

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

3063

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Department:

Commercial and Operations

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Subject:

Trinity Square Multi Storey Car Park (MSCP) Blue Badge Discount Removal

Total Value:

£50,000 per annum (Type: Revenue)

Decision Being Taken:

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

1. To authorise a variation to parking charges at Trinity Square MSCP specified in Part 1 Schedule 9 of the Nottingham City Council Order 2013 (OSP 8012) as varied on 3/05/2017 under s35C of the Road Traffic Regulation Act 1984, by substitution with the charges specified in the Notice at Appendix 1.
2. To authorise the Head of Parking Services to review parking charges as specified in Part 1 Schedule 9 of the Nottingham City Council Order 2013 annually.
3. The Corporate Director for Commercial and Operations, in exercise of the Area Committee Executive Powers under delegation 82(b), approves the making of a variation to charges at the off street parking place at 1 above, subject to consultation with the relevant Area Committee's Chair and a report, for information, being submitted to the next available meeting.

Reasons for the Decision(s)

Nottingham has one of the most comprehensive and accessible public transport systems in the country with award winning operators which is accessible by disabled persons holding a Mobility Card. Supplementing this is the ability to park for free on-street, for Disabled Person Badge holders ("Disabled Person Badge" has the same meaning as in 'The Local Authorities 'Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 i.e a Blue Badge). So no disabled person is forced to pay to come into the City. Beyond this the City Council has made available off-street parking at a number of locations across the City under section 32 of the Road Traffic Regulation Act 1984 (RTRA 84) for the purposes of relieving or preventing congestion of traffic as appears to be necessary. Under section 35 of the RTRA 84 the City Council has by Nottingham City Council (City of Nottingham) (Car Park Name Changes) Order 2013 (OSP 8012) as varied on 3rd day of May 2017, made provision as to the charges to be paid in connection with the use of the off-street parking.

A concession from parking charges is currently available for the first 4 hours of parking for Blue Badge holders under the above Order. Blue Badge Holders pay a charge for parking over and above the first 4 hours. Currently, parking staff at the Customer Service Hub within the car park verify and validate Blue Badges and the Blue Badge holder parking ticket to validate their stay and ensure they can exit the carpark.

Nottingham City Councils Parking Services department have proposed to restructure its operational duties. As part of this proposal, it has been recommended that the Customer Service Hub at Trinity Square MSCP to be de-manned. This proposal is subject to public consultation and full Council approval of the Medium Term Financial Plan (Budget) for 2018/19 to 2020/21 when it meets on 5 March 2018.

If approved, the parking staff will no longer be able verify Blue Badge holders and validate the vehicles stay. The restructuring will also mean that parking staff will be unable to take parking charge payments from Motorcyclists and Cycle Store users, as this is currently a manual process therefore parking for these users will become free of charge.

Disabled bays will continue to be provided in Trinity Square MSCP but normal-parking charges will apply. Blue Badge holders are still able to park free for up to 4 hours in Curzon Street, Sneinton Market Square, Nottingham Arena and Nottingham Castle Car Parks, in on-street parking bays and park on single or double yellow lines for up to three hours.

Briefing notes documents:

Variation Notice May 2017 PostLite.docx, Appendix 1 VN 8013_18 - Trinity Sq SAH Site Notice v2.docx

Other Options Considered:

Do nothing: This option has been discounted as Parking Services are de-manning the carpark so there would be no one onsite to validate the blue badges in accordance with the blue badge scheme.

Background Papers:

None

Published Works:

None

Affected Wards:	St Ann's
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:	170929-v0.1-NS Budget Template Blue Badges-MJR-E8.docx
Consultations:	Date: 25/10/2017
	Minority Groups: Disability Involvement Group
	Engaged with the internal disabled employee support network (DESN) and disability involvement group (DIG)
	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	N/A
Equality:	Please login to the system to view the EIA document: BBH EIA - 301117 v2.doc

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date: 08/02/2018

Advice Sought: Legal, Finance, Equality and Diversity

1. The City Council may provide off-street parking places for vehicles for the purposes specified in section 32 of the Road Traffic Regulations Act 1984. It may by order under section 35 make provision as to the charges to be paid in connection with its use. It may vary those charges by the Notice under section 35C of the same Act. The procedure to be followed in giving notice under this section is specified in regulation 25 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
2. The City Council has exercised its powers under section 32 and 35 of the Road Traffic Regulation Act 1984 by the making of the NOTTINGHAM CITY COUNCIL (CITY OF NOTTINGHAM) (CAR PARK NAME CHANGES) ORDER 2013 (OSP 8012).
3. Subject to public consultation on and full Council approval of the Medium Term Financial Plan (MTFP) (Budget) for 2018/19 to 2020/21, and the proposal becoming necessary, to vary the parking charges as proposed the City Council will need to publish its Variation Notice at least once in a newspaper circulating in the area in which the parking places to which the notice relates are situated at least 21 days before it is due to come into force. The notice must specify the date when it is due to come into force; identify every parking place to which the notice relates; specify in respect of each such parking place, (i) the charges payable for the use of the parking place at the date the notice is given; (ii) the charges that will be payable when the notice comes into force.
4. The City Council will need to cause a copy of the notice to be displayed in the parking place on the date on which the notice is given and take all reasonable steps to ensure that it continues to be so displayed and remains in a legible condition until the date on which it comes into force; and (b) shall, if it thinks fit, cause additional copies to be so displayed in the parking place and in roads giving access to the parking place.
5. There is dual responsibility under the City Council's constitution for the decision being taken between the Area Committee and Corporate Director for development and Growth or the Portfolio Holder for Neighbourhood Service and Local Transport. Where a decision is urgent, delegation 82(b) can be relied upon, and subject to consultation with the Area Committee Chair and a report for information being presented at its next meeting, the Corporate Director for Communities may exercise a power delegated to Area Committee. It is understood that the relevant Chair has been consulted and that a suitable report will be taken to the next area committee in due course.
6. The City Council must use the income it generates from the parking charges in accordance with section 55 of the 1984 Act. The charges can't simply be imposed to raise revenue. Such a decision would be subject to Judicial Review - see *Attfiield R (on application of) v London Borough of Barnet* [2013] EWHC 20859.
7. Whilst there remains some risk of challenge to the decision to be made being taken at this point, on the grounds that the decision pre-empts consultation on the MTFP not affecting the proposal, by making the decision subject to any public consultation response on the MTFP the risk of challenge is reduced.

Advice provided by Richard Bines (Solicitor) on 11/01/2018.

Finance Advice:

<p>This proposal recommends Nottingham City Council remove the blue badge concession of four hours in Trinity Square MSCP by September 2018.</p> <p>In the financial year 2018/19, should this proposal be agreed, income generation will be £25k. For financial years 2019/20 & 2020/21, income generation will be £50k per year.</p> <p>This will have a positive impact on the Medium Term Financial Plan.</p>

Equality and Diversity Advice:

<p>effective communication, on-going consultation and monitoring will need to be at the heart of the proposal to ensure minimised adverse impacts Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 13/12/2017.</p>
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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: 31/01/2018