

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2092

Author:

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Department:

Communities

Contact:

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Subject:

Review of Car Parking Arrangements at the Victoria Embankment and Meadows Recreation Ground

Total Value:

Income and expenditure as set out in DD1363 (Type: Capital and Revenue)

Decision Being Taken:

1. That the Portfolio Holder for Jobs, Growth and Transport authorises the Traffic Manager to make an off street parking order in relation to the areas of the Victoria Embankment and the Meadows Recreation Ground shown on the plan annexed at Appendix 1 during the hours specified in the schedule annexed at Appendix 2; 2. That the Corporate Director for Communities in exercise of the Area Committee Executive Powers under delegation 82(b) approves the making of the off street parking order at 1 above; 3. That the Portfolio Holder for Jobs, Growth and Transport authorises the Traffic Manager to review the level of charges for parking annually at the above locations by subsequent notice.

Reasons for the Decision(s)

- Over the years Nottingham City Council has introduced a number of initiatives to support transport, growth and the economy of Nottingham. These include the Workplace Parking Levy (WPL), the construction of lines two and three of the tram in addition to housing and development of business areas, such as the NG2. Some drivers look to avoid WPL or high private car parking charges, and are parking in certain areas such as residential streets or in Council run parks, which as such are acting as unofficial park and ride sites or commuter parking areas. This can have an effect on the free flow of traffic, especially on residential streets. In order to mitigate congestion and displaced parking in and around the Meadows area, the Council is proposing to manage parking by introducing an off-street car parking Order on Victoria Embankment. This will provide a pay by phone formal parking areas on certain lengths of carriageway within Victoria Embankment. Also currently there is damage to the road, verges and grassed areas within the Victoria Embankment and the Council seeks to address this issue by a system of controlled and monitored parking. Victoria Embankment is not adopted highway and therefore the power available to the Council as traffic authority for this location is to provide off street parking with corresponding charges for that provision.

The order would allow a Civil Enforcement Officers ("CEOs") to carry out enforcement against vehicles not displaying valid tickets or disabled badges by the issuing of a Penalty Charge Notices ("PCNs"). In addition the CEOs would be looking to stop motorists parking outside the designated car parking areas, which are marked in red at Appendix 1. This new Order will bring the enforcement of this area in line with current legislation and working practices.

In relation to Recommendation 2, a decision is required prior to the next meeting of the Area 8 Committee on 16 September 2015 because of the agreed timescales for the implementation of this project. In those circumstances the Corporate Director for Communities is requested to exercise his delegated power to enable the decision to be implemented in a timely manner and in accordance with the exercise of this delegated power, this matter will be formally reported to the next meeting of the Area 8 Committee.

Briefing notes documents:

Appendix 2 - Vic Emb DD parking pricing.doc, Appendix 1 - OSPO 8017 Victoria Embankment Drawing.pdf

Other Options Considered:

1. The Council could introduce a system of controlling the use of the Victoria Embankment and Meadows Recreation Ground as landowner, including levying charges for parking. However, the civil enforcement regime under the Traffic Management Act 2004 would not apply to these controls.

2. Do Nothing.
Without the Off-Street Parking Order, up to 200 vehicles a day will continue to use the Victoria Embankment as free parking, particularly during working hours and damage to the site will continue.

Background Papers:

Published Works:

DD1363 - Investment for commercial developments within Sport Culture & Parks

Affected Wards:

Bridge

**Colleague / Councillor
Interests:**

None

Consultations:

Date: 29/05/2015
Ward Councillors: Michael Edwards
Proposals discussed including consultation process.

Those not consulted are not directly affected by the decision.

**Crime and Disorder
Implications:**

The incidence of criminal damage to Council land and cars and occurrence of antisocial behaviour in the locations of the parking provision will be reduced by the regular patrols carried out by the CEOs and by having only cashless payment systems available.

Equality:

Please login to the system to view the EIA document: Equality Impact Assessment - Vic Emb parking DD June 105.doc

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

31/07/2015

Advice Sought:

Legal, Finance, Equality and Diversity

- 1. The Council may provide off street parking places for vehicles by order under section 32 of the Road Traffic Regulation Act 1984 where such provision appears necessary for the purpose of relieving or preventing congestion of traffic.**
- 2. Under section 35 of the 1984 Act the Council may specify in the order the vehicles or classes of vehicles entitled to use the parking provision, and the charges which are to be paid for it. Variations to the charges in the order may later be made by notice under the relevant Regulations.**
- 3. The Traffic Management Act 2004 enables civil enforcement officers of the Council to enforce an order made under section 32 of the 1984 Act by issuing penalty charge notices. The level of penalty charge is set by Regulations, and ultimately if unpaid the Council can seek to enforce unpaid penalty charge via the County Court.**
- 4. The Council must use the income from penalty charges received from its off street parking enforcement in accordance with section 55 of the 1984 Act.**
- 5. Regulations prescribe the procedure to be followed in relation to the making of an order including publicity and consultation. The Council is required to publish a notice of the proposed order in a local newspaper and take such other steps as it may consider appropriate for ensuring that adequate publicity about the order is given to persons likely to be affected by its provisions. The Regulations suggest that such steps may include the display of an on-site notice and the delivery of notices or letters to premises occupied by persons appearing to the authority to be likely to be affected by any provision in the order.**
- 6. The order may not be made until a minimum period of 6 weeks has elapsed following publication of the notice of proposals, giving the opportunity for objections to be received and considered.**
- 7. The Council has a duty to consult with the Chief Constable of Nottinghamshire Police prior to the making of the order under Paragraph 20 of Schedule 9 to the 1984 Act.**
- 8. The Council must have regard to the relevant statutory guidance. This was issued pursuant to section 87 of the Traffic Management Act 2004 by the Department for Transport entitled "The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions" published in February 2008. In addition, the Department for Transport published "Operational Guidance to Local Authorities: Parking Policy and Enforcement" in March 2015 but is stated to be good practice guidance rather than on a statutory footing.**
- 9. Decisions (1) and (3) are matters for the Portfolio Holder for Jobs, Growth and Transport within the Council's Constitution as his key responsibilities include traffic management and parking.**
- 10. Decision (2) is a matter for Area 8 Committee under paragraph (g) of its terms of reference. The Corporate Director for Communities may under Delegation 82(b) exercise an executive power delegated to Area Committee where a decision is required before the next meeting of the Area Committee, subject to consultation with the Committee's Chair and to report for information to the next available Area Committee meeting. Councillor Edwards has been consulted.**

Finance Advice:

The acceptance of this decision to create an Off-Street Car Parking Order will enable the City Council to charge for car parking. This will enable the department to meet the financial obligation as set out in the "invest to grow" strategic choice in the 2015-16 MTFP and along with its costs as agreed in the Delegated Decision 1363.

Equality and Diversity Advice:

It will be important that the specific needs of disabled people and older people and individuals with restricted mobility etc are met. Consultation and review mechanisms will be crucial to ensure that our most vulnerable citizens are not adversely impacted on and where impacts are identified that suitable remedial activity is considered and where viable, implemented. Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 12/06/2015.

Signatures

Nick McDonald (Portfolio Holder for Jobs, Growth and Transport)
SIGNED and Dated: 24/07/2015
John Kelly (Corporate Director Community Services)
SIGNED and Dated: 15/07/2015