

Report to	-	Cabinet
Date	-	3 December 2018
Report of the	-	Executive Director
Subject	-	The District of Rother Parking Places Order

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## **Foreword**

This matter is being considered by the Overview and Scrutiny Committee (OSC) on 26 November 2018, after the publication of this Agenda.

The report being considered by the OSC is reproduced in its entirety as follows for Cabinet's consideration. The OSC's deliberations and resulting minute will be reported to Cabinet at its meeting.

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**Recommendation:** It be **RESOLVED:** That Cabinet be requested to approve that Rother District Council draft and consult on a new District of Rother Parking Places Order (Off Street) to then inform a final Parking Places Order for Cabinet approval (option c).

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**Head of Service: Joe Powell**

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## **Introduction and Background**

1. The Council currently operates its designated car parks under the District of Rother (Off Street) Parking Places Order 1983 - a copy of which can be found on the website <http://www.rother.gov.uk/CHttpHandler.ashx?id=6016&p=0>.
2. The Order provides a framework under which the Council can manage car parks and enforce parking conditions to ensure proper use. The current Order has been in use since 1983 and despite a number of small variations has not been significantly updated since its inception.
3. There are a number of changes the Council wishes to consider making to the existing Parking Places Order which can either be achieved through further variations of the existing 1983 Order or the introduction of a new Order.

## **Proposed Changes**

4. The overall objective of the proposed changes is to improve the ability of the Council to manage car parks effectively and better meet the cost of maintenance and enforcement. There is also a desire to provide greater controls to the Council within 'amenity open space parking areas' and certain rural car parks which are not named in the current Order and, therefore, are largely unenforceable. The following changes are proposed:

- To allow visitors to legitimately park their recreational vehicles (e.g. motorhomes) during daytime hours in allocated car parks.
- To support the prevention of vehicles parking over an extended period of time by reducing the maximum 'waiting' period in allocated car parks from 24 hours to 23 hours.
- To remove car parks which have been devolved to Parish Councils from the Order.
- To vary the payment methods available within the car parks and online.
- To include within a new Order a number of parking areas currently designated as 'amenity open space parking areas'.
- To include within a new Order a number of car parks in rural areas which are not currently included.

### **Improved Car Park Management**

5. Over the last ten years the number of recreational vehicles using all car parks (including those within the current Order) has increased substantially. The current Order does not make any provision for the legitimate parking of these larger vehicles e.g. holidaymakers who may wish to park for the day. This leads to the drivers of these larger vehicles undergoing parking enforcement action and receiving parking fines.
6. Currently, the maximum 'waiting' period for a vehicle in most Rother car parks is 24 hours, which means that a parking session may continue over multiple 24 hour periods without the vehicle having to be moved. The new Order would reduce the maximum 'waiting' period to 23 hours (with the exception of Permit Holders) after which time vehicles would need to have left the car park for at least one hour before returning or risk a penalty.
7. In recent years there have been a number of improvements made to car parking payment methods. These include the introduction of online services, new machines, online payments, and the ability to pay and display via debit and credit cards, using a 'check in/check out' procedure, as well as payments by mobile Apps (RingGo). These payment methods are not explicitly referred to within the current Order. By including them, we hope to clarify for customers the payment options available and, in particular, highlight that they may not always be required to display a ticket when using certain payment methods.
8. In addition, since 2012 three rural car parks have been devolved to Parish Councils. Consultation has already been undertaken in relation to the removal of named car parks from the Order and these are included within the proposed draft Parking Places Order.

### **Amenity Open Space Parking Areas & Rural Car Parks**

9. It is currently free to park on amenity open space parking areas as well as in some rural car parks. In addition, the Council has limited controls in place to prevent vehicles, including recreational vehicles, from staying overnight on these sites as there are no parking restrictions in place. It is proposed that these sites are included in a revised Order to support their management.
10. The Council would like to have the option of improving the appearance of both amenity open space parking areas and rural car parks not within the current Order, through the introduction of car parking charges. The Council is unable

to invest in improvements in either of these types of sites without having the ability to recoup the investment through the introduction of charges.

11. The planned introduction of the Civil Parking Enforcement Order in 2020 and the decriminalisation of on street parking may have the effect of increasing the numbers of vehicles using off-street parking provision, particularly if the parking areas remain free of charge. This is likely to increase the use of amenity car parks and make them more resource intensive to manage and maintain.

## **Options**

12. The options available to ensure the appropriate use of Council car parks and amenity open space parking areas are:

### **a) Retain the current Order without further amendment**

#### Impact

- The Council could be open to criticism that our approach to parking enforcement is out-dated.
- The current Order does not accurately reflect methods of payment and the method of service for Notice to Pay Standard charges leaving the Council open to possible legal challenges.
- This option allows vehicles a maximum 'waiting' period of 24 hours.
- This option would lead to a loss of potential earnings from amenity open space parking areas which are currently free.
- The benefit of this option is that it requires no additional investment to introduce; however, it provides no ability for the Council to introduce parking charges to offset future maintenance costs.

### **b) Draft and consult on five new variations to the existing Parking Places Order 1983, to include:**

- Removal of details regarding the car parks that have been devolved.
- Accurately reflect methods of payment and the method of service for Notice to Pay Standard charges thereby reducing possible enforcement challenges.
- Bringing Amenity Open Space Parking areas and a number of rural car parks into the Order.
- Varying the types of vehicles prohibited or controlled.
- Reducing the maximum 'waiting' period of a parking session from 24 to 23 hours.

#### Impact

- Officers will need to present five separate variations to Members and five separate consultations would be required.
- For the public's information, the Council is required to publish the Order and each variation in every car park. Five separate variations will result in an increase in signage and notices in each car park that may be difficult for the public to comprehend.

- This option would result in a cost to the Council of approximately £40,000 for new and revised signage and advertising. Members are advised that the costs could be met from earmarked reserves for car parks.
- The proposed variations will improve enforcement of parking regulations.

### **c) Draft and consult on one new District of Rother Parking Places Order**

#### **Impact**

- This option will allow provision for all proposed changes in item (b) above within one document under one consultation process.
- The inclusion of the new payment methods and updated method of service for Notice to Pay Standard charges within the Order will leave the Council less open to legal challenge.
- The introduction of a new Order will provide a consistent management framework for all parking areas.
- This option would result in a cost to the Council of approximately £30,000 for new and revised signage and advertising. Members are advised that the costs could be met from earmarked reserves for car parks.

### **Conclusion**

13. Option a) is not recommended as it does not allow for the improvement of the management of amenity car parks. Nor will it allow for the introduction of charging on amenity car parks and some rural car parks which are currently free, should their use intensify with the introduction of Civil Parking Enforcement in 2020. The failure to include new payment methods and an updated method of service for Notice to Pay Standard charges within the Order may leave the Council open to legal challenge.
14. Option b) is not recommended because it is more efficient to introduce the proposed changes within one document. It is also felt that the 1983 Order, having been amended at least 12 times since its inception, is out-dated.
15. Option c) is the preferred approach in order to ensure the safe and secure management of the Councils parking spaces.
16. A new District of Rother Parking Places Order Schedule 2 , Appendix 2, which shows the updated list of car parks to be included in the new Parking Places Order and identifies those that are currently Amenity Open Space Parking Areas that will be brought into the new Order.
17. A list of car parks that have been devolved and so have been removed from the new Parking Places Order is shown in Appendix 1.

### **Recommendation**

18. Members are asked to recommend to Cabinet that option c) be approved and that Rother District Council draft and consult on a new District of Rother Parking Places Order (Off Street) to then inform a final Parking Places Order for Cabinet approval.

Malcolm Johnston  
Executive Director

**Risk Assessment Statement**

The respective risks associated with each option presented are included within the main body of the report.

# **CAR PARKS TO BE REMOVED FROM THE PARKING PLACES ORDER DUE TO DEVOLVEMENT**

<b>LOCATION</b>	<b>TYPE</b>	<b>DEVOLVEMENT TO</b>	<b>NOTES</b>
Catsfield	Car Park	Parish Council	Completed – July 2014
Rye Harbour	Car Park & PC	Parish Council	Completed – July 2016
Ticehurst	Car Park & PC	Parish Council	Completed – July 2015
Robertsbridge	Car Park & PC	Parish Council	Completed – 05/09/2018