

<b>Subject:</b>	<b>Preston Park Parking Scheme Formal Traffic Order Consultation</b>		
<b>Date of Meeting:</b>	<b>30 April 2013</b>		
<b>Report of:</b>	<b>Executive Director Environment, Development &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jan Jonker</b>	<b>Tel: 29-4722</b>
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<b>Ward(s) affected:</b>	<b>Preston Park</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 In February 2013 the council's Environment & Sustainability Committee considered a review of the Preston Park parking controls and agreed to reduce the hours during which charges apply subject to the statutory consultation process for Traffic Regulation Orders.
- 1.2 The purpose of this report is to consider comments and objections to the draft traffic regulation order.

**2 RECOMMENDATIONS:**

- 2.1 That, having taken account of all duly made representations and objections the Committee approves as advertised the order:  
  
(a) Brighton & Hove (Preston Park) Various Restrictions Order 2012 Amendment Order No.\* 20\*\* (TRO-8-2013)

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS**

- 3.1 In May 2012 this committee approved the Traffic Regulation Orders to implement parking controls in Preston Park. The controls were introduced in June 2012 to address the problems of uncontrolled parking in the Park. It was agreed that the scheme would be reviewed six months after implementation. The findings and recommendations of the review were presented to the council's Environment & Sustainability Committee in February 2013.

3.2 In summary the review concluded that:

- The controls successfully addressed the issues of long-term parking
- The scheme successfully restricted parking to designated areas in the park and addressed access problems that were caused by parking congestion
- The scheme was designed to be self funding with any surplus ring fenced to the park. The scheme generated a higher surplus than anticipated of around £44,000 per annum. The cost of implementation has been paid back and the surplus for 2012/13 is expected to be around £15,000.

3.3 Based on the results the Environment & Sustainability Committee agreed the recommendation to reduce the times during which charges applied as follows:

Days	Current hours charges apply	Proposed hours charges apply
Monday - Friday	9am – 6pm	9am – 4pm
Saturday & Sunday	9am – 6pm	2pm – 6pm

3.4 The changes would allow free parking in the afternoons during the week and during peak time at the weekends. To prevent long-term parking over the weekend it would not be possible to roll any payment over in to the following day (eg it would not be possible to park on Friday night and pay £2 to cover the period 2pm -6pm on Saturday which would then allow parking until 2pm on Sunday). During the week the hours during which charges apply have to be longer than the maximum length of stay (6 hours) to prevent commuters taking advantage of the lower parking charges compared to on street.

3.5 The recommendations were agreed subject to the statutory consultation process for Traffic Regulation Orders.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

4.1 The proposed Traffic Regulation Order was advertised for 21 days between the 27 February 2013 and 20 March 2013. The notice was published in the Argus newspaper on the 6th of March. Detailed plans and the Traffic Regulation Order were available to view at Hove Library, Jubilee library and the City Direct Offices at Bartholomew house and Hove Town Hall. The documents were also available to view and to respond to directly on the Council website. The notice was also circulated to the key stakeholders identified in the informal consultation in May 2011 and to the Friends of Preston Park newsletter and AGM.

4.2 There were 7 items of correspondence which included 4 objections and 3 comments in favour. Three of the objections state that they generally see the benefit of the proposals to reduce hours of parking restriction but still feel that the charges are generally restrictive to sports groups particularly those with afternoon fixtures at weekends. The representations are summarised in Appendix A and a table showing the detailed comments & objections received with responses has been placed in the Members Rooms.

- 4.3 The proposed changes will reduce the cost of parking in Preston Park for park users while still addressing the problems associated with long-term unrestricted parking by non-park users. None of the objections were against the proposed change, namely to reduce the hours during which charges apply.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The set up costs of the scheme have been repaid by the parking surplus which was higher than anticipated. The revised hours during which charges apply are expected to result in a surplus of £27,000 per annum which will be ring-fenced to the park.

*Finance Officer Consulted: Jeff Coates*

*Date: 03/04/2013*

### Legal Implications:

- 5.2 The traffic orders have been advertised according to the Road Traffic Regulation Act 1984 and the relevant procedure regulations. As there are unresolved objections and representations they are now referred to this meeting for resolution.

In carrying out consultation the Council is under a general duty to ensure that any consultation is fair. This means that it must be carried out when proposals are being formulated, that adequate time and information about proposals must be given to consultees to ensure that they can provide a proper response, and that any consultation responses must be properly considered in reaching the decision.

The Council is under a legal duty as a public authority to consider the human rights implications of its actions. Parking and traffic restrictions have the potential to affect the right to respect for family and private life and the right to protection of property. These are qualified rights and therefore there can be interference with them where this is necessary, proportionate and for a legitimate aim. Under section 55 of the Road Traffic Regulation Act 1984, as amended by the Traffic Management Act 2004, the Council must keep an account of all parking income and expenditure in designated (i.e. on-street) parking spaces which are in a Civil Enforcement Area, and of their income and expenditure related to their functions as an enforcement authority. Regulations and guidance confirm that in respect of off-street parking places, the term "income and expenditure as enforcement authorities" includes that related to the issue of PCNs. It does not include surplus pay and display income or the direct expenditure relating to collecting that income.

*Lawyer Consulted:*

*Carl Hearsom*

*Date: 08/04/13*

### Equalities Implications:

- 5.3 None – the existing scheme has improved access to the park and blue badge holders are still able to park outside the two restricted areas.

### Sustainability Implications:

5.4 None

Crime & Disorder Implications:

5.5 None

Risk and Opportunity Management Implications:

5.6 None

Public Health Implications:

5.7 None

Corporate / Citywide Implications:

5.8 None

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1 A number of alternative options were modelled and considered as part of the review and presented to the Environment & Sustainability Committee. These included: free parking at weekends, first two hours free or a nominal charge to apply during the first few hours. The recommended option was adopted as this provided free parking during peak times while still addressing the issues of long term parking.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 To seek approval of the scheme to the implementation stage after taking into consideration of the duly made representations and objections. These proposals and amendments are recommended to be taken forward for the reasons outlined within the report.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. List of Objections/ Comments

Object / Support	Contents	Comments/Recommendations
Support	it's brilliant news that we will be able to use the tennis courts without the worry of parking charges on top. Thank you for listening.	
Object	Whilst I welcome the general reduction which will encourage recreational users and sports people to use the park I object to the weekend charges and feel that they should be removed completely. Charges impact on all day Sport events such as the SE Championships and competitors will have to be distracted by worrying about feeding meters. Also it impacts on Charity events such as PPYC Big Pedal where riders travel from afar to take part.	The pay and display meters can be prepaid for the 4 hour pay period on each weekend day. The maximum cost for the weekend afternoon period 2pm to 6pm is £2.00. The reason for maintaining a charge over a limited period at the weekend is to prevent cars from being left in the park over the weekend.
Object	Whilst I am all for a reduction in the proposed "pay times" I am a little mystified by one of your reasons for the proposed change. You state that users will be able to park free of charge including many of the sports clubs that have fixtures at the weekend. Charging on Saturdays is to start at 2pm precisely the time that many sports matches commence. All our Saturday games start at 2pm as do most cricket matches and also I suspect football matches in the Winter. So the change on Saturdays won't help us at all. There is however some benefit from the weekdays changes.	Comment. The proposals do not have any impact on the British Rail Bowls Club based at the Mens Bowls Pavilion, Preston Park, on weekend afternoons although there is a positive impact on the weekdays.
Support	It looks better for tennis players in Preston Park. Thanks	
Object	The reasons given for reducing the hours highlight that "many of the sports clubs that have fixtures at weekends and weekdays". The charging period during the afternoon particularly at weekends is an issue for fixtures in the afternoon	Comment. It is possible to prepay the meter for the 4 hour charge period at the start of the day. The charge period proposed is shorter and will therefore

	<p>and especially those like ours that are all day. I have emailed the project manager for clarification on whether our riders will have to stop racing at 2pm and dash up to the meters but have received no response. I would prefer to see no charged periods at all but given that this is unlikely I would like to see the restrictions at weekends removed completely to encourage leisure and sporting use of this great facility. It is obvious that restrictions brought in to discourage long term use of the park also discourages legitimate use and a balance must be sought.</p>	<p>make it easier for park users to park for less cost than at present when staying all day on the weekend.</p>
<b>Object</b>	<p>My son or I could be in a middle of a cycle race or cricket match at the weekend and we like many other people would have to completely stop what we are doing to go and sort our cars out. I thought the council supported cyclists however less and less are using the facilities in the park.</p> <p>The present parking has stopped us and many others using the park as much as we did in previous years. My son has to regularly train on the open dangerous roads around Brighton and East/West Sussex instead. I understand about parking on weekdays and the change in the early evenings will be helpful however i don t agree the council should be making money at weekends purely out of people using the park and its another example of pushing people out of the town. We regularly use cycle facilities in south London that we don t pay parking for.</p>	<p>Comment. It is possible to prepay the meter for the 4 hour charge period at the start of the day. The charge period proposed is shorter and will therefore make it easier for park users to park for less cost than at present when staying all day on the weekend.</p>
<b>Support</b>	<p>I feel the original requirement regarding initiating paid parking in the park was a result of commuters and office workers using the park as free parking and clogging up the park. The originally implemented hours, in my opinion, was a 'sledge hammer to crack a nut'. The new proposed hours are a far more sensible way of stopping the commuter parking situation yet still making the park affordably accessible to people. I am a regular user of the park and frequently use it to enjoy the open area with friends in the summer and for fitness classes (British</p>	<p>Comment relating to Preston Park Avenue referred to Parking Infrastructure</p>

	<p>Military Fitness) operated in the park through out the year. The current parking hours put me off up using the park and friends no longer want to meet there due to the cost. The new proposed is whole heartedly supposed. May I however, draw your attention to a potential issue. Unless you also implement similar changes to the parking restrictions on Preston Park Avenue (PPA), people will simply choose to park in the park and 'clogging' up situation of park parking could reoccur, as people will not park on PPA and will in favour use cheaper park parking.</p>	
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