

Cabinet

29 January 2020



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|----------------------------------|---|---------------------|----|
| Title | The Spelthorne Borough Council (Off-Street Parking Places) Order 2020 | | |
| Purpose of the report | To make a Key Decision | | |
| Report Author | Bruno Barbosa, Parking Services Operational Manager Jackie Taylor, Group Head of Neighbourhood Services | | |
| Cabinet Member | Councillor Richard Barratt | Confidential | No |
| Corporate Priority | Financial Sustainability | | |
| Recommendations | <ol style="list-style-type: none">1) Authorise the Group Head of Neighbourhood Services to proceed with the proposals made in this report and to implement the Spelthorne Borough Council (Off-Street Parking places) Order 2020;2) Authorise the Head of Corporate Governance to publish all notices required to implement the Spelthorne Borough Council (Off-Street Parking Places) Order 2020;3) Authorise the Group Head of Neighbourhood Services in consultation with the Head of Corporate Governance to consider and address any objections and to amend the proposals if necessary following the public consultation; | | |
| Reason for Recommendation | To ensure that parking regulations in all off street car parks identified within this report are current and enforceable To support the Council's aim for Financial Sustainability | | |

1. Key issues

- 1.1 The Council is able to control parking within its administrative area through the production of an Off Street Parking Places Order under the Road Traffic Regulation Act 1984. The order recommended within this report sets out the terms and conditions for use of Council owned car parks, and the charges and penalties which apply to those using the car park. Once made it would form the legal basis from which all future charges and enforcement actions are made.
- 1.2 Due to the number of changes proposed to the existing 2018 order, a new Off Street Parking Places Order is proposed to implement these changes and produce a comprehensive and up to date order. A copy of the new order indicating the proposed changes to be made is attached at **Appendix 1**.

1.3 **Introductory points:**

- (a) This Parking Order revision does not factor in impacts of the potential introduction of Controlled Parking Zones in Staines by Surrey County Council, which have the potential to increase the demand of off street parking spaces. If the demand is significantly increased, the next revision will take into consideration the supply available when projecting the suitable tariffs.
- (b) A comparison has been made with neighbouring authorities to assess parking charges, whilst we do not wish to price ourselves out of the market we need to ensure that charges are broadly similar and represent value for money. Where the average occupation rates are high the tariff charges have not been increased, and where occupation rates are abnormally low (in comparison to nearby sites) the tariffs have been adjusted so that it's cheaper in shorter stay bands and more expensive on longer stay bands (to motivate higher rotation and occupation).
- (c) The cost for each season ticket in Ashford was increased to 58p per day on the previous revision of this Parking Order. To further note, due to the significant challenges posed by the main road closure in front of the Ashford MSCP the council decided to make the car park free of charge during the works, and up to 05/01/2020.

1.4 **Appendix 1 – Parking Order – Revisions/changes:**

- (a) In Article 10 of the Parking Order the mention to Thames Street car park (Sunbury) was removed, since the general definition of the surface precluding the bay markings is sufficient and removes the need to add/remove specific mentions in future revisions of the Parking Order if locations are added where bay markings are not possible/practicable.
- (b) Article 41 was redrafted, since the original wording implied that by making a machine become out of service (by vandalism, or wilful misuse) then the tariff in place would not be chargeable. The wording redraft makes it clear that only Spelthorne Borough Council can suspend the applicability of the tariff, and customers that encounter a machine that is not apparently functional should contact Spelthorne Borough Council to ascertain if the tariff applies, or if they need to park elsewhere.
- (c) Article 42 was corrected, as the original description of the process did not accurately reflect the operation of the system at Elmsleigh Surface car park and Elmsleigh MSCP. The physical ticket remains the only reliable means to prove payment at point of exit, and the ANPR camera system installed does not provide the same level of reliability by means of natural and designed limitations.
- (d) Article 43 was corrected, as it implied the loss of the ticket at the above mentioned car parks required customers to approach a Civil Enforcement Officer, when this facility is automatic and present in every Pay on Foot machine on site. This article further implied the ability to park for more than 24 hours, where the Parking Order actually imposes a limit on the length of stay of 24 hours.

- (e) “Disabled persons’ vehicles” has been split into two separate subjects, since the previous revision of the Parking Order did not explicitly mention the additional grace period conferred to Disabled Badge holders in Pay and Display car parks, instead relying on the last approved Enforcement Policy (dating to 2013) for that mention. This revision removes the need for the Enforcement Policy to be referred to, and instead rightly incorporates this facility on the Parking Order itself.
- (f) Under the Motorcycles heading, a new point was added to make it explicit that, despite being exempt from paying the tariffs within this Order, they are not permitted to park in Disabled persons’ bays, as well as contractor/permit bays (the latter was not explicit on the previous revision, making it thus possible for a motorcycle to prevent the use of a dedicated bay by the associated paying customer).
- (g) The addition of three articles under the above headings means that further article mentions have a different article number to the equivalent in the previous revision of this Order.
- (h) Article 61 has been significantly enhanced, since the previous revision did not incorporate the area effectively in the order, and thus making the previous article wording without practical effect. The revised wording and addition of the relevant entries on the Schedules now permits the Bus Station area by the south entrance of Elmsleigh Shopping Centre to be enforced. The wording and revision of this article was done with consultation of Surrey CC Passenger Transport, who support this inclusion and expressed their concern over the misuse of the area by private vehicles and taxis.

1.5 Appendix 1 – Schedule 1 – Revisions/changes:

- (a) In Schedule 1, the paid car park entries outside of Staines-upon-Thames have had the maximum length of stay included, since it was missing in the previous revision (this is a requirement to enforce abandonment). Riverside Underground car park and South Street (Saturday Only) car park have been removed from this revision, due to lack of usage and suitability of existing arrangements. These car parks will now therefore be managed instead through separate lease agreements and no longer constitute public car parks.

1.6 Appendix 1 – Schedule 2 – Revisions/changes:

- (a) In Schedule 2, Elmsleigh Surface Car Park and MSCP have had their maximum stay corrected, since the previous revision mentioned an 11 hour maximum stay but the parking system and tariff state charges for stays beyond 11 hours. The maximum stay has thus been corrected to 24 hours, since this is the maximum charge that the Council is able to enforce on site.

1.7 Appendix 1 – Schedule 3 – Revisions/changes:

- (a) In Schedule 3 there are multiple revisions particularly as they relate to new/revised areas with no tariff applicable, to reflect changes to how these areas operate or to address enforcement concerns due to improper parking:

- Knowle Green parking has been split into three types of parking, with associated defined areas:
 - Employee parking;
 - Visitor parking;
 - Resident parking.
- Additional area of Elmsleigh Road car park included, by request of Elmsleigh Shopping Centre management, enabling the enforcement of their dedicated bays.
- Bus area of Elmsleigh Shopping Centre added, with wording and definitions agreed with Surrey County Council.
- Bishop Duppa's Recreation Ground added, to enable the implementation of waiting restrictions in the access road, after complaints from residents and members of public of obstructive parking in that road, near to the junction with the main road.

1.8 **Appendix 1 – Schedule 4 – Revisions/changes:**

- In Schedule 4, referring to short stay car parks, Tothill MSCP has been moved in, and conversely removed from Schedule 5, which refers to long stay car parks. There is a tariff imbalance that effectively made Tothill be more expensive to park in at some tariff points than the adjacent car parks that were in Schedule 4.
- Elmsleigh Surface Pay on Foot had the incorrect Sunday tariff times, which was corrected from up to 7pm to up to midnight.
- Tariff changes applied to Elmsleigh Surface, Elmsleigh MSCP and Tothill MSCP. The following is a side by side comparison of the original tariff in these sites against the new proposed tariff:

| | Parking Order 2018 | Parking Order 2020 |
|--|------------------------------|------------------------------|
| | Monday to Saturday | Monday to Saturday |
| Up to 1 hour | £1.30 | £1.00 (-£0.30) |
| Up to 2 hours | £2.30 | £2.00 (-£0.30) |
| Up to 3 hours | £2.70 | £3.00 (+£0.30) |
| Up to 4 hours | £3.80 | £4.00 (+£0.20) |
| Up to 5 hours | £7.00 | £7.00 (no change) |
| Over 5 hours | £12.20 | £12.00 (-£0.20) |
| 7pm-12am (not applicable to Tothill) | £2.00 | £2.00 (no change) |
| | Sunday 8am to 7pm | Sunday 8am to 7pm |
| All day (between times specified) | £2.00 | £2.00 (no change) |

The changes on the tariff bands simplify the structure so that it's a direct multiple of the amount of hours (up to 4 hours) and in whole pounds (no decimals). The calculated impact is of an increase of customers on the first hour by 30%, and of 25% on the second hour. The increase on the charge for the third hour is estimated to equate to a potential decrease of 25% in customers, with the increase in the fourth hour having the same potential impact. The changes on the other bands are nil or of negligible impact due to their low usage. Projecting the impact of these on a sample for Elmsleigh Surface+MSCP, the potential impact would be an overall increase in customers of 14.7%, with a marginal increase of income by £3,788.65.

To further support these changes, similar locations have been surveyed, with the following being a summary of the findings:

| Shopping Centre Car Parks | The Heart (Walton-on-Thames) | Queensmere Observatory (Slough) | Addlestone One | Two Rivers (Staines) | Woking Shopping Car Park |
|----------------------------------|-------------------------------------|--|-----------------------|-----------------------------|---------------------------------|
| Up to 1hr | £0.80 | £1.00 | £1.00 | £1.20 | £1.50 |
| Up to 2hr | £1.50 | £2.00 | £2.00 | £2.20 | £3.00 |
| Up to 3hr | £2.50 | £3.00 | £3.00 | £2.70 | £4.50 |
| Up to 4hr | £3.50 | £4.00 | £4.00 | £3.70 | £6.00 |
| Up to 5hr | £6.00 | £5.00 | £5.00 | £7.00 | (n/a) |
| 24 hours | £15.00 | £10.00 | £15.00 | £12.00 | £12.00 |

Of the surveyed locations that are similar on locality features, only Woking presents a higher tariff than our current one, and the new tariff would place us in a competitive footing with other shopping areas of Surrey, as well as presenting a financially significantly more appealing option for Staines Town Centre short-term parking customers.

1.9 Appendix 1 – Schedule 5 – Revisions/changes:

- (a) In Schedule 5, Bridge Street is changed from a tariff on Monday to Saturday to exclusive use by Season Ticket Holders from Monday to Saturday, whilst retaining the original Sunday tariff. This is due to the executive decision to permit Elmsleigh Surface Car Park season tickets being relocated to Bridge Street, resulting in the total number of season tickets in Bridge Street Car Park now equating to the near totality of the car park capacity. This guarantees availability of space for season ticket holders in Bridge Street, and displaces pay and display customers to the nearest car parks available (Riverside Surface, Elmsleigh Road and Tothill MSCP).

1.10 Appendix 1 – Schedule 7 – Revisions/changes:

- (a) In Schedule 7, Tothill MSCP and Bridge Street car park were added to the locations with possible contract parking;
- (b) In Schedule 7, Residential Season tickets in Laleham Village Car Park (The Broadway) Laleham, Thames Street Sunbury, Orchard Meadow Sunbury and The Walled Garden Sunbury have a heavily discounted charge, amounting to a daily charge of £0.16 in car parks with a £2.00 to park the whole day. The charge for Business Season Tickets in the same locations is nearly twice this amount, with a daily average charge of £0.30. The two types of Season tickets have been merged into one, titled “Local Season Ticket”, with a charge matching the Business Season Ticket charge.
- (c) In Schedule 7, the Visitors permit book has been removed as the stock is depleted, and provided a heavily discounted parking allowance in any car park in the borough at an operational deficit.

1.11 Appendix 1 – Schedule 8 – Revisions/changes:

- (a) In Schedule 8, the Disabled Persons’ Badge Holders’ Season Tickets for Elmsleigh Surface/MSCP charges are disproportionately low, compared to regular season tickets. Blue Badge holders currently pay an average daily charge of £0.28 to park in the centre of Staines for any length of time, whereas regular Season Ticket Holders pay £1.96 on average per day, and regular customers pay £13.40 for a full day charge. This facility is not available in any other car park in Spelthorne, and on Pay and Display car parks all Blue Badge Holders receive an additional hour grace on top of what they pay to park for (besides the blue badge already conferring 3 hours of free parking on waiting restrictions on-street). The operational cost of providing this facility is not sustainable and consequently this season ticket is removed. There are currently 14 active customers benefiting from this season ticket, and due consideration will be given to them when the facility is removed.

1.12 Appendix 1 – Schedule 10 – Revisions/changes:

- (a) In Schedule 10, items previously marked as free for charities and voluntary organisations have now been marked as being free at the discretion of Spelthorne Borough Council. The rationale for this change is that the previous wording permitted a charity or voluntary organisation to request any car park for any period of time free of charge for their exclusive use, or alternatively require a dispensation for any amount of vehicles for any amount of time in any car park. This change now eliminates that risk, and introduces the ability for Spelthorne Borough Council to decide on a case by case basis if the normal charges can be waived for these organisations.
- (b) The Lost ticket charge for Elmsleigh Surface Car Park has been revised to reflect the updated full day charge under the proposed new tariff.

1.13 **Appendix 1 – Schedule 12 – Revisions/changes:**

(a) Site map revisions/corrections for:

- Kingston Road car park, to include recently purchased land;
- Bridge Street car park, to include the access road;
- Knowle Green council offices, to include all parking areas on-site;
- Elmsleigh Road, to include areas of requested enforcement on behalf of Elmsleigh Shopping Centre;
- Elmsleigh Shopping Centre Bus Station, to be added;
- Bishop Duppa's Recreation Ground, to be added.

1.14 **Summary:**

(a) Key changes included within the proposed Order are:-

- Revision of wording for accuracy and efficacy
- Mapping revisions for new enforceable land areas and/or layout arrangement
- Inclusion of new enforceable parking places
- Removal of parking places
- Increase parking charges where appropriate
- Amend charging structures to improve occupancy and usage rates

1.15 **Consultation:**

- (a) Before implementing the proposed Off Street Parking Order 2020 we are required to consult with members of the public. The 4 week consultation period consists of advertising the proposed order in the car parks, council offices, in the local paper and to statutory consultees.
- (b) The Group Head of Neighbourhood Services in consultation with the Head of Corporate Governance will consider and address any objections and amend the proposals if necessary following the public consultation.
- (c) If the new Order is approved we will be required to advertise in the car parks, council offices and local newspapers that the Order is in force and tariff boards will need to be amended.

2. **Options analysis and proposal**

2.1 Implement the proposed Parking Order with all revisions as well as the new Civil Enforcement (Recommended option):

In order to efficiently regulate the use of car parks and effectively prevent and enforce misuse, it is proposed that Cabinet approves and agrees to:

- (a) Authorise the Group Head of Neighbourhood Services to proceed with the proposals made in this report and implement the Spelthorne Borough Council (Off-Street Parking places) Order 2020;

- (b) Authorise the Head of Corporate Governance to publish all notices required to implement the Spelthorne Borough Council (Off-Street Parking Places) Order 2020;
- (c) Authorise the Group Head of Neighbourhood Services in consultation with the Head of Corporate Governance to consider and address any objections and to amend the proposals if necessary following the public consultation.

2.2 Implement the proposed Parking Order without the proposed revisions for tariffs (Fourth option):

In order to efficiently regulate the use of car parks and effectively prevent and enforce misuse, it is proposed that Cabinet approves and agrees to:

- (a) Authorise the Group Head of Neighbourhood Services to proceed with the proposals made in this report and implement the Spelthorne Borough Council (Off-Street Parking places) Order 2020;
- (b) Authorise the Head of Corporate Governance to publish all notices required to implement the Spelthorne Borough Council (Off-Street Parking Places) Order 2020;
- (c) Authorise the Group Head of Neighbourhood Services in consultation with the Head of Corporate Governance to consider and address any objections and to amend the proposals if necessary following the public consultation.

2.3 Do not implement the new Parking Order (not recommended):

If the proposed Off Street Parking Places Order is not implemented, it will impact on the Council's ability to effectively regulate the use of the car parks. It will also result in a loss of revenue, as the current parking order does not reflect the current demand of residents and businesses.

2.4 Risk has been considered as part of this report and any specific high risks are included in the table below:

| Category Risk | Action/Controls |
|---|---|
| To enable enforcement action to be taken against drivers of vehicles who park in a hazardous manner to the detriment of pedestrians in off street areas | Introduction of the Spelthorne Borough Council (Off-Street Parking Places) Order 2020 |
| Regulate the use of the car parks to prevent misuse and anti-social behaviour | Introduction of the Spelthorne Borough Council (Off-Street Parking Places) Order 2020 |
| Failure to implement and make the Order - loss of revenue and control over parking | Ensure Order is promptly advertised, made and implemented |

3. Financial implications

- 3.1 There are costs associated with advertising the proposals and order and also for changes to tariff boards. These are expected to be in the region of £3k which can be met within the current budgets.
- 3.2 Selection by Cabinet of an option that does not include the removal of the nil charge first hour will imply a budgetary pressure of £29,385.91, arising from the yearly operational deficit created by the tariff.
- 3.3 Increases have been made to tariffs and if implemented the additional income is estimated to be:-
- Tariff changes in Staines-upon-Thames - +£94k (higher income possible if the impact expectations are surpassed)

4. Legal and other considerations

- 4.1 Parking in off street parking places can be regulated by Order to prevent misuse. Crime & disorder implications increase if an Order is not made and kept up to date and car parking cannot be regulated.
- 4.2 Any order regulating parking must be implemented in accordance with the provisions of the Road Traffic Regulation Act 1984, which includes consultation with the regulatory statutory bodies and members of the public. The process for introducing a new order is contained in the Local Authorities' Traffic Orders (Procedure) (England & Wales) Regulations 1996.

5. Timetable for implementation

- 5.1 The proposed timetable is set out below:

| | |
|-------------------------------------|----------------------------|
| Report to Cabinet | 29 January 2020 |
| Consultation-4 weeks | February 2020 – March 2020 |
| Evaluate representations | Tbc |
| Implementation of new parking order | 1 April 2020 (planned) |

Background papers: none

Appendices: Appendix 1 draft Parking Order 2020 (with Schedules)