

## **PORTFOLIO HOLDER – ENVIRONMENT & TRANSPORT**

<b>DATE</b>	13 February 2023
<b>REPORT OF</b>	Councillor Stewart Swinburn, Portfolio Holder for Environment and Transport
<b>RESPONSIBLE OFFICER</b>	Carolina Borgstrom, Director for Economy, Environment and Infrastructure
<b>SUBJECT</b>	The North East Lincolnshire Borough Council (Off-Street Parking Places) Order 2022 (Amendment No.1 2023) to support the Garibaldi Street Car Park conversion and Community Asset Transfer.
<b>STATUS</b>	Open
<b>FORWARD PLAN REF NO.</b>	GENERAL EXCEPTION. Not included on the Forward Plan therefore, to be considered under the General Exception provisions of the Constitution.

### **CONTRIBUTION TO OUR AIMS**

A borough wide Parking Strategy directly supports both the Council's priorities of a "stronger local economy" and "stronger communities" by ensuring that there is an effective and equitable approach to both on and off-street parking.

Access to high quality green space is associated with better population health outcomes and wellbeing. NELC has set 5 strategic outcomes for our place. This includes investing in our future: 'All people in North East Lincolnshire benefit from a green economy and high-quality environment.'

This project aligns with NEL Outcomes frameworks, LIVES, Council Plan and the Natural Asset Plan.

This report presents an approach to the decision to support the Garibaldi Street Car Park conversion and Community Asset Transfer.

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek an amendment to the North East Lincolnshire Borough Council Off Street Parking Places Order 2022, to support the Levelling Up funded project of Garibaldi Street community growing garden, to accommodate the adjustments to the car park boundary and change of use of part of Garibaldi Street car park to a community garden.

Environmental services are progressing the change of the car park, through the Community Asset Transfer (CAT) process, the detail of the changes to the boundary and layout of the car park are shown in Appendix 1. There are no proposed changes to the schedule of tariffs, times and charges, or conditions of use set out in the North

East Lincolnshire Borough Council Off Street Parking Places order 2022 in Garibaldi Street car park as part of the proposed amendments.

The existing car park has one hundred and one chargeable spaces. Ten of these are designated accessible parking spaces which are free of charge. The proposal would see seventy chargeable spaces and ten accessible parking spaces being available in the proposed new design for the Garibaldi car park.

## **RECOMMENDATIONS**

It is recommended that the Portfolio Holder

1. Supports the proposal to create a community growing garden within part of Garibaldi Street Car Park.
2. Approves the proposed amendment to the boundary of Garibaldi Street car park for the part conversion of use to a community garden and the Community Asset Transfer.
3. Approves the commencement of 'The North East Lincolnshire Borough Council (Off-Street Parking Places) Order 2022 (Amendment No.1 2023)' for consultation in accordance with statutory requirements. Exercising its powers under Sections 32, 35, and Part IV of Schedule 9 to the Road Traffic Act 1984 (as amended) ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act.
4. Subject to no objections being received, the Portfolio Holder approves the making of the Parking Places Order, as detailed in attached appendices.
5. In the event that there are unresolved objections to the Order, these are referred back to the Portfolio Holder for determination and decision as to whether or not the Parking Places Order be confirmed.

## **REASONS FOR DECISION**

On 1st August 2022, NELC was notified by Department for Levelling Up, Communities and Housing (DLUCH) that we were eligible for funding under the national Levelling up parks fund. The funding is in the form of a direct award to NELC of £85,000, under powers set out in Section 31 of the Local Government Act 2003. The award letter and accompanying Levelling up Parks prospectus sets out how the funding can be used and the expected geographical location for any funded projects.

Garibaldi Street car park is bordered by St Andrews Church, Salvation Army and Rock foundation. Salvation Army has recently invested in a community training kitchen and both St Andrews Church and Rock foundation are involved in food bank activities.

Environmental Services has been approached by a number of community organisations including Salvation Army, Fisherman's Mission and Rock Foundation.

The community organisations proposal is for the voluntary sector to take on part of Garibaldi Street Car Park to use for community gardening and a family picnic space. Produce grown would support foodbanks and a training kitchen. Community groups would further provide training in basic gardening skills to encourage people to grow their own healthy food. In return for assistance with funding to set the space up, the community groups propose to take on a lease, via the CAT process, for the area and take on maintenance and cleaning of the new community park.

## **1. BACKGROUND AND ISSUES**

- 1.1 Garibaldi Street Car Park is an underutilised Council car park, the car park suffers from issues with littering and fly tipping.
- 1.2 The plan in Appendix 1 shows a proposed design for the new community garden, using approximately 50% of the area of Garibaldi Street Car Park.
- 1.3 Garibaldi Street car park has one hundred and one chargeable spaces. Ten of these are designated accessible parking spaces which are free of charge. Based on available spaces per day/month, so far, this financial year, the utilisation does not rise higher than 2%. The parking revenue figures for Garibaldi Street are extremely low in comparison to most other car parks.
  - 2020/2021- £3,834.68
  - 2021/2022- £1,455.16
  - 2022/2023 £1,320.50 (April to August). So far averaging around £264 a month, which if continues would give an outturn revenue figure of £3,168.
- 1.4 The car park is used both for short stay and all day customers.
- 1.5 Considering the very low utilisation of the car park, the car parking space could be reduced by 50% without any impact on car parking availability for current customer or car parking income.

## **2. RISKS AND OPPORTUNITIES**

- 2.1 A decision to support the Garibaldi Street Car Park conversion would further require approval via the CAT process, following the normal governance process. A pre-planning application has been submitted and advice has been received, a planning application has also now been submitted.
- 2.2 Improving access to green space responds to the need and wishes of local communities. Green spaces can bring people together, creating community cohesion and improving the health and wellbeing of a community through opportunities for recreation, exercise, social interaction, community food growing and gardening.

## **3. OTHER OPTIONS CONSIDERED**

- 3.1. Do nothing – To not progress with the amendment Order would not reflect the change of use to the car park.

#### **4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

- 4.1. The amendment Order will be formally advertised in accordance with legislation. A public notice will be published in the local press and erected in the relevant Off-Street Parking Place to give advice on the Council's intention to make any order. This provides an opportunity for anyone to engage with the making of the order. Process is designed to ensure transparency for the approval and subsequent publication of the North East Lincolnshire Borough Council (Off-Street Parking Places) Order 2022 (Amendment No.1 2023).
- 4.2. Communication regarding the progress and delivery of any order will be through:
- Publication of the relevant public notices in the local press and in all relevant parking places
  - Portfolio Holder updates
  - Email to Ward Councillors and Town/Parish Councils on commencement of each stage of the process
- 4.3. There is a potential negative reputational risk for the Council if objections to a Traffic Regulation Order (TRO) are received. Should this occur objections are referred back to the Portfolio Holder for determination.

#### **5. FINANCIAL CONSIDERATIONS**

The cost of advertising any new order would be covered through the Council's partnership arrangement with Equans.

#### **6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS**

The community growing garden project would bring future investments by community groups and enable upskilling children and young adults.

#### **7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

Community growing improves the environment.

#### **8. CONSULTATION WITH SCRUTINY**

No consultation with Scrutiny has taken place regarding the proposed changes to the boundary of the car park.

#### **9. FINANCIAL IMPLICATIONS**

- 9.1. The proposal to create a community growing garden within part of Garibaldi Street Car Park will improve access to green spaces and responds to the need and wishes of local communities. As the car park is currently underutilised, the reduction in available car parking space is not anticipated to have any detrimental effect on car parking income achieved.
- 9.2. The cost of advertising any new order would be covered through the Council's partnership arrangement with Equans.

## **10. LEGAL IMPLICATIONS**

- 10.1. Under Section 32 Road Traffic Regulation Act 1984 traffic authorities are empowered to make Traffic Regulation Orders (TROs) for (inter alia) the reasons set out at the beginning of this report.
- 10.2. The procedure for making TROs is set out in Schedule 9 Part III of the 1984 Act and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and provides for advertisement and consideration of any objections before making a final decision on the proposed TRO.
- 10.3. Regulation 8 makes provision for objections and regulation 14 allows the Council to modify a TRO before it is made.
- 10.4. If it is decided to make the TRO notwithstanding any objections, once made the order can only be challenged by Judicial Review in the Administrative Court.

## **11. HUMAN RESOURCES IMPLICATIONS**

There are no direct HR implications

## **12. WARD IMPLICATIONS**

The proposals affect the East Marsh ward.

## **13. BACKGROUND PAPERS**

Levelling Up Fund Service Statement – Garibaldi Car Park & Albion Open Space (NELC 0280)

## **14. CONTACT OFFICER(S)**

Carolina Borgstrom, Director for Economy, Environment and Infrastructure  
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- 14.1. Paul Thorpe, Operations Director, Equans  
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**COUNCILLOR STEWART SWINBURN**

**PORTFOLIO HOLDER FOR ENVIRONMENT AND TRANSPORT**

## Appendix 1



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 <b>Working in partnership</b> New Oxford House, George Street, Grimsby, North East Lincolnshire, DN31 1HB Tel: 01472 313131		PROJECT		Off-Street Parking Places Car Park Location	
		TITLE		20 Garibaldi Street Grimsby	
CLIENT		DRAWN	JT	APPROVED	FILE NAME
		FILE REF.		DATE	DRAWING No.
		ORIGINAL SIZE	A4 (210 x 297)	SCALE	NTS
NORTH EAST LINCOLNSHIRE COUNCIL		OffStreet-2023-20			