

Executive Report

Ward(s) affected: Burpham

Report of Director of Finance

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Date: 22 October 2019

## **E-Petition: New Parking Restrictions at Sutherland Memorial Park car park, Burpham**

### **Executive Summary**

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

On 22 July 2019, an e-petition was launched on the Council's website requesting the Council to remove the new parking charges and restrictions at Sutherland Memorial Park car park. 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 proposal:

To temporarily cease enforcement of the Traffic Regulation Order (TRO) at Sutherland Memorial Park Car Park and undertake a review as part of the annual parking business plan, such review to include consideration of options based on upon the following:

**Maintaining the car park for park visitors:**

- (a) Maintain the restrictions in the current TRO with the exception of removing the no return and replacing it with display of a valid ticket.

**Making the car park available for community use:**

- (b) Revoke the Order (and return to allowing all day free parking to all), except for the enforcement of anti-social parking, through a new TRO.
- (c) Change the time the order applies from 6am to 5pm weekdays to between 10 am and 5pm, maintaining five hours free (providing time for dropping off, dog walking and additional visits later in the day), as well as unlimited visits after 5pm. The no return would be removed and changed to display of a ticket. This would still restrict motorists from parking all day prior to when the ticket machine issues tickets (10am) and charges would apply to park beyond the five-hour free period.

**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 22 July 2019 following the introduction of off-street car parking restrictions by the Council at Sutherland Memorial Park car park in Burpham. The e-petition, which attracted 546 e-signatories, called on the Council

*"To remove the newly introduced parking charges and "no return same day" restrictions at Sutherland Memorial Park, Burpham."*

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

*"The parking at Sutherland Memorial Park has been used for many years by parents of the local primary school as a parking area to enable them to drop off and collect their children without having to use the heavily congested Burpham Lane.*

*Following the introduction of the "no return same day" parking restrictions at the car park, it is no longer possible to use the car park for both drop-offs and pick-ups without paying the full £9 parking fee.*

*The restrictions are therefore expected to lead to an increase in the volume of cars driving down Burpham Lane directly to the school as people seek to avoid these charges. This increase in traffic is expected to pose a much higher risk of injury to those children that cycle or walk to the school, as well as cause a decrease in air quality in the immediate area.*

*Additionally, the parking has also historically been used by the staff at Burpham Primary School due to there being limited onsite parking, and the newly introduced restrictions will therefore lead to an increased financial burden on some of the staff that work there. The school currently enjoys an “Outstanding” overall Ofsted grade, and anything that impacts upon the school’s ability to attract or retain staff could potentially jeopardise this achievement.*

*It is feared that the impact of the newly introduced parking restrictions will therefore be detrimental to the Burpham community and will adversely affect the younger members of the community the most.*

*This petition has been created with the aim of requesting that the Council consider the wider impact of the current restrictions on the Burpham community and remove the newly introduced restrictions and charges.”*

- 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, a motion setting out a suggested response to the e-petition proposed by the Lead Councillor for Waste, Licensing and Parking was not supported by the Council. An alternative motion was proposed by Councillor George Potter as follows:

“That the Council’s response to the e-petition is as follows:

That the Executive be requested to consider the following proposal:

To temporarily cease enforcement of the Traffic Regulation Order (TRO) at Sutherland Memorial Park Car Park and undertake a review as part of the annual parking business plan, such review to include consideration of options based on upon the following:

### **Maintaining the car park for park visitors:**

- (a) Maintain the restrictions in the current TRO with the exception of removing the no return and replacing it with display of a valid ticket.

### **Making the car park available for community use:**

- (b) Revoke the Order (and return to allowing all day free parking to all), except for the enforcement of anti-social parking, through a new TRO.
- (c) Change the time the order applies from 6am to 5pm weekdays to between 10 am and 5pm, maintaining five hours free (providing time for dropping off, dog walking and additional visits later in the day), as well as unlimited visits after 5pm. The no return would be removed and changed to display of a ticket. This would still restrict motorists from parking all day prior to when the ticket machine issues tickets (10am) and charges would apply to park beyond the five-hour free period.”

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

#### **4. New Parking Restrictions at Sutherland Memorial 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 Sutherland Memorial Park car park 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 TRO<sup>1</sup> introduced a time limit of five hours free parking followed by a charge of £5 for up to 7 hours and £9 for over 7 hours at Sutherland Memorial Park between the hours of 6am to 5pm weekdays only (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.’

#### Permits

- 4.6 Season permits that expire December 2020 were issued as follows:

- SMP Amenities Club x 5
- Bowls Club x 6
- Sunshine nursery x6
- Sunshine Nursery Parents x 24
- Peter Rabbit Nursery x 5
- Peter Rabbit Parents x 25
- GBC SMP Based Staff x 1

#### Complaints

- 4.7 In addition to the e-petition, the Council has received nine complaints. Those complaints have reflected the concerns of the e-petition including the ‘no return’ restriction with an emphasis on picking up and dropping off at the nursery and the school, anticipating issues of congestion and safeguarding. Complaints have also noted an increased cost for those who park whilst working at the school and ‘over-paying’ for local residents’ short-term use.
- 4.8 Some representations have been received with regard to the use by Burpham Primary School and the dependence of the school for using the site as a park and stride. In total, ten emails objecting to the impact of the Order, primarily the no return aspect, have been received since enforcement began.

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

- 4.9 Burpham Bowling Club state that the no return restriction of access would be detrimental to the social wellbeing of many of its members, for whom the club is a social focus. If the no return restriction must remain, the Club has asked for an exemption for all club members by increasing the allocated number of annual parking permits, and an allocation of visitor permits for visiting teams/players.

## **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 different 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.
- 4) Burpham Primary School has also relied on Sutherland Memorial Park to facilitate park and stride to school by including it in its travel plan. The Local Planning Authority objected to this inclusion when granting a previous planning consent to the school requesting that Surrey County Council review and change the travel plan, however the use continues. In addition the adopted Burpham Local Neighbourhood Plan has the following policy

### ***Policy: B-AT 3: School Parking***

*Provision for all-day parking by staff and pupils at all schools is strongly supported. Onsite parking should be provided and drop off and pickup zones should be away from the school entrance to avoid congestion.*

It is important that we do not introduce contradictory policies to sustainable school travel, as well as our own objectives in regard of air quality and sustainable travel.

## **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 within the car park.

## **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.

## **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. 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.
- 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 Sutherland Memorial Park Car Park and the Kingston Meadows 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 Sutherland Memorial Park Car Park recommended that the review be undertaken "as part of the annual parking business plan", whilst the motion in respect of the Kingston Meadows Car Park recommended that officers review the parking order through the statutory Traffic Regulation Order (TRO) process "as soon as practicable".

## 11. Summary of Options

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

To temporarily cease enforcement of the Traffic Regulation Order (TRO) at Sutherland Memorial Park Car Park and undertake a review as part of the annual parking business plan, such review to include consideration of options based on upon the following:

### **Maintaining the car park for park visitors:**

- (a) Maintain the restrictions in the current TRO with the exception of removing the no return and replacing it with display of a valid ticket.

### **Making the car park available for community use:**

- (b) Revoke the Order (and return to allowing all day free parking to all), except for the enforcement of anti-social parking, through a new TRO.
- (c) Change the time the order applies from 6am to 5pm weekdays to between 10 am and 5pm, maintaining five hours free (providing time for dropping off, dog walking and additional visits later in the day), as well as unlimited visits after 5pm. The no return would be removed and changed to display of a ticket. This would still restrict motorists from parking all day prior to when the ticket machine issues tickets (10am) and charges would apply to park beyond the five-hour free period.”

The Executive has discretion to amend elements of the Council’s recommendation.

11.2 Alternatively, the Executive may wish to consider other options.

## 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, Richard Smee, has been invited to attend the Executive meeting and, if he 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

None.