

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

3067

Author:

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Department:

Commercial and Operations

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Subject:

District Car Parks - Charging and Enforcement

Total Value:

£59,000 Per Annum (Type: Revenue)

Decision Being Taken:

Subject to public consultation and full Council approval of the Medium Term Financial Plan for 2018/19-2020/21 when it meets on 5 March 2018:

1. To authorise the Traffic Manager to make an off street parking order in relation to the Sherwood, Bulwell, Hyson Green and Radford car parks as specified in Appendix 1 during the hours of 8am to 6pm Monday to Saturday with a payment charge initially set at £2 for all customers wishing to park in these car parks for three hours or more;
2. To authorise the Corporate Director for Commercial and Operations, in exercise of the Area Committee Executive Powers under delegation 82(b), to approve the making of the off-street parking order at 1 above;
3. To authorise the Traffic Manager to review the level of charges for parking annually at the above locations by subsequent notice.

Reasons for the Decision(s)

A side effect of the car parks being free, the introduction of the Workplace Parking Levy (WPL) and the exceptional public transport in Nottingham has been a growing number of commuters parking all day within these retail and leisure car parks. As a result, short-stay parkers are often left without a space and having to "cruise" the local area for a space, parking in undesigned/dangerous areas of the car park or deterring these customers from the neighbourhood's altogether.

Car parks in Bulwell, Hyson Green, Radford and Sherwood in particular are within walking distance of frequent public transport links to the city centre and are being used as informal park and ride sites by commuters avoiding higher parking charges in the city centre and not contributing to the upkeep of these car parks.

The car parks are currently unrestricted and Processing and Enforcement have requested Off-Street Parking Orders (OSPOs) to be processed as it will allow them to undertake targeted enforcement to discourage indiscriminate parking and ensure compliance with the parking regulations. These would form part of actions from this decision, as the costs to create an OSPO would be funded from the income generated from commuters. Restrictions within the district car parks will also ensure compliance with the WPL scheme. All off-street commuter parking should be paid for or licensed; the Council's district car parks are providing unregulated, free parking for commuters. This would also help to ensure that there are parking opportunities available for shoppers wishing to use the carparks.

It should be noted that the Council is currently out to public consultation on the Medium Term Financial Plan (budget) for 2018/19 - 2020/21. The decision is therefore subject to the outcome of that consultation and the subsequent approval by Council of the budget. If substantive issues are raised as part of the consultation exercise, or approval by Council is not forthcoming, authorisation for, the making of any proposed off street parking order in relation to the Bulwell, Hyson Green, Radford and Sherwood car parks as specified in Appendix 1, along with the setting of any payment charge for such car parks, will be the subject of a future decision or decisions.

Briefing notes documents:

Appendix 1.docx

Other Options Considered:

Do nothing: This option has been discounted for the following reason: Every year, Parking services reviews its occupancy levels within the district car parks. The changes proposed within this document ensure that off-street parking is fully utilised and continues to encourage growth in the local economy. Also this proposal can provide off-street parking places where such provision appears necessary for the purpose of relieving or preventing congestion of traffic. The proposed order will enable free flowing traffic in the relevant areas, as it is anticipated that more spaces will be available and this will help to relieve congestion of traffic

Background Papers:

None

Published Works:

None

Affected Wards:	Citywide
Colleague / Councillor Interests:	None
Any Information Exempt from publication:	Yes
Exempt Information:	
Description of what is exempt:	The implications of the proposals
	An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972
3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).	The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it could prejudice the commercial viability of the proposals
Documents exempt from publication:	v0.5-District Car Parks Briefing Note-ASR.docx, 170929-v0.1-NS Budget Template Districts-MJR-E8.docx
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	None
Equality:	Please login to the system to view the EIA document: District Car Parks - Charging and Enforcement EIA v2.DOC
Decision Type:	Portfolio Holder
Subject to Call In:	Yes

Call In Expiry date:

09/02/2018

Advice Sought:

Legal, Finance, Equality and Diversity

Legal Advice:

The Council may provide off street parking places for vehicles by order under section 32 of the Road Traffic Regulation Act 1984 (the 1984 Act) where such provision appears necessary for the purpose of relieving or preventing congestion in traffic.

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.

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.

Regulations prescribe the procedure to be followed in relation to the making of an order including publicity and consultation.

The order may not be made until a minimum period of 6 weeks has elapsed following publication of the notice or proposals, giving the opportunity for objections to be received and considered.

The Council must also have regard to the relevant statutory guidance.

Subject to the outcome of the budget consultation and if the budget is subsequently approved:

Decisions (1) and (3) are matters for the Portfolio Holder for Neighbourhood Services and Local Transport within the Council's Constitution as her key responsibilities include traffic management and parking.

Decision (2) is a matter for Area Committee under paragraph (g) of its terms of reference. The Corporate Director for Commercial and Operations 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 a report for information to the next available Area Committee meeting.

Advice provided by Tamazin Wilson (Solicitor) on 1/12/2017.

Finance Advice:

See attachment for Finance advice Advice provided by Claire Wright (Business Partner) on 14/12/2017.

Advice documents: District Car Park Charge DDM Comments.docx

**Equality and Diversity
Advice:**

It will be important to monitor activity to ensure that disabled people and lower income commuters are not disadvantaged directly or indirectly by any changes. Consultation on an on-going basis is therefore key to any future implementation. Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 21/12/2017.

Signatures

Sally Longford (PH for Neighbourhood Services & Local Transport)
SIGNED and Dated: 19/01/2018
Andrew Vaughan (Corporate Director Commercial and Operations)
SIGNED and Dated: 02/02/2018