

Council Report

Ward(s) affected: Clandon & Horsley

Report of Director of Finance

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E-Petition: New Parking Restrictions at Kingston Meadows Car Park, East Horsley

Executive Summary

In January 2018, the Executive approved a proposal to extend parking restrictions to Council-owned parks, including Kingston Meadows Car Park in East Horsley. These measures were taken to improve access to parking for local clubs and societies and users of the park's facilities.

On 8 July 2019, an e-petition was launched on the Council's website requesting the Council to "immediately suspend" the 'no return same day' restriction at Kingston Meadows. This petition received in excess of 500 signatures and under the Council's adopted Petition Scheme requires the Council to debate the matter raised by the e-petition and to indicate to the e-petition organiser what action, if any, the Council proposes to take in response.

Recommendation to Council:

Councillors are asked to debate the subject matter of a petition and to indicate to the petition organiser what action the Council intends to take.

Reason for Recommendation:

To comply with the requirements of the Council's adopted Petition Scheme.

1. Purpose of Report

- 1.1 The purpose of this report is to inform the Council of the receipt on 8 July 2019 of an e-petition following the introduction of off-street car parking restrictions by the Council at Kingston Meadows Car Park in East Horsley. The e-petition attracted

549 e-signatories at the time the agenda for this meeting was published. The petition states as follows:

“We the undersigned petition Guildford Borough Council to immediately suspend the Kingston Meadows Car Park 'no return same day' restriction, which is unfairly restricting genuine users of the Medical Practice, East Horsley Village Hall and Kingston Meadows Park from using these facilities in the manner for which they were intended. These new restrictions are causing unnecessary hardship to individuals, young families, surgery patients, U3A, Wheel of Care and other local interest groups.”

- 1.2 The petition organiser’s supporting statement accompanying the e-petition reads as follows:

“We believe that further consultation is needed between GBC, EHPC, WHPC and local interest groups to determine a suitable and proportionate parking order that prevents commuters from using the car park, whilst simultaneously ensuring that the needs and interests of local residents are met.”

- 1.3 Under the terms of our adopted petition scheme, the Council is invited to consider and respond to the petition.

2. Strategic Priorities

- 2.1 Formal consideration by the full Council of proposals contained in a petition is consistent with the Council’s desire to be open and accountable to its residents and to deliver improvements and enable change across the Borough.

3. Background

The Council’s Petition Scheme

- 3.1 The Council’s adopted petition scheme provides that where a petition contains more than 500 signatures, it will be referred to full Council for debate. The Council will decide how to respond to the petition at the meeting.
- 3.2 The petition scheme states that our response will depend on what a petition asks for, but may include one or more of the following:
- taking the action requested in the petition
 - considering the petition at a meeting of the Council or Executive
 - holding an inquiry into the matter
 - holding a public meeting
 - holding a meeting with petitioners or the petition organiser
 - undertaking research into the matter
 - writing to the petition organiser setting out the Council’s views about the request in the petition
 - referring the petition to the Council’s Overview and Scrutiny Committee for consideration

Procedure for dealing with the petition at the meeting

- 3.3 Under the Council's petition scheme, the petition organiser, or a person appointed on their behalf, is entitled to a period of up to five minutes to speak to the subject matter of the petition at the meeting. Councillors will have an opportunity to ask questions of the petition organiser (or their spokesperson) before the formal debate on the petition.
- 3.4 In accordance with the rules of debate in Council Procedure Rule 15 (a), at the start of the debate, a motion as to how the Council should respond to the petition should be moved formally and seconded in the usual way. Any such motion may be subject to amendment. The motion will be set out on the Order Paper, which will be circulated on the day of the meeting.
- 3.5 After the debate and before a final decision or vote is taken on the Council's response to the petition, the petition organiser will be granted a right of reply for a further period of up to five minutes.
- 3.6 Councillors' comments during the debate shall not exceed five minutes in length, although the proposer of the motion will have up to ten minutes.

4. New Parking Restrictions at Kingston Meadows Car Park

- 4.1 At its meeting on 23 January 2018, the Executive agreed as part of its consideration of the Parking Business Plan for 2018, to advertise an amendment to the Off Street Parking Order to propose a four hour maximum stay in the Kingston Meadows car park, East Horsley to apply Monday to Sunday between 6am and 8pm, with permits being available to local clubs and societies who need to use the car park, so they can stay longer without charge.
- 4.2 In a report on the Off-Street Parking Business Plan 2019-20 considered on 22 January 2019, the Executive noted the following by way of an update:

"4.7 Parking in Parks

The Parks and Countryside Service operate a number of car parks. Increasingly, however, these are being used by commuters, students and those meeting coaches. These uses reduce access for users of the parks including clubs that are based there.

Proposals to introduce controls were drafted and a consultation exercise was undertaken. As a result, the proposals have been amended and the process to introduce controls has commenced.

The changes will include new pay and display machines where appropriate. A parking order will be made 14 days prior to the order coming into effect and responses will be sent out to all those that responded to the consultation. A public notice will be published in the local press as well as on the Council's website. These changes are planned to come into effect in early 2019."

The Traffic Regulation Order (TRO)

- 4.3 The purpose of making a TRO on park car parks was to allow users, including tenants and visitors to the parks, to have ongoing access to on-site parking:
1. to stop or restrict all day parking in order to prevent or limit the blocking of spaces to enable use by park users
 2. to enable clubs and groups that are tenants to deliver their activities successfully, for example bowls
 3. to prevent abuse of the car parks from commuters and other groups to enable the legitimate use of the park
 4. to safeguard disabled parking spaces for disabled users.
- 4.4 Following a statutory process that included public consultation, the TRO¹ introducing a time limit of four hours free parking at Kingston Meadows Car Park between the hours of 6am to 6pm (no return) came into force on 28 May 2019. The consultation included emailing all tenants located on the park. We reviewed over 90 representations from the consultation, which included consultation on proposed parking restrictions at other parks in the Borough, none of which objected to, or even referred to, the “no return” element.

No return

- 4.5 To prevent repeat free periods and thus parking all day, the no return provision was included. This was noted on the appendix maps within the set of documentation for the TRO (and consultation). Paragraph 5.8 of the report on the Parking Business Plan 2018-19, which was agreed by the Executive on 23 January 2018, states ‘Each car would be restricted to one session per day.’

Permits

- 4.6 Permits were issued as follows:

Season permits that expire December 2020:

- Medical Practice x 27
- Central Health Surrey x 3
- Parish Council x 9
- Kingston Meadows nursery on site for staff and parents x 34
- Kingston Meadows village hall (self-printed day permits)

Complaints

- 4.7 In addition to the e-petition, the Council has received 31 complaints. Those complaints have largely concerned the ‘no return’ restriction with an emphasis on the need for access to local facilities more than once in a day including, the village hall and services run therein, the doctors’ surgery and healthcare services, local shops and recreational facilities.

¹ The Guildford Off-Street Parking Places (Amendment) (No. 5) Order 2019

- 4.8 In this correspondence some businesses/services have confirmed that they use the site for staff car parking. The NHS (District Nurses) use the park car park for staff parking for the site they occupy in the village, which does not have its own parking. Staff at the local pharmacy have raised the same problem as on-street parking in the village also has restricted time. They cannot park for the hours they need to work in one parking space and have to move cars around sites. There is a lack of all-day parking serving the shops and facilities of the village. The views of the Chairman of Trustees of East Horsley Village Hall are set out in a letter to the Leader of the Council at **Appendix 1** to this report.
- 4.9 In response to these complaints, and recognising some unintended impacts on some park visitors, we committed to undertaking a review of the parking order as part of the Parking Business Plan due in January 2020 with a view to potentially changing the Order. We also referred residents to the online petitions. Unfortunately, legal advice confirmed that no changes to the Order could be made without re-running the statutory process. There was therefore not an option to address the concerns in a quick way.

5. Key Issues for the Council to consider in its response to the e-petition

- 1) Consider the overarching policy for the car parks. In 2019, the policy was to protect the car park for parks users and its tenant(s). Councillors may wish to consider a policy that extends use of the car park to the wider community.
- 2) Whether charges should be used to support the enforcement required. Currently we have tried to limit any charging to keep our parks free to use and use 'no return' to control all day parking. Some options for a changed control would necessitate the need for some charging.
- 3) Resource implications for any future controls – short stay ticketing is resource intensive.

6. Consultations

- 6.1 A consultation was undertaken prior to a TRO being made and a public notice was published in the local press as well as on the Council's website. Public notices were also posted on lampposts within the car park. Prior to this, discussions were held with East Horsley Parish Council and the matter discussed at their parish council meetings.

7. Equality and Diversity Implications

- 7.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies.
- 7.2 This duty has been considered in the context of this report and it has been concluded that there are no equality and diversity implications arising directly from this report.

- 7.3 No Equality Impact assessments (EIA) have been conducted in relation to the subject matter raised by the petition.

8 Financial Implications

- 8.1 There are no direct financial implications arising from this report; however, councillors will be advised as to any financial implications should a change of policy direction be determined.
- 8.2 The cost of installing a ticket machine (see options 3 (c), and (d) below) is approximately £5,000.

9. Legal Implications

- 9.1 There are no legal implications arising from this report, although constitutionally under the Council's petition scheme, the Council is obliged due to the number of signatories to this e-petition to debate the issues raised therein and to pass a resolution in response.
- 9.2 As the off-street parking management function is an executive function, any response from the Council would require the matter to be referred to the Executive for a final decision.
- 9.3 Any change to the parking arrangements set out in the TRO will require the Council to undertake the statutory process of amending the TRO. The process includes publicising the proposed amendments, consulting on them for a minimum of six weeks and considering any objections before taking a final decision.

10. Human Resource Implications

- 10.1 Creating a new TRO is resource demanding and took 12 months from the publication of the notice of the intention to make an Order to the publication of the notice that the Order was in place. It is anticipated that a re-run of the process may attract a larger response to the consultation. Parks and Countryside Services would manage the process in consultation with Parking Services. Re running the consultation process will mean other work and projects will have to be rescheduled to accommodate the work required such as the Council's plans for playground improvements.

11. Summary of Options

- 11.1 In debating the e-petition, the Council may consider asking the Executive to agree any one of the following options:
- (1) keep the TRO in place and review as part of the annual parking business plan for 2020-21. This takes place in January 2020;
 - (2) temporarily cease enforcement of the TRO and review as part of the annual parking business plan;

- (3) temporarily cease enforcement of the TRO and commence the process of making a new TRO as soon as possible for one of the sub-options listed below, all of which will require commencing the statutory process for a new TRO again.

Maintaining the car park for park visitors:

- (a) Change the time the TRO applies from 6am to 6pm seven days a week to between 10 am and 4pm (providing additional flexibility for dropping off, dog walking and drop off at the nursery) and limit it to weekdays only. This would include no return between the new applicable times. No ticket machine would be required but it would still restrict the ability of users to visit on multiple occasions during the hours of control (albeit to a lesser extent than at present).

Making the car park available for community use:

- (b) Revoke the TRO (and return to allowing all day free parking to all), except for the enforcement of anti-social parking, through a new TRO. This will be unpopular with some tenants on the park, such as the village hall.
- (c) Implement a charging regime, weekdays only, and remove no return from the TRO. This could be along the lines of 50 pence to £1 per hour between the times of 9am to 3pm, making an all day stay cost up to £6. This option would provide some all-day parking for the village, but at a cost (less than the car park for the station that is currently £7.38 per day on a weekly ticket). It would be free to park and visit the shops after 3pm or any of the park facilities and also before 9am for nursery drop off and early dog walks. New signage and a ticket machine would need to be installed.
- (d) Maintain the four hours free but allow further charged for hours. Remove the no return from the TRO along with weekends and bank holidays. Alter the start time from 6am to 9am (to allow early dog walks, for example). Motorists will be required to display a ticket at all times even during the free period. The ticket machines will only allow one free period a day, after that a charge will apply. This allows multiple returns at any time of the day, free either during the free period or by adding paid for hours. Charges could be on an hourly basis for increased flexibility. The need to display a ticket would restrict commuter and other all-day parking prior to 9am as the machines can be programmed to print tickets from this time only. After 9am, motorists could park the remainder of the day, but there would be a charge to do so.

12. Conclusion

- 12.1 The Council should debate the matter raised by the petition as set out in the Petition Scheme and agree a way forward.

13. Background Papers

- Off-Street Parking Business Plan 2018, Executive, 23 January 2018
- Off-Street Parking Business Plan 2019-20, Executive, 22 January 2019

14. Appendices

Appendix 1: Letter addressed to the Leader of the Council from the Chairman of the Board of Trustees of East Horsley Village Hall CIO