

# REPORT TO CABINET

**REPORT OF:** Cllr Frances Cartwright – Economic Development

**REPORT NO:** AFM0082

**DATE:** 05<sup>th</sup> October 2009

<b>TITLE:</b>	<b>Addition to the South Kesteven District Council Off Street Parking Places Order 2002</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	YES	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	CLLR FRANCES CARTWRIGHT – ECONOMIC DEVELOPMENT	
<b>CONTACT OFFICER:</b>	L.Banner – Service Manager Asset and Facilities	
<b>INITIAL IMPACT ASSESSMENT:</b>	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
<b>Equality and Diversity</b>	N/A	N/A
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Local Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>		

## 1. RECOMMENDATIONS

It is recommended:

- That Cabinet approve the proposed South Kesteven District Council Off-Street Parking Places Order 2009, as attached to this report as the Appendix, for consultation and ;
- Provided no relevant objections are received, recommends to Council, the making of the Order set out in the Appendix.

## 2. PURPOSE OF THE REPORT/DECISION REQUIRED

This report outlines the proposals for making a new additional Off-Street Parking Places order 2009 relating to Grantham non-pay and display off-street parking, in addition to the 2002 order which covers pay and display car parks in Grantham, and Stamford. The purpose of the proposed order is to prevent the misuse of the Councils car parks in Grantham, which are not Pay and Display. South Kesteven District Council owns five parking areas outside the town centre: Arnofield, Wyndham Park, Dysart Park and two car parks on Trent Road being the Meres Leisure Centre and the Rose and Castle Public House, which will be subject to the new order. These parking areas are for the use of the public visiting the amenity. In recent times some users of these amenities have been unable to park due to other people trading goods and vehicles from these car parks. The introduction of a new Off Street Parking Places Order would give the Council the authority to stop such action by issuing a notice

prohibiting such use and removing vehicles which are left at the car parks for a period of time.

The Council has power to make a car parking order under the Road Traffic Regulation Act 1984. The process for making a new order requires extensive consultation and consideration of objections before any order can be ratified by Council.

This report contributes to the priority theme Quality Living and Quality Organisation.

### **3. DETAILS OF REPORT (SUMMARY – USE APPENDICES FOR DETAILED INFORMATION)**

It is recommended that the making of a new South Kesteven District Council Off-Street Parking Places Order will prevent use of non-pay and display car parks in Grantham for any other use other than time limited car parking. The order will mean that the land at Trent Road, Arnoldfield, Wyndham Park and Dysart Road can only be used as specified within the order, which includes not using a vehicle in connection with the sale of any article or vehicle; not sleeping, camping or cooking; not parking caravans, heavy goods vehicles or trailers and not making noise disturbance. These are just some of the impositions, that if breached will give the Council the right to take action. Such action will include removing the vehicle from the parking place and gaining access by the use of reasonable force.

### **4. OTHER OPTIONS CONSIDERED**

Other options considered and tried included the Police verbally communicating with the people misusing the car parks and written communication with the people involved. Despite both the options being carried out, there are still recurrent problems. Possession action against the vehicle owners selling their vehicle has also been taken; nevertheless, Possession action can only be taken against the registered owner. The registered owner is not the person operating the car sales. Once proceedings have been started the vehicle has been sold or moved from the Council land and different vehicles are put in their place. Possession action in respect of each vehicle will be costly and is not an effective remedy.

The DVLA have been contacted to pursue un-taxed vehicles. Although the DVLA have recently acquired powers to impound untaxed vehicles found both on and off the highway, they have been unable to take any action in respect of the car parks referred to in this report. In any event some of the vehicles being left on Council car parks are taxed.

### **5. RESOURCE IMPLICATIONS**

Full consultation will be carried out in the form of advertisement and notices to the public. The enforcement of any order made will have resource implications for the Council in respect of officer time, vehicle removal and storage costs. Although every effort will be made to pursue the vehicle owner for those costs. This cost recovery cannot be guaranteed.

### **6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA**

## **QUALITY)**

### **Risk**

The main risk to the Council is the health and safety implications, which are detailed below.

### **Health and Safety**

Considerations are taken into account regarding the health and safety of those imposing the order and all necessary risk assessments will be carried out.

### **Data Quality**

Every effort is undertaken to ensure rigid data quality checks are carried out.

## **7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

As referred to on page 1 of this report.

## **8. CRIME AND DISORDER IMPLICATIONS**

There are crime and disorder implications owing to the nature of the problem; however, these should be mitigated through the introduction of the new order.

## **9. COMMENTS OF SECTION 151 OFFICER**

The proposals contained in the report will enable the Council to undertake enforcement action where necessary as part of its car parking management responsibility. Any enforcement action will need to be undertaken within existing budgetary provision and should complement existing enforcement control measures on the pay and display car parks.

## **10. COMMENTS OF MONITORING OFFICER**

The matter of a new off-street car parking order was considered by the Communities Policy Development Committee at its meeting on the 14<sup>th</sup> May 2009. The Committee endorsed and recommended to Cabinet the making of the new order as detailed in this report. An issue relating to the use of Wyndham Park car park was raised in that Wyndham Nursery staff use the Council car park for staff parking. It is unlikely that the proposed order as drafted will affect that use.

The Council is unable to vary the existing 2002 order as it is not proposed to use the car parks referred to in the proposed order as pay and display car parks. The provisions of the proposed new order are, with the exception of the prohibition on sale of vehicles, contained in the existing order.

The proposed new order relates to non pay and display car parks in Grantham only and in no other town in the district.