

PORTFOLIO HOLDER – ENVIRONMENT & TRANSPORT

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| DATE | 13 February 2023 |
| REPORT OF | Councillor Stewart Swinburn, Portfolio Holder for Environment and Transport |
| RESPONSIBLE OFFICER | Carolina Borgstrom, Director for Economy, Environment and Infrastructure |
| SUBJECT | Introduction of a two-hour waiting restriction – Church Lane, Humberston car park |
| STATUS | Open |
| FORWARD PLAN REF NO. | PHET 08/22/03 |

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.

The Council has clear ambitions for the economic growth of North East Lincolnshire as set out in its Economic Strategy and Local Plan. Sustainable transport is integral to this, and the use of private vehicles is one option, which is part of the transport mix.

This report and the appendices present an approach to the engagement which has taken place with the public, local businesses, data gathered on site, and the results of an online engagement survey, alongside a drop in session.

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for an amendment to the North East Lincolnshire Borough Council Off Street Parking Places Order 2022, to implement a two hour waiting restriction in the Church Lane, car park Humberston.

To follow with consultation in accordance with statutory requirements and proceed with the making of the amendment Order for Church Lane car park if no objections are received.

Appendix 1 – Details of a data gathering exercise which took place on Church Lane car park during two dates in September and October 2022.

Appendix 2 – Online survey results for Church Lane car park, Humberston.

Appendix 3 – The North East Lincolnshire Borough Council (Off-Street Parking Places) Order 2022 (Amendment No.3 2023).

RECOMMENDATIONS

It is recommended that the Portfolio Holder

1. Approves the proposed implementation of a two hour waiting restriction on Church Lane car park, Humberston.
2. Approves the commencement of 'The North East Lincolnshire Borough Council (Off-Street Parking Places) Order 2022 (Amendment No.3 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 power and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act.
3. Subject to no objections being received, the Portfolio Holder approves the making of the Parking Places Order, as detailed in attached appendices.
4. 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

There was a request from Ward Members to propose a time restriction on Church Lane car park. The perceived view was that the car park was being occupied all day by nearby school workers.

1. BACKGROUND AND ISSUES

- 1.1 Informal public consultation took place for three weeks in February and March 2020, which included the proposal for a two-hour waiting restriction on Church Lane car park. The proposal would see a restriction placed on the car park between 9am and 6pm, Monday to Friday, allowing cars to park for a maximum of two hours.
- 1.2 Feedback from the informal consultation was in favour of the proposal to introduce a two hour parking restriction in Church Lane car park. Responses below.

| Church Lane | Number of Responses | |
|---------------------|---------------------|--------|
| Yes | 123 | 29.57% |
| No | 56 | 13.46% |
| Not Sure/No Opinion | 237 | 56.97% |

- 1.3 Due to time passed since the last consultation, new engagement has taken place, along with statistics obtained on two occasions by enumerators on site.
- 1.4 Stage 1 pre-engagement commenced 17th November 2022 and remained open until the Stage 2 formal engagement commenced on 4th January 2023, ending

on 16th January 2023. Letters to surrounding businesses were sent out asking for feedback on the proposals and an online survey was created to capture the feedback from the formal engagement.

- 1.5 The overall outcome from the recent engagement concerning Church Lane car park, was positive towards the implementation of the proposed two hour waiting restriction.

Would a two hour maximum parking restriction in Church Lane car park affect your business and customers?

| Number of Responses | | |
|---------------------|---|--------|
| Yes | 1 | 12.50% |
| No | 7 | 87.50% |

Do you feel the car park is currently operating satisfactory without any parking restrictions?

| Number of Responses | | |
|---------------------|---|--------|
| Yes | 1 | 25.00% |
| No | 3 | 75.00% |

2. RISKS AND OPPORTUNITIES

- 2.1 The legal process involved in making Orders requires that a formal consultation process be undertaken to allow stakeholders to express their views towards the proposal. Should the correct procedures for formal consultation not be adhered to, those consulted upon may have the right of appeal through application to the High Court.
- 2.2 There is a risk of displacement of vehicles onto nearby residential streets.
- 2.3 A waiting restriction in a car park can only be effectively enforced by the presence of a free parking ticket obtained from a ticket machine for two hours or a cashless service, alongside an amendment of the Off Street Parking Place Order. The proposed parking restrictions can then be enforced under the Council's Civil Parking Enforcement (CPE) powers.
- 2.4 The legal Order would be amended to reflect the restriction at Church Lane car park and the signage can be placed in the car park to advise customers that the car park is subject to a two hour waiting restriction between the stated hours. A ticket machine could be relocated from the Market Hall car park and installed from the start of the restriction being operational or just the signage alone could be placed initially, without enforcement to monitor if this is being adhered to.
- 2.5 There is an opportunity to enforce the whole of the car park, for any misuse of the two accessible parking bays and any vehicle parked outside of a bay, causing an obstruction.

- 2.6 There is a risk to the local business, library and church that if enforcement were to take place that Penalty Charge Notices (PCNs) maybe issued for not obtaining and displaying a free parking ticket, overstaying the two hour restriction or misuse of the accessible bays. This may result in negative publicity.
- 2.7 It is recommended that if the proposed restriction is to go ahead on Church Lane car park, that a six month monitoring period will take place once the restriction is operational, to understand the impact of the change in use of the car park upon the surrounding streets. This will then help shape a scheme that will provide the correct type of restriction and the define the area required to be covered. Lessening the visual impact upon residents and their visitors.
- 2.8 It is evident that the church are having issues with hearses/wedding cars being able to park on Church Lane. This can be remedied by providing a bay 'For authorised Vehicles Only' along the same manner as that outside the town hall for the Major's vehicle. The legal Order would exempt the hearse, the funeral cortege vehicle and wedding cortege vehicles and provide a painted bay at a suitable length to accommodate two vehicle lengths of a standard size hearse. This enables enforcement of any other vehicle found to be parked in the bay.

3. OTHER OPTIONS CONSIDERED

Do nothing – leave the car park as it is currently operating.

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.3 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 where a resolution is not possible. Should this occur the Portfolio Holder will resolve.

5. FINANCIAL CONSIDERATIONS

- 5.1. The cost of advertising any new order are covered through the Council's Regeneration Partnership arrangement with Equans.

- 5.2. A relocated ticket machine could be installed in Church Lane car park, a small charge for new software would be applicable and a survey would need to be undertaken to establish if there was a suitable location for a mains machine to be installed. Alternatively, a new solar ticket machine could be purchased. A new information sign would be required and additional funding to pay for these activities.
- 5.3. If enforcement was required, then this could have an effect on resources.
- 5.4. Any financial surpluses as a result of revenue from PCNs must be used for the purposes set out in section 55 of the Road Traffic Regulation Act 1984 (as amended).

6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

The proposal has no implications for children and young people.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

The proposal is not expected to impact on climate change.

7. CONSULTATION WITH SCRUTINY

The proposal was presented as a requirement for further consultation at the Economy Scrutiny Panel on January 4.

8. FINANCIAL IMPLICATIONS

- 8.1 The advertising of public notices associated with the proposals will be met through the Council's Regeneration Partnership arrangement with Equans.
- 8.2 If the restriction is implemented, it is proposed that a six month monitoring period will take place once the restriction is operational, to understand the impact of the change in use of the car park and help shape a scheme that will provide the correct type of restriction. The installation of new signage, and potentially a ticket machine, will result in additional costs being incurred by the council.

9. LEGAL IMPLICATIONS

- 9.1 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.
- 9.2 The procedure for making TROs is set out in Schedule 9 Part 111 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.
- 9.3 Regulation 8 makes provision for objections and regulation 14 allows the Council to modify a TRO before it is made.
- 9.4 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.

10. HUMAN RESOURCES IMPLICATIONS

There are no direct HR implications.

11. WARD IMPLICATIONS

The proposal affects the Humberston Ward.

12. BACKGROUND PAPERS

Cabinet March 9, 2022, Forward Plan reference CB 02/220/08.
Portfolio Holder Environment and Transport, March 21, 2022, General Exception.

13. CONTACT OFFICER(S)

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COUNCILLOR STEWART SWINBURN

PORTFOLIO HOLDER FOR ENVIRONMENT AND TRANSPORT

Appendix 1 – Details of the data gathering exercise

Church Lane car park, Humberston

Based on the enumeration exercise, between 9am and 4pm, we have found that the car park is full 38% of the time. This affects, on average, 19 car users each day who leave the car park unable to find a space.

The statistics below demonstrate the duration of vehicles parked in the car park on these days.

September date:

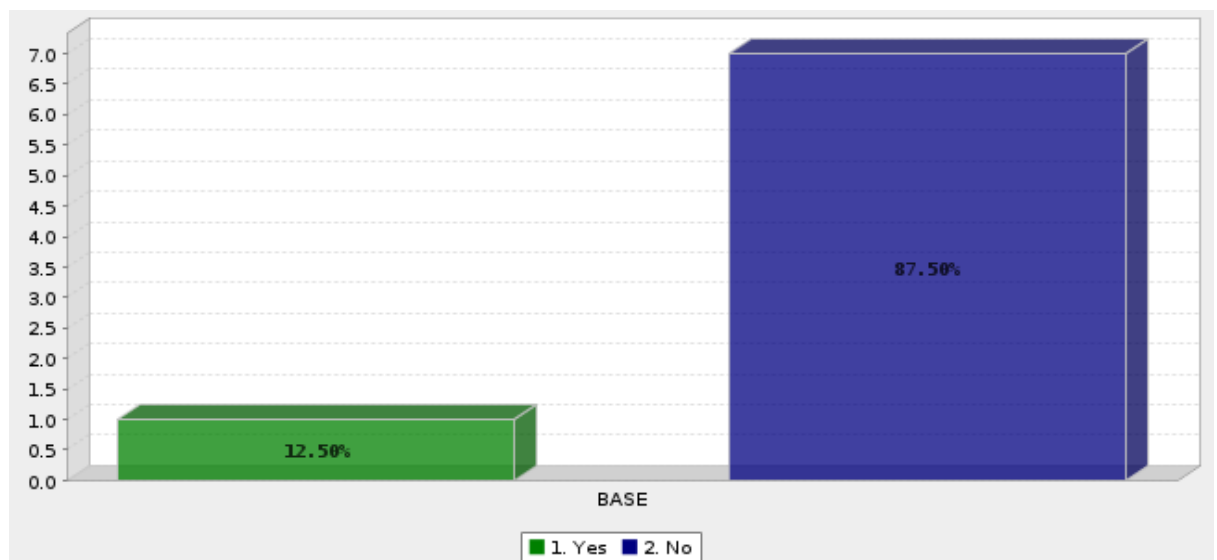
- 60% less than two hours
- 2% more than two hours and less than four hours
- 38% more than four hours

October date:

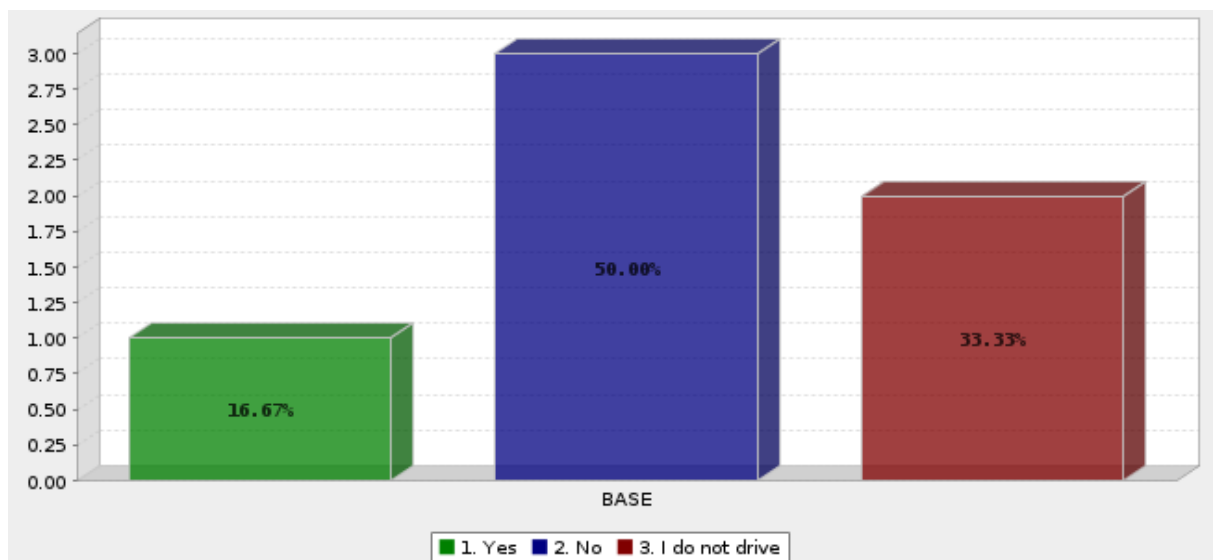
- 90% less than two hours
- 4% than two hours and less than four hours
- 6% more than four hours

Appendix 2 - Church Lane car park, Humberston survey results

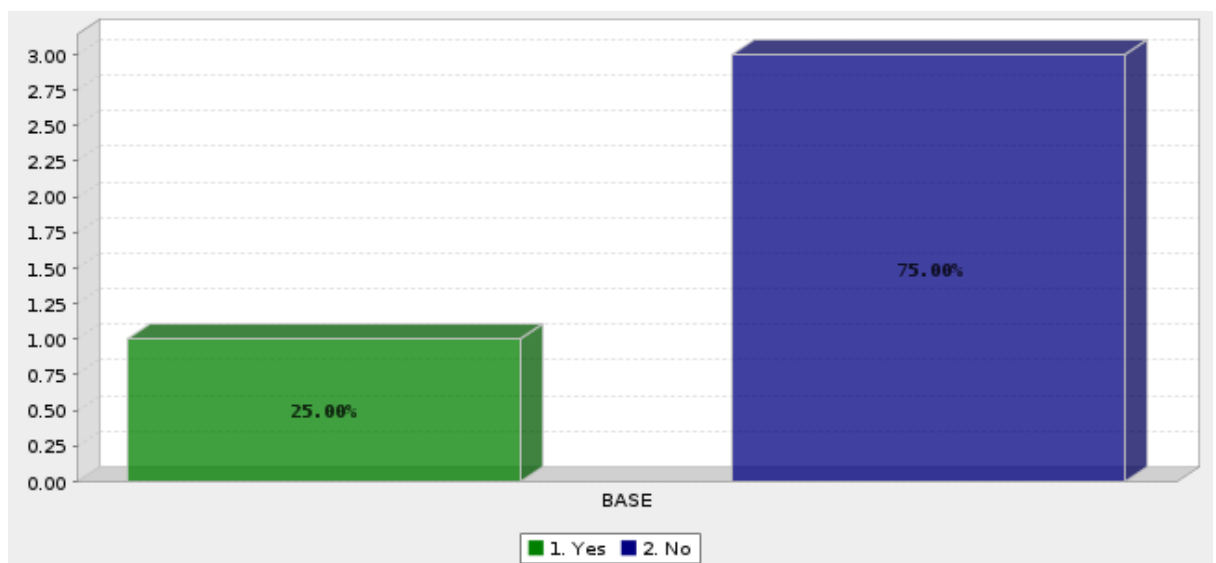
Q1. Would a two hour maximum parking restriction in Church Lane car park affect your business and customers?



Q2. If a parking time restriction was imposed, would you drive to your place of business and seek alternative parking?



Q3. The proposed restriction intends to improve the efficiency and overall use of Church Lane Car Park for staff and customers of local businesses and facilities. Do you feel the car park is currently operating satisfactory without any parking restrictions?



Q4. Please provide any feedback relating to the current operation of Church Lane car park with currently no restrictions.

No problem envisaged

Too many all day parker's from school teachers

Appendix 3 –The North East Lincolnshire Borough Council (Off-Street Parking Places) Order 2022 (Amendment No.3 2023)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--|--|---|--|-----------------|---|---|--|
| NAME OF PARKING PLACE | CLASSES OF VEHICLE | POSITION IN WHICH VEHICLE MAY WAIT | DAYS AND HOURS OF OPERATION OF PARKING PLACE | CHARGING PERIOD | MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT | PARKING CHARGES | SCALE OF CHARGES AS SHOWN IN SCHEDULE 4.1, 4.2 and 4.3 |
| 09 Church Lane, Humberston | Motor Vehicles licensed as private or private/light goods, vehicles not exceeding 2.5 tons in weight and or two metres in height, Camper Vans, solo motorcycles, and Disabled Person's Vehicles. No Caravans, Motor Caravans or Quad Bikes permitted. | Within one of the Parking Bays indicated by surface markings and clear of the driveways, entrances and exits. | Monday to Sunday inclusive. | Not Applicable. | Up to two hours maximum stay in one calendar day per vehicle - Monday to Friday 9am to 6pm All day - Saturday, Sundays and Bank Holidays. | Free Period - Up to 2 hours £0.00* *Validated with Voucher obtained from a Ticket Machine. | Not Applicable |