

Report to: **Executive**
Date: **8th July 2021**
Title: **Off Street Parking Order Amendment**
Portfolio Area: **Environment Services (Cllr Keith Baldry)**
Wards Affected: **All**
Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: After the call in period for Executive

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Recommendations:

Executive is RECOMMENDED to:

1. Subject to public consultation and the arrangements for considering any representations received set out in paragraph 5.2, approve variation of the South Hams District Council (Off Street Parking Places) Order 2021, by the Head of Assets in consultation with the Commercial Portfolio Holder and Leader of the Council to make the following amendments:
 - 1.1 apply a maximum stay of three hours no return within two hours at Follaton House car park to the area identified in Appendix A;
 - 1.2 apply a maximum stay of three hours no return within two hours to the electric charging points located at Follaton House as identified in Appendix A;
 - 1.3 to amend article 28 of the Off Street Parking Places Order to state: A Pay and Display Ticket issued by a Pay and Display Machine or through the Ticketless Facility following payment of the Parking Charge shall:

- a. Only be valid within the Parking Place in which it was purchased, unless otherwise specified;
- b. Only be valid until the expiry time shown on the Pay and Display Ticket or the receipt from the Ticketless Facility;
- c. Shall not be transferred between vehicles; and
- d. Only be used in the vehicle registration number entered into the Pay and Display Machine or through the Ticketless Facility by the driver at the time of purchase

1. Executive summary

- 1.1 Follaton House car park is private and is for the benefit of the Council, its tenants and visitors to the site. The public are able to use the eastern end outside the barrier to enjoy the arboretum open space.
- 1.2 To ensure a small number of persistent vans and other inappropriate vehicles parking for the long term and reducing the car parking capacity and ability to enjoy the arboretum, this report requests the Executive consider the recommendations to make operational amendments to the South Hams Off Street Parking Places Order.
- 1.3 These include a 3 hour parking limit for the area adjacent to the arboretum as shown in Appendix A
- 1.4 The recommendations will enable the Council to continue to manage off-street parking in an efficient and effective manner and crucially ensure that inappropriate use of the car park can be enforced to the benefit of the majority of users.
- 1.5 Without these updates to the Off Street Parking Places Order, enforcement will not be possible in respect of the additions and changes to the Parking Order.

2. Background

Follaton House (area outside arboretum)

- 2.1 The current off Street Parking Places Order allows for the provision of parking at Follaton House to be restricted to parking being permitted only between 7am and 7pm. The car park is managed with a barrier to restrict parking outside of these times.
- 2.2 The area illustrated in Appendix A remains outside of the barrier to allow users the enjoyment of the arboretum outside of the permitted parking times.

Follaton House Electric Charging Points

- 2.3 Follaton House has two electric charging points servicing four parking bays located within the car park as shown in Appendix A. These are currently used by members of staff, tenants and members of the public to charge their electric vehicles.
- 2.4 The electric charging points are used regularly and currently have no time restriction for use of the electric charging bays.

Operational Amendment to Parking Order

- 2.5 Whilst conducting the review of the parking at Follaton House, it became evident an additional amendment was required to the Parking Order to ensure a robust parking regime is provided.

3. Outcomes/outputs

Follaton House (area outside arboretum)

- 3.1 It is proposed to introduce a maximum waiting time of three hours no return within two hours for the parking bays located outside the arboretum as identified in Appendix A.
- 3.2 It is recognised that the parking bays located outside of the barrier and opposite the arboretum are regularly used by those who wish to enjoy the open space. Unfortunately, a small number of vehicles are regularly parked for the long term reducing the capacity of the car park.
- 3.3 The introduction of a time restriction is not to prevent access to use of this area but to enable effective management of the time vehicles are parked for in this location. Thereby ensuring there is available parking for all those who wish to visit.
- 3.4 Access for longer than the permitted time would only be given with express consent of the Council, which would include Bob the Bus.

Follaton House Electric Charging Points

- 3.5 The demand for use of the Electric Charging Points has increased at Follaton House. To effectively manage these bays and to encourage responsible use, it is proposed to introduce a maximum charging period of three hours within no return within two hours.

Operation Amendments to the Parking Order (not specific to Follaton House but relates to the Off Street Parking Places Order)

- 3.6 To ensure effective management of the Off Street Parking Order in relation to the transfer of pay & display tickets within the car park, it is proposed to amend article 28 to state:

A pay & display ticket issued by a pay & display machine or through a ticketless facility following payment of the parking charge shall:

- a. Only be valid within the Parking Place in which it was purchased, unless otherwise specified;
- b. Only be valid until the expiry time shown on the Pay and Display Ticket or the receipt from the Ticketless Facility;
- c. Shall not be transferred between vehicles; and
- d. Only be used in the vehicle registration number entered into the Pay & Display Machine or through the Ticketless Facility by the driver at the time of purchase

4. Options available and consideration of risk

- 4.1 A 21 day public consultation will be undertaken following the meeting.
- 4.2 During the consultation period, customers who wish to object to or comment on recommendations will have the opportunity to do so. It is anticipated this exercise will commence in July 2021. Objections will be considered prior to implementation of any changes.

5. Proposed Way Forward

- 5.1 The proposed amendments to the Off Street Parking Places Order proceed in accordance with the recommendations.
- 5.2 Should the Recommendations be accepted, the following steps will occur:
 - a. 21 day consultation commence (July 2021) to which customers will be alerted by notice in the local press, on the Council's website and in all affected car parks. This will allow customers to make comments on and/or objections to the proposals, should they wish to do so.
 - b. If a significant number of representations were to be received, the matter would be referred to the Executive for further consideration,
 - c. Otherwise, the detailed implementation of the recommendations should be delegated to the Head of Assets in consultation with the Portfolio Holder for car parking for implementation.
- 5.3 This proposal fits with the following priorities:
 - Council
 - Communities
 - Environment

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council has power to provide and to regulate off-street car parks under the Road Traffic Regulation Act 1984 The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 set out the procedures to be followed before and after making any order regulating the use of car parks.
Financial implications to include reference to value for money	Y	The cost of implementing the changes will be met from the car parking budget.
Risk		<p>That if the Council does not amend the existing off-street parking places orders it may have difficulties in taking enforcement action against drivers who park in a hazardous manner or otherwise misuse a car park.</p> <p>There is a risk that a significant number of objections to the proposals may be received, which would postpone any implementation, as the objections would have to be considered by the Executive ahead of any changes.</p>
Supporting Corporate Strategy		Council Communities Environment
Climate Change - Carbon / Biodiversity Impact	Y	There are no negative impacts.

		There may be small positive impacts with customers considering alternative means of transport or care sharing.
Comprehensive Impact Assessment Implications		
Equality and Diversity		No implications.
Safeguarding		No implications.
Community Safety, Crime and Disorder		No implications.
Health, Safety and Wellbeing		No implications.
Other implications		None at this stage.

Supporting Information

Appendices:

Appendix A: Map of Follaton House

Background Papers: None

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed/sign off	Yes
SLT Rep briefed/sign off	Yes
Relevant Heads of Practice sign off (draft)	Yes
Data protection issues considered	Yes
Accessibility checked	Yes