

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 126

Brighton & Hove City Council

Subject:	Off Street Parking Places Order		
Date of Meeting:	11 May 2010		
Report of:	Director of Environment		
Contact Officer:	Name:	Austen Hunter	Tel: 29-2245
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Key Decision:	No		
Wards Affected:	Central Hove; Regency; St Peters & North Laine		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this report is to address an objection relating to changes at Norton Road Car Park, within a draft traffic regulation order.

2. RECOMMENDATIONS:

- 2.1 That having taken account of the objection, the Cabinet Member approves, as advertised, the following order;
- (a) Brighton & Hove (Off street Parking Places) Order 2008 Amendment Order No* 20**
 - (b) The advertisement of a Notice of Overpayment of Off Street Car Parking Charges

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 A draft Traffic Regulation Order (TRO) was advertised on 25 February 2010 for changes to six off-street car parks and coach parking on Madeira Drive. The closing date for objections was on 18 March 2010.
- 3.2 At Norton Road Car Park, a new charging period of 'over 2 hours up to 4 hours' was proposed by removing the charge period of 3 hours. In addition, the charging hours were to be changed from 9am – 6pm to 8am – 8pm and a new charge period of 'over 9 hours up to 12 hours' was proposed.
- 3.3 The reasons for the changes proposed were to simplify the structure; to more closely reflect on-street parking charges in the locality and to encourage alternative, more sustainable modes of transport.
- 3.4 One objection was received from an individual (Summary in Appendix A) in relation to Norton Road Car Park and the cost implications for some users of introducing a 12 hour tariff and the removal of the 3 hour tariff.

- 3.5 The proposed changes identified below, approved by the Environment Cabinet meeting of 26 January 2010 item 93, to six off street car parks including changes to the hours of operation of the Norton Road Car Park from 9am to 6pm to 8am to 8pm resulted in the objection identified in paragraph 3.4 and Appendix A being received. The objection highlighted an operational oversight in that the changes identified below were introduced before the objection to the Norton Road Car Park proposals had been resolved by the Cabinet Member for Environment. It is therefore proposed that the council advertise by way of a press notice its intention to consider upon proof of purchase refunds of the charges referred to below for the period the 1st April to the date the order, if approved, comes into force.

Black Rock Car Park
4 to 9hrs-£5.00

Norton Road Car Park
2 to 4 hrs-£2.00
9 to 12 hrs- £4.50

Oxford Court
Up to 2 hours £2.00

The Lanes (Under Thistle Hotel)
Up to 1 hr-£2.40

London Road
2 to 4hrs-£3.00

Regency Square
Up to 1 hr £2.00
1 to 3 hrs £4.50
3 to 4 hrs £6.50
Evening 18.00 hrs-24.00 hrs £4.50

4. CONSULTATION

- 4.1 Notices were put on street for 25 February 2010 which outlined the proposals. The notice was also published in The Argus newspaper on 25 February 2010. Detailed plans and the order were available to view at Hove Library, Jubilee Library and at the City Direct Offices at Bartholomew House and Hove Town Hall.
- 4.2 In addition to the objection, general comments were also received in relation to Norton Road Car Park (Summary in Appendix A) from an individual in relation to the increases in parking charges and the general state of the car park.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The Budget Process Report 2010/11, agreed at Cabinet in July 2009, specified that all fees and charges are assumed to increase by a standard inflation rate

each year, which is 2% for 2010/11. It is not always possible when amending a fee to increase it by exactly 2% each year. For example, the minimum increase that can be applied to a £1 parking fee tariff is 10% (10p) due to the minimum coinage requirements of the ticket machines. When setting the parking fees for 2010/11 the above considerations were taken into account, along with the need for simplicity and consistency. 60% of parking tariff bands in the city were frozen or reduced. The short stay parking tariffs at Norton Road car park were frozen, with increases applied to stays of over 3 hours. In line with parking policy, the 9 hour tariff at £4 is still less than the cost of parking on street locally.

Finance Officer Consulted: Karen Brookshaw

Date: 28/04/10

Legal Implications:

- 5.2 Broadly, the Council's powers and duties under the Road Traffic Regulation Act 1984 must be exercised to secure the expeditious, convenient and safe movement of all types of traffic and the provision of suitable and adequate parking facilities on and off the highway. Also, as far as is practicable, the Council should also have regard to any implications in relation to:- access to premises; the effect on amenities; the Council's air quality strategy; facilitating the passage of public services vehicles and securing the safety and convenience of users; any other matters that appear relevant to the Council.
- 5.3 The Council has specific powers under the Road Traffic Regulation Act to make various types of order and the most relevant in relation to the proposals in this report are summarised below.
- 5.4 Under sections 32 and 35 of the 1984 Act, there is power to provide and regulate the use of parking places, for the purpose of relieving or preventing congestion. The parking places powers must not be used unreasonably as to prevent access to adjoining premises, or its use by anyone entitled to use it, or so as to be a nuisance.
- 5.5 Under section 45 of the 1984 Act, the Council has wide powers to designate pay parking places on highways for vehicles or classes of vehicles. It includes power to authorise parking by permit. Under subsection (3), in determining what parking places are to be designated under this section the Council must consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include –
- (a) the need for maintaining the free movement of traffic;
 - (b) the need for maintaining reasonable access to premises; and
 - (c) the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.
- 5.6 Before making Traffic Orders, the Council must consider all duly made, unwithdrawn objections. In limited circumstances it must hold public inquiries and may do so otherwise. It is usually possible for proposed orders to be modified, providing any amendments do not increase the effects of the advertised proposals. The Council also has powers to make orders in part and defer decisions on the remainder. Orders may not be made until the objection periods

have expired and cannot be made more than 2 years after the notices first proposing them were first published. Orders may not come into force before the dates on which it is intended to publish notices stating that they have been made. After making orders, the steps which the Council must take include notifying objectors and putting in place the necessary traffic signs.

- 5.7 Relevant Human Rights Act rights to which the Council should have regard in exercising its traffic management powers are 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 in appropriate circumstances.

Lawyer Consulted: *Stephen Dryden / Liz Culbert* *Date: 21/04/10*

Equalities Implications:

- 5.8 The proposed measures will bring parking charges at Norton Road Car Park more closely into line with other off-street parking in the city.

Sustainability Implications:

- 5.9 The charging structure will help to encourage alternative and more sustainable modes of transport.

Crime & Disorder Implications:

- 5.10 The proposed amendments will not have any implication on the prevention of crime and disorder.

Risk and Opportunity Management Implications:

- 5.11 None identified.

Corporate / Citywide Implications:

- 5.12 The proposals will help to develop a more consistent citywide charging structure for parking.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Making no change to the tariff structure was considered, however, this would not address the simplicity, consistency and sustainability issues mentioned.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The recommendation is that the changes to the parking charges be confirmed to achieve the stated aims, which are: to simplify the structure; to more closely reflect on-street parking charges in the locality and to encourage alternative, more sustainable modes of transport.

SUPPORTING DOCUMENTATION

Appendices

1. Summary of Objections and General Comments

Documents in Members' Rooms

None

Background Documents

1. Environment Cabinet Member Meeting Report, Fees & Charges, 26 January 2010

