

CABINET MEMBER FOR HIGHWAYS AND TRANSPORT – CLLR PHILIP WHITEHEAD

SUSTAINABLE TRANSPORT

OFFICER CONTACT: Robert Murphy Tel: 01225 713458
Email: robert.murphy@wiltshire.gov.uk

REFERENCE: HT-14-15

ON AND OFF-STREET PARKING TRAFFIC REGULATION ORDERS FOR WILTSHIRE

Purpose of Report

1. To:
 - (i) Consider objections to the advertised proposals for changes to the Traffic Regulation Orders (TROs) for applicable on-street parking and off-street car parks in Wiltshire.
 - (ii) Recommend the making of the Orders.

Relevance to the Council's Business Plan

2. The on and off-street parking TROs can help deliver many of the Business Plan outcomes that are relevant to the Wiltshire Local Transport Plan (LTP) Car Parking Strategy:

Outcome 1: Wiltshire has a thriving and growing local economy

- Support the local economy (e.g. by making it easy for shoppers and visitors to park)
- Improve journey time reliability for road users (e.g. by managing on-street parking facilities to reduce traffic conflicts and delays).

Outcome 3: Everyone in Wiltshire lives in a high quality environment

- Enhance the built and natural environment (e.g. by reducing the amount of land required for parking and by improving the look of streetscenes through the appropriate enforcement of parking contraventions).

Outcome 4: Wiltshire has inclusive communities where everyone can achieve their potential

- Provide access to key services and facilities for special needs groups and mobility impaired (e.g. by providing appropriate Blue Badge spaces).

Outcome 5: People in Wiltshire have healthy, active and high-quality lives

- Encourage the use of sustainable travel modes and reduce reliance on the private car (e.g. by setting parking charges at appropriate levels).

Outcome 6: People are as protected from harm as possible and feel safe

- Make Wiltshire a safer place (e.g. by ensuring that car parks are 'safer by design').

Background

3. A public consultation on the revised Wiltshire LTP Car Parking Strategy was carried out from 27 October 2014 to 19 January 2015 (this followed a pre-consultation with key stakeholders during April to June 2014). In total, 5,013 people and organisations responded to the public consultation by completing consultation questionnaires making some 14,000 individual comments. In addition, separate written submissions were received from a variety of individuals and organisations, and a petition for 'One hour free parking in Wiltshire Towns' was signed by 3,750 people (mostly located in the north of the county).
4. Cabinet considered the outcome of the review and public consultation at its meeting on 17 March 2015 which also allowed stakeholders and members of the public to make further comments on the proposals.
5. At its meeting, Cabinet resolved to approve the revised Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy including the following:
 - (i) Support the concept of setting parking charges on a car-park-by-car-park basis (as per Policy PS3 - Parking Charges [in the LTP Car Parking Strategy]) rather than on a 'banded' or Wiltshire wide approach (i.e. where all towns have the same charges).
 - (ii) Approve the recommended parking charges (Monday – Sunday) as set out in Appendix 9 [of the report to Cabinet] for implementation in 2015/16.
 - (iii) Agree that a full review of parking charges will be undertaken by the Council at approximately five year intervals based on the factors outlined in Policy PS3 and delegate authority to the Associate Director for Highways and Transport in consultation with the Cabinet Member for Highways and Transport to undertake any necessary annual interim reviews of parking charges at a car park or town level.
 - (iv) Note that over 5,000 individuals and organisations responded to, and took part in, the public consultation.
 - (v) Note the submission of a petition for 'One hour free parking in Wiltshire Towns' signed by 3,750 people but agreed that the issue of possible exemptions to charging, including first hour free parking, had been adequately covered in the review.
 - (vi) Support the approach to implementing new technologies as set out in paragraphs 18 to 24 [of the report to Cabinet].
 - (vii) Note that due to the volume of consultation responses received only the majority or main consultation points have been fully considered at this time; the analysis and consideration of more detailed points will be undertaken in liaison with town councils, BIDs and other interested parties during 2015/16.
 - (viii) Agree the revised proposed approach to season tickets and delegate authority to the Associate Director for Highways and Transport in consultation with the Cabinet Member for Highways and Transport to develop and implement the changes.

- (ix) Approve the submission of the identified car parks (including Market Place car park in Wilton) to a property asset review and delegate authority to the Associate Director for People and Business in consultation with the Cabinet Member for Highways and Transport and the Cabinet Member for Strategic Planning, Property, Waste and Strategic Housing, to negotiate and agree any resulting legal agreements.
 - (x) Approve the localism opportunities set out in paragraph 112 [of the report to Cabinet] and delegate authority to the Associate Director for Highways and Transport in consultation with the Cabinet Member for Highways and Transport, and with the advice of legal and property services, to negotiate and agree any resulting legal agreements.
 - (xi) Support the principle of studies being undertaken into coach parking, leisure centre parking, residents' parking zones, on-street waiting restriction reviews and parking enforcement, and delegate authority to the Associate Director for Highways and Transport in consultation with the Cabinet Member for Highways and Transport to develop and implement any changes.
 - (xii) Note the publication of revised Government parking guidance (see paragraph 138 [in the report to Cabinet]), approves a 15 minute grace period before the issuing of any penalty charge notice for both on-street and off-street parking places provided under traffic orders (where a ticket has been purchased and displayed), and delegate authority to the Associate Director for Highways and Transport in consultation with the Cabinet Member for Highways and Transport, to revise the Council's car parking strategy and parking management practices if necessary to accord with the revised guidance.
 - (xiii) Delegate authority to the Associate Director for Highways and Transport in consultation with the Cabinet Member for Highways and Transport, to finalise the strategy document for publication.
6. Full details on the consultation process and the rationale for the above resolutions are included in the Cabinet report 'Wiltshire Local Transport Plan 2011-2026 – Car Parking Strategy Review' dated 17 March 2015.
7. With regard to (xii) above, following an announcement on 6 March 2015, the Government introduced the requirement for a 10 minute grace period from 6 April 2015; the Council's 15 minute grace period was introduced on the same date.
8. As a result of Cabinet's resolutions, a full amendment process was required to be undertaken on the relevant TROs:
- Off-street TROs:
- The County of Wiltshire (Eastern Wiltshire) (Off Street Parking Places) Order 2015
 - The County of Wiltshire (Western Wiltshire) (Off Street Parking Places) Order 2015
 - The County of Wiltshire (Northern Wiltshire) (Off Street Parking Places) Order 2015
 - The County of Wiltshire (Southern Wiltshire) (Off Street Parking Places) Order 2015

On-street TROs:

- The County of Wiltshire (Malmesbury and Malmesbury Without) (Prohibition and Restriction of Waiting, Taxi Rank Clearways and On Street Parking) Consolidation Order 2010 (Amendment No.1) Order 2015
 - The County of Wiltshire (Marlborough in the District of Kennet) (Prohibition and Restriction of Waiting, Taxi Rank Clearways and On Street Parking) Consolidation Order 2006 (Amendment No.5) Order 2015
 - The County of Wiltshire (Salisbury) (Prohibition and Restriction of Waiting, Taxi Rank Clearways and On Street Parking) Consolidation Order 2013 (Amendment No.13) Order 2015
9. As part of the process of drafting the above TROs, a number of organisations were contacted regarding their legal interests in some of the car parks. As a result of this engagement, Sainsbury's Supermarkets Ltd did not agree to the proposed increase in the one hour charge at Sainsbury car park in Devizes from 55p to 60p. It should also be noted that the charges in those car parks included in the property asset review remain as current.
10. All the changes to the above TROs were advertised in accordance with the requirements of the Road Traffic Regulation Act 1984 and Traffic Management Act 2004. The associated public consultation exercise was undertaken on the amended TROs between 25 June and 20 July 2015.
11. In addition, the proposal to remove the pay machine in Sheep Street car park in Devizes and make it 'MiPermit only' was included in the relevant TRO site and press notices. While forming part of the public consultation on the LTP Car Parking Strategy, the proposals to remove the pay machines in Union Street car park in Melksham and Wood Street car park in Royal Wootton Bassett and make them 'MiPermit only' were omitted from the relevant TRO site and press notices.

Main Considerations for the Council

12. In total, 38 comments have been received in relation to the advertised TROs and the associated site and press notices: 32 from Devizes, two from Chippenham and one each from Melksham, Calne, Royal Wootton Bassett and Amesbury.
13. Full details of the comments received and officers' responses are provided in **Appendix 1**. Consideration needs to be given to all the comments received and a decision made on the way forward.
14. In terms of the comments from Devizes, these largely relate to three main issues:
- (i) Twenty six objected to the proposed removal of the pay machine and implementation of a 'MiPermit only' option in the Sheep Street car park.
 - (ii) Eleven objected to the proposed parking charges broadly suggesting that they will reduce the number of people shopping and visiting Devizes which will damage its retail environment.
 - (iii) Devizes Chamber of Commerce, Devizes Town Benchmarking Group and Devizes Town Council argued that the views submitted by stakeholders to the LTP Car Parking Strategy public consultation were largely if not entirely ignored by Wiltshire Council.

15. Given the above, if the proposals outlined in paragraph 11 above with regard to Union Street car park in Melksham and Wood Street car park in Royal Wootton Bassett had been included in the relevant TRO press and site notices, then it is likely that the number of comments received (i.e. in relation to all the advertised TROs) would have been significantly higher.
16. The Environment Select Committee considered the results of the public consultation on the advertised TROs at its meeting on 1 September 2015 and made the following resolutions:
 - (i) To request an update report be brought to the Environment Select Committee six months after commencement of the 'MiPermit only' trials.
 - (ii) To recommend that a suitable trial car park is identified and used within Salisbury.

Safeguarding Implications

17. Policy PS 12 'Improving access and use' in the LTP Car Parking Strategy includes the following:

The council will promote the convenient access to parking facilities in Wiltshire by ensuring that:

- *parking for disabled motorists (Blue Badge holders) is provided in line with recognised national guidance (as a minimum)*
- *where appropriate (e.g. at supermarkets and retail centres), provision is made for 'parent and child' spaces*
- *parking facilities are 'safer by design'.*

Public Health Implications

18. The draft revised LTP Car Parking Strategy was subject to a Strategic Environmental Assessment (SEA) which included consideration of a number of relevant public health topics. No significant effects were identified in the SEA Environmental Report. The SEA Environmental Report was subject to public consultation from 8 December 2014 to 19 January 2015.
19. A SEA Statement will be produced following the completion of the TRO process to show how the findings of the SEA and its associated consultation have been taken into account in the review of the LTP Car Parking Strategy.

Corporate Procurement Implications

20. Procurement implications in relation to possible pilot studies and current contracts, including cash collection, were set out in paragraphs 150 to 156 of the report to Cabinet on 17 March 2015.

Environmental and Climate Change Considerations

21. The draft revised LTP Car Parking Strategy was subject to a SEA which included consideration of a number of relevant environmental topics. No significant effects were identified in the SEA Environmental Report. The SEA Environmental Report was subject to public consultation from 8 December 2014 to 19 January 2015.

22. A SEA Statement will be produced following the completion of the TRO process to show how the findings of the SEA and its associated consultation have been taken into account in the review of the LTP Car Parking Strategy.

Equalities Impact of the Proposal

23. The draft revised LTP Car Parking Strategy was subject to an Equalities Analysis Evidence Document (EAED). The draft EAED was subject to public consultation from 8 December 2014 to 19 January 2015. A revised EAED was included in the report to Cabinet on 17 March 2015.
24. In terms of assessing the possible impacts and actions on each identified Protected Characteristic group, these are considered to be as follows:

Age:

- Issue: Young people and the elderly are more likely to be on low incomes and are therefore more likely to be adversely impacted by any higher parking charges.
- Action: The recommended parking charges have been based on a consideration of local economic, social and environmental circumstances relevant to individual car parks. As a result of more 'fine grained' approach, many parking charges have either been kept as current or reduced. Therefore, in most towns, there will be opportunities for people to take advantage of the same or lower parking charges in some car parks.
- Issue: Some elderly people may struggle with the introduction of new technologies (e.g. paying parking charges by mobile phone).
- Action: While this may be true in the short term, as the use of mobile phone technology increases across all age groups over time, this issue should diminish. Nevertheless, usage guidelines will be produced and placed on the Council's parking website, and consideration will be given to new signage providing user instructions in relevant car parks. Where it is proposed to make a car park 'MiPermit only', this will be subject to a review by the Council to assess issues such as mobile signal coverage, user profiles and pay machine accessibility.

Disability:

- Issue: Some pay and display machines may not be accessible to wheelchair users.
- Action: The Council's current pay and display machine suppliers offer wheelchair friendly alternatives although this may mean investing in updated terminals.
- Issue: Some disabled people may struggle with the introduction of new technologies (e.g. paying parking charges by mobile phone).
- Action: Information will be obtained from other local authorities where new technologies have already been installed and further information could be gained from technology providers to source 'Disabled Friendly' options if available. Where it is proposed to make a car park 'MiPermit only', this will be subject to a review by the Council to assess issues such as mobile signal coverage, user profiles and pay machine accessibility. Consultation with relevant disabled groups will also be considered.

- Issue: Surface maintenance of car parks could be an issue in terms of accessibility.
- Action: The Council undertakes a programme of routine maintenance inspections and works. In addition, all the Council's off-street car parks were reviewed in 2012 in line with the DfT's Traffic Advisory Leaflet 5/95 'Parking for Disabled People' and required improvements progressed as part of the routine maintenance works programme.
- Issue: The location and size of parking spaces may not meet the needs of disabled people.
- Action: All the Council's off-street car parks were reviewed in 2012 in line with the DfT's Traffic Advisory Leaflet 5/95 'Parking for Disabled People' and required improvements progressed as part of the routine maintenance works programme.

Other (including caring responsibilities, rurality, low income, military status, etc):

- Issue: People on low incomes are more likely to be adversely impacted by any higher parking charges.
- Action: The recommended parking charges have been based on a consideration of local economic, social and environmental circumstances relevant to individual car parks. As a result of more 'fine grained' approach, many parking charges have either been kept as current or reduced. Therefore, in most towns, there will be opportunities for people to take advantage of the same or lower parking charges in some car parks.
- Issue: People living in rural areas with little public transport and who therefore need to use a car to access shops and services in the towns, are more likely to be adversely impacted by any higher parking charges.
- Action: The recommended parking charges have been based on a consideration of local economic, social and environmental circumstances relevant to individual car parks. As a result of more 'fine grained' approach, many parking charges have either been kept as current or reduced. Therefore, in most towns, there will be opportunities for people to take advantage of the same or lower parking charges in some car parks.
- Issue: Increased parking charges may have some influence on reducing the numbers of people accessing local towns and businesses (i.e. increased charges may result in people not visiting certain areas so often).
- Action: The recommended parking charges have been based on a consideration of local economic, social and environmental circumstances relevant to individual car parks. As a result of more 'fine grained' approach, many parking charges have either been kept as current or reduced. Therefore, in most towns, there will be opportunities for people to take advantage of the same or lower parking charges in some car parks.

25. The revised LTP Car Parking Strategy includes a number of policies and paragraphs relevant to equality issues. In particular, 'Policy PS12 – Improving access and use' sets out the following:

The council will promote the convenient access to parking facilities in Wiltshire by ensuring that:

- *parking for disabled motorists (Blue Badge holders) is provided in line with recognised national guidance (as a minimum)*
- *where appropriate (e.g. at supermarkets and retail centres), provision is made for 'parent and child' spaces*

- *parking facilities are clearly signed and that good levels of information on the location and availability of parking is provided*
- *facilities are available for cashless payments by mobile phone, telephone or online*
- *parking facilities are 'safer by design'*
- *facilities for service vehicles or those delivering goods are, as far as possible, segregated to avoid conflict and their use as overflow car parking areas.*

Risk Assessment

26. This section highlights the key risks and proposed management of those risks associated with the proposals in this report.

Risks that may arise if the proposed decision and related work is not taken

- Parking charges do not reflect local circumstances which may result in adverse economic, social and/or environmental impacts.
- Significant reputational impact following an extensive consultation exercise.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

Risk	Action to mitigate the risk
Increased trips to those car parks and towns with free or reduced parking charges.	The proposed charges are based on an analysis of local circumstances.
Increased traffic, congestion and delays particularly in the 'Principal Settlements' of Chippenham, Salisbury and Trowbridge as a result of reduced or unchanged parking charges.	Transport strategies and plans may need to be based more on a 'predict and provide' approach rather than a 'demand management' approach.
Reduced parking revenues due to changes in charges.	Analysis of ticket sales post implementation of revised charges to identify trend. Parking Services to manage any shortfall through budgetary control.
Parking demand is dispersed onto neighbouring streets.	Town reviews are to be undertaken following implementation in line with a prioritised programme.
Significant objections received to the proposed trial implementation of the 'MiPermit only' payment system in identified car parks.	Advanced notification of the trial is provided to car park users and the relevant town councils and area boards. Parking Services consider the results of the trial and any objections received before considering making the 'MiPermit only' option permanent.

Financial Implications

27. The proposed parking charges as detailed in advertised TROs have been assessed to understand their likely impact on the on and off-street pay and display income and this was set out in the report to Cabinet on 17 March 2015.
28. There are associated costs with the TROs for implementing the revised charges. Using experience from the previous revision of parking charges, these are estimated at around c. £0.015 - £0.020 million and cover the advertisement cost of the TROs and updating machines and signage for the new charges. These costs will be funded through Parking Services budget.

Legal Implications

29. Any significant change to either car parking charges or the terms and conditions applicable to car parks requires the processing of a TRO under the Road Traffic Regulation Act 1984 ('the 1984 Act') and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. In deciding whether or not to make a TRO, and exercising any of their powers under the 1984 Act, the Council also has a duty to (having regard to the matters specified in s.122 (2)) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. The matters referred to in s.122 (2) are; the desirability of securing and maintaining reasonable access to premises; the effect on the amenities of any locality affected; the importance of regulating and restricting the use of roads by heavy commercial vehicles; the national air quality strategy; facilitating the passage of public service vehicles including the safety and convenience of persons using public service vehicles and any other matters the Council considers to be relevant. Failure to adhere to any of the statutory processes could potentially result in the proposed changes being successfully challenged in the High Court. The making of a TRO includes a statutory public consultation process over a period of 21 days to permit responses including any objections to be made and considered before a decision is made.
30. For these purposes, a significant change would include:
- (i) Imposing a charge where one did not previously exist.
 - (ii) Introducing free parking areas into a charging car park.
 - (iii) Changing the class of vehicle permitted to use a car park.
31. Failure to adhere to the statutory processes could potentially result in:
- (i) The new charges being successfully challenged in the High Court resulting in loss of income and/or loss of reputation for the Council, together with additional legal costs.
 - (ii) Delay arising from the Council being unable to increase the charges on the anticipated implementation date of November 2015.

Options Considered

32. To:
- (i) Implement the proposals as advertised.
 - (ii) Not implement the proposals.
 - (iii) Implement the proposals with amendments.

Reasons for Proposal

33. It is considered that the responses provided in **Appendix 1** adequately address the objections and comments made.
34. Despite the objections and comments received, it is considered that a trial to make Sheep Street car park in Devizes 'MiPermit only' should be implemented. At the same time, a similar trial should be implemented at both Union Street car park in Melksham and Wood Street car park in Royal Wootton Bassett to help improve the robustness of the trial findings. Parking Services would consider the results of the trial and any objections received before considering making the 'MiPermit only' option permanent.

35. To respond to the resolution of the Environment Select Committee at its meeting on 1 September 2015 to include a suitable car park in Salisbury in the 'MiPermit only' trial.
36. To satisfy the requirements of the decision of Cabinet at its meeting on 17 March 2015.

Proposal

37. That:
 - (i) The Traffic Regulation Orders be implemented as advertised.
 - (ii) A trial implementing 'MiPermit only' in Sheep Street car park in Devizes, Union Street car park in Melksham and Wood Street car park in Royal Wootton Bassett is progressed by Parking Services and that car park users and the relevant town councils and area boards are notified accordingly.
 - (iii) Parking Services seeks to identify a suitable car park in Salisbury to include in the 'MiPermit only' trial and if required, notify car park users, Salisbury City Council and the Salisbury Area Board accordingly.
 - (iv) Those people and organisations who made objections and comments be informed of this decision.
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The following unpublished documents have been relied on in the preparation of this Report:

None