

Executive Report

Ward(s) affected: Clandon & Horsley

Report of Director of Finance

Author: John Armstrong

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Lead Councillors responsible: David Goodwin / Pauline Searle

Tel: 01483 824616 / 01483 825424

Email: david.goodwin@guildford.gov.uk / pauline.searle@guildford.gov.uk

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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, in particular the village hall, 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.

The Council considered the matter at its meeting held on 8 October 2019, and its recommendation to the Executive is set out below.

Recommendation to Executive:

That the Executive be requested to consider the following:

- (1) To ask officers to review the parking order through the statutory Traffic Regulation Order (TRO) process as soon as practicable
- (2) To agree that the existing TRO remains in place until it is replaced
- (3) To implement a parking control that safeguards the use of the car park for park users
- (4) To agree that a revised control considers the following parameters:

- (a) removal of the no return element;
- (b) one free period of 4 hours each day per visitor within the hours of control (including allowing returns at no charge within the free period) and the ability to charge for additional hours for any time in excess of the free period or for any separate parking event outside of the free period in the same day;
- (c) restrictions that apply Monday to Friday (not at weekends and bank holidays); and
- (d) enforcement times of 9am to 6pm

with the final TRO to be issued for consultation being agreed by the Director of Environment, in consultation with the Lead Councillor for Countryside, Rural Life, and the Arts and the Lead Councillor for Waste, Licensing, and Parking.

Reason for Recommendation:

To comply with the requirements of the Council's adopted Petition Scheme, by approving action to be taken in response to the e-petition received in respect of this matter.

1. Purpose of Report

- 1.1 The purpose of this report is to ask the Executive to determine action to be taken in response to the e-petition received on 8 July 2019 following the introduction of off-street car parking restrictions by the Council at Kingston Meadows Car Park in East Horsley. The e-petition, which attracted 549 e-signatories, called on the 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 As the e-petition attracted over 500 e-signatories, the matter was referred to full Council for debate and to agree a response.

2. Strategic Priorities

- 2.1 Formal consideration by the full Council of proposals contained in a petition, and determination by the Executive of action to be taken 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

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 This e-petition was referred for debate to the Council meeting held on 8 October 2019. At that meeting, the Lead Councillor for Waste, Licensing, and Parking proposed the following motion in response to the e-petition:

"That the Council's response to the e-petition is as follows:

That the Executive be requested to consider the following:

- (1) To ask officers to review the parking order through the statutory Traffic Regulation Order (TRO) process as soon as practicable
- (2) To agree that the existing TRO remains in place until it is replaced
- (3) To implement a parking control that safeguards the use of the car park for park users
- (4) To agree that a revised control considers the following parameters:
 - (a) removal of the no return element;
 - (b) one free period of 4 hours each day per visitor within the hours of control (including allowing returns at no charge within the free period) and the ability to charge for additional hours for any time in excess of the free period or for any separate parking event outside of the free period in the same day;
 - (c) restrictions that apply Monday to Friday (not at weekends and bank holidays); and
 - (d) enforcement times of 9am to 6pm

with the final TRO to be issued for consultation being agreed by the Director of Environment, in consultation with the Lead Councillor for Countryside, Rural Life, and the Arts and the Lead Councillor for Waste, Licensing, and Parking."

3.3 Following the debate, the Council formally adopted the motion. The Executive is now asked to consider the action recommended by Council.

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 introduced a time limit of four hours free parking at Kingston Meadows Car Park between the hours of 6am to 6pm (no return) which 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.’

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

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.

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 that the Council took into consideration in its response to the e-petition

- 1) Consideration of 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 Option D (iii) and (iv) below) is approximately £5,000.

9. Legal Implications

- 9.1 As the off-street parking management function is an executive function, the response from the Council required the matter to be referred to the Executive for a final decision. Notwithstanding the recommendation from the Council, the Executive has discretion to take such action it deems appropriate provided it has the legal powers to do so and any budgetary provision necessary to implement such action.
- 9.2 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 period of 21 days 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 and Legal Services. Re-running the consultation process may mean other work and projects will have to be rescheduled to accommodate the work required such as the Council's plans for playground improvements.
- 10.2 The Executive is asked to note that if it is considered necessary to conduct further consultation in respect of making changes to the parking restrictions at both Kingston Meadows Car Park and the Sutherland Memorial Park Car Park, officers strongly suggest that, in the interests of efficiency and keeping costs to a minimum, these take place concurrently as one consultation process.
- 10.3 The motion carried at the Council meeting in respect of the Kingston Meadows Car Park recommended that the review of the parking order through the statutory Traffic Regulation Order (TRO) process be carried out "as soon as practicable", whilst the motion in respect of the Sutherland Memorial Park Car Park recommended that the review be undertaken "as part of the annual parking business plan".

11. Summary of Options

11.1 Option A

To agree to take the action recommended by the Council on 8 October 2019:

- (1) To ask officers to review the parking order through the statutory Traffic Regulation Order (TRO) process as soon as practicable
- (2) To agree that the existing TRO remains in place until it is replaced
- (3) To implement a parking control that safeguards the use of the car park for park users
- (4) To agree that a revised control considers the following parameters:
 - (a) removal of the no return element;
 - (b) one free period of 4 hours each day per visitor within the hours of control (including allowing returns at no charge within the free period) and the ability to charge for additional hours for any time in excess of the free period or for any separate parking event outside of the free period in the same day;
 - (c) restrictions that apply Monday to Friday (not at weekends and bank holidays); and
 - (d) enforcement times of 9am to 6pm

with the final TRO to be issued for consultation being agreed by the Director of Environment, in consultation with the Lead Councillor for Countryside, Rural Life, and the Arts and the Lead Councillor for Waste, Licensing, and Parking."

The Executive has discretion to amend elements of the Council's recommendation. Alternatively, the Executive may wish to consider any one of the following further options, or variations thereof:

Option B

Keep the TRO in place and review as part of the annual parking business plan for 2020-21. This takes place in January 2020.

Option C

Temporarily cease enforcement of the TRO and review as part of the annual parking business plan.

Option D

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:

- (i) 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:

- (ii) 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.
- (iii) 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.
- (iv) 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 Executive is asked to consider the e-petition and the Council's recommendation, approved at its meeting on 8 October 2019, and agree such action in response as it deems appropriate. The e-petition organiser, Susan Murray, has been invited to attend the Executive meeting and, if she so wishes, to address the meeting.

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