sustainable transport modes. • If car parks are of poor environmental quality, they will detract from the visitor experience of Cheltenham and impact on the town's reputation. <p>See Appendix 1 for further risk details.</p>
Corporate plan Implications	<p>See Section 4 below.</p>
Environmental and climate change implications	<p>See Section 4 below.</p> <p>It is considered that the recommendations outlined in this report will have a positive impact on carbon emissions, as the parking strategy seeks to encourage modal shift in favour of more sustainable alternatives to car use; parking charges are a mechanism to help balance supply and demand. The new Parking Order also provides the basis for introducing additional electric vehicle charging points and the mechanism for associated enforcement.</p>
Property/Asset Implications	<p>The proposed reduction in public parking spaces at St George's Road car park, is based on swapping an area of land comprising Chester Walk car park, owned by GCC, to bring forward the Workshop Cheltenham project. The swapped areas are based on equivalent values established by external property valuations. Both properties were valued on the same valuation principle of existing use, i.e. car parks. 61% of CBC's freehold interest in St. George's Road car park was assessed to have a value equivalent to GCC's 100% freehold interest in Chester Walk car park.</p> <p>Workshop Cheltenham will be responsible for the creation of the space and will access the Chester Walk car park under the terms of a lease to be agreed with CBC. The management of the spaces will be the responsibility of Workshop Cheltenham.</p> <p>The Growth Hub will occupy a number of containers under a contract directly with Workshop Cheltenham.</p> <p>Contact officer: simon.hodges@cheltenham.gov.uk</p>

1. Background

- 1.1 The Car Parking strategy approved by Cabinet on the 13th June, 2017 (Appendix 8) recommended that the Borough Off-Street Parking Order be updated to show changes in the estate and related parking conditions.

2. Reasons for recommendations

- 2.1 To bring into force an updated Order that reflects planned changes to assets within the estate;
- 2.2 To support and implement the approved June 2017 Parking Strategy and its related objectives;
- 2.3 To facilitate a land swap with Gloucestershire County Council, to exchange 61% of St Georges Road carpark for Chester Walk car park, thereby facilitating the 'Workshop Cheltenham' project;
- 2.4 To encourage residents to consider more environmentally-friendly modes of transport, thereby helping to manage and alleviate traffic congestion;
- 2.5 To help mitigate and prevent the further abuse of out-of-town car parks by commuters and long stay parkers, to the detriment of the local community and in particular, access to local goods and services.

3. Alternative options considered

- 3.1 **Do nothing** – this option was rejected, as the current Parking Order needs updating to reflect the changes the Council wishes to implement to deliver the next phase of the Parking Strategy approved in 2017, including operational management of the parking estate, modernisation of the service and effectively tackling parking congestion and access to local goods and services that would otherwise not be addressed effectively.
- 3.2 **Maintain free parking charges at seven outlying car parks** – this option has been actively considered, but is not considered appropriate in relation to 5 car parks (these being Pittville Pump Room, Albemarle Gate, Lansdown Place Lane, Sherborne Street and St James' Square), on the basis of the Council's strategic parking objectives and in particular, the wish to discourage long stay and commuter parking in car parks designed to facilitate access to local goods and services. The Council has however noted the significant public response and concerns about the potential impact of parking charges proposed at the Church Piece and Whitefriars car parks in Charlton Kings and the Pittville Pump Room and Albermarle Gate car parks and the associated impact on vulnerable groups accessing services. .

4. How this initiative contributes to the corporate plan and environmental objectives

- 4.1 Achieving a cleaner and greener sustainable environment for residents and visitors – the Parking Order review will contribute to balancing car travel against other more sustainable transport modes, thereby helping to mitigate congestion, poor air quality and emissions contributing to global heating.
- 4.2 Continuing revitalisation and improvement of our vibrant town centre and public spaces.
- 4.3 Achieving a cleaner and greener sustainable environment for residents and visitors.
- 4.4 Delivering services to meet the needs of our residents and communities.

5. Consultation and feedback

- 5.1 Statutory bodies consulted – Office of the Chief Constable, Gloucestershire Constabulary – no comment returned.
- 5.2 Public consultation opened 1200 hours on the 13th June, 2019 and ran for statutory period of 21 calendar days until 1200 hours 4th July, 2019.
 - 5.2.1 A statutory notice was published in the Cheltenham distribution of the Gloucestershire Echo (13/06/19). Laminated notices have been posted at all new parking places, additional digital engagement published and paid for promotion on Facebook and Twitter. Full copies of the Parking Order and summary of responses were published on the Council's public website.
 - 5.2.2 Comments received - as anticipated, the majority of objections received related to the proposed introduction of tariffs in car parks that had previously been free of charge; a minority requested a free waiting period at Church Piece, Whitefriars and Pittville Pump Room car parks to. A small minority of comments concern maximum waiting times which would push commuter parking to on-street parking.
 - 5.2.3 A seminar was held, to which all councillors were invited and at which proposed responses to the principal issues raised through the public consultation were discussed.
 - 5.2.4 A summary of comments has been published on the Council's website in accordance with the advice given in the statutory notice.
 - 5.2.5 Appendix 9 contains a summary of the objections received and the council's response to these.

6. Recommended changes to the published draft Parking Order

- 6.1 In light of the minimal feedback received through the consultation, to proceed with the proposed removal of the Sandford Lido Car Park from the borough Parking Order, when the new Order is published. This will provide greater autonomy to the Lido operator (currently the Sandford Lidos Trust) in relation to the management of the car park, including the setting of fees and charges, which will no longer be controlled by the Council.
- 6.2 That a 'free limited waiting period' of 2 hours is introduced at the Pittville Pump Room and Ablemarle Gate car parks and that the existing 4 hour free stay period should be retained at Church Piece and Whitefriars car parks.
- 6.3 It is now proposed that charges will be applied at the Pittville Pump Room and Ablemarle Gate car parks for stays of longer than two hours, to facilitate an improved turnover of spaces, allowing more visitors to benefit from access to Pittville Park and associated facilities.
- 6.4 As a result of representations received, arrangements will be put in place to allow the operator of the Pittville Pump Room (currently the Cheltenham Trust) to facilitate longer stay free parking for those attending specific scheduled events at the Pump Room.
- 6.5 Proposals to introduce permit parking at Malvern Walk will proceed, based on this being restricted to the use of the Council's own staff. This will help manage public parking capacity in the town centre and reduce some of the concerns regarding the potential for increased congestion in

Malvern Road, particularly at school opening and finishing times. Design proposals for the new parking area will be subject to further local consultation, to help ensure all relevant concerns have been taken into consideration. This will involve local ward members and is likely to take place at or close to the site, once the initial design has been developed.

7. Performance management – monitoring and review

- 7.1 The project team has regularly reviewed the comments received to identify themes and trends.
- 7.2 The Cabinet member has been kept fully aware of developments and comments received throughout the consultation period.

Report author	<p>Contact officers:</p> <p>Alex Lawson, Project Manager – alex.lawson@cheltenham.gov.uk 01242 264228</p> <p>&</p> <p>Mike Redman, Director of Environment - mike.redman@cheltenham.gov.uk 01242 264160</p>
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. 2.1 - Parking Strategy Equality Impact Assessment 2.2 – Equality impact assessment for proposed St George’s Road car park changes 3. The Borough of Cheltenham (off-street parking places) Order 2019 4. Schedule 1 - Car Park Definitions 5. Schedule 2 - Permit Definitions 6. Schedule 3 - Car Park Location Maps 7. Summary of comments to date 8. Cabinet approval of Parking Strategy 9. Responses to public comments 10. Legal Advice Note – exempt information (not for publication)
Background information	

Appendix 1 - Risk Assessment

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likely-hood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If unlimited free parking continues to be overused there is a risk that those with additional mobility needs will not be adequately provided for in the boroughs parking provision.	MR	16/5/17	2	2	4	Reduce	Implement revised tariffs and maximum waiting times in line with recommendations made in the Parking Strategy.	Asap	Parking Manager	No
	If car parking provision is too plentiful and/or cheap, this may lead to increased congestion, poorer air quality and a reduction in the use of more sustainable transport modes.	MR	22/03/16	4	2	8	Reduce	Investigative work undertaken as part of the strategy development identified the reasonable balance to reduce the likelihood of this risk becoming an issue. This report proposes the introduction of some new charges and reduced provision of free parking at some locations.	2022	Parking Manager	No
	If car parks are of poor environmental quality, they will detract from the visitor experience of Cheltenham and impact on the town's reputation.	MR	22/03/16	3	3	9	Reduce	Public consultation has assisted understanding of the level of impact on environmental quality and the associated priority that should be given to it within the strategy.	2022	Parking Manager	No
	If car parking charges are set too high, this is likely to impact on the number of visitors to the town and could be damaging to the local economy	MR	17/05/16	3	3	6	Reduce	Investigation work undertaken as part of the strategy development identified a reasonable balance to reduce the likelihood of this risk becoming an issue.	2022	Parking Manager	No

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close

Appendix 2 - Equality Impact Assessment

Appendix 2.1 Equality Impact Assessment for St Georges reduction and use of Malvern Walk

Appendix 3 – Draft Parking Order on which consultation took place

Appendix 4 - Schedule 1 - Car Park Definitions

Appendix 5 - Schedule 2 - Permit Definitions

Appendix 6 - Schedule 3 - Car Park Location Maps

Appendix 7 - Summary of comments received to public consultation on the new Parking Order

Appendix 8 – Already approved Car Parking Strategy – June 2017

Appendix 9 – Summary of public representations and CBC responses

Appendix 10 – Exempt information - confidential legal advice