

Decision under Delegated Powers
To approve the replacement of the Off-Street Parking Places Order 2014
(Order No1 2017) with a new consolidated order

Officers Requesting Decision

Car Parks and Civil Enforcement Manager

Officer Making the Decision

Head of Regulatory Services

Decision

1. To approve the replacement of Borough of Charnwood Off-Street Parking Places Order 2014 and Amendment Order No. 1 2017 with a new consolidated order
2. To include the following amendments in a replacement Borough of Charnwood Off-Street Parking Places Order 2022:
 - a) Reference to the Traffic Management Act 2004 and 2007 Regulations to be replaced with Traffic Management Act 2004 and 2022 Regulations
 - b) To remove article 44B from the off street Parking Places Order 2014 – Amendment Order no.1 2017. The article to be removed states that “Where an electric vehicle uses a Charge Point, the Council will not levy any charge for the electricity used”
 - c) To include ‘virtual’ permits and pay by telephone options for potential future operations mainly in pay and display car parks
3. Revoke the Charnwood Borough Council (Southfield Offices Staff Car Park Loughborough & Southfield Offices Visitors car park) (provision of public parking) Experimental Order 2021 including the schedule of charges and amendments.
 Revert to Off Street Parking Places Order 2014 (variation 1 – 2017) or the proposed replacement Parking Places Order 2022 (subject to approval, implementation and authorisation)
4. To expand the discounted parking season tickets to include all users of the car parks including visitors, businesses, contractors and residents and make available on a flexible basis over 7 days a week

Reasons

1. A replacement Parking Places Order is required to incorporate past changes and the new amendments listed thereby giving transparency and clarity to the order.
2. Amendments to be included:
 - a) To incorporate the updated Regulations 2022 for the Traffic Management Act, thereby ensuring the car park is legally operated
 - b) Remove the statement in the PPO regarding electricity charges to the public to ensure all costs to the Council can be collected from the public
 - c) To include virtual and phone payment options to the PPO, thereby opening potential alternative payment methods for the public
3. Revoke the ‘Experimental Order’ on Southfields Offices to allow the car park operation to return to that before the NHS vaccination hub was on site
4. Discounted Season Tickets restrictions on sale are relaxed to allow more discounted sales to customer groups

Authority for Decision

The Head of Regulatory Services under The Council's Constitution (Nov 2021), section 8, Scheme of Delegation to Officers Page: 8-27, Street Management, bullet points 5 to 8:

5. *To provide, manage and maintain the Council's off-street car parks and, in consultation with the Head of Paid Service, to manage staff car parking arrangements.*
6. *To make amendments to Parking Place Orders, issue notices under section 35C of the Road Traffic Regulation Act 1984 and collect carparking fees and issue fixed penalty notices in accordance with those orders.*
7. *To use car parking promotions as an operational tool to encourage car users to park in Council town centre car parks when it is considered beneficial to the town and the Council.*
8. *To undertake all civil parking enforcement functions in respect of onstreet parking.*

Decision and Date

Background

1. Replacement of the 2014 Parking Places Order with a new consolidated order:
The current replacement Parking Places Order was introduced in 2014 following several previous amendments. There were further amendments made to the replacement order in 2017.

Given the number of amendments for 2022, it is proposed to incorporate all the amendments into a consolidated, replacement order. This will give much more clarity and transparency for the public

2. Amendments to be included in the replacement Parking Places Order

- a) Traffic and Parking Regulations

Central Government is introducing new legislation relating to parking and moving traffic. The introduction of new legislation for moving traffic and the existing legislation which is written in the Traffic Management Act 2004 and 2007 Regulations will be consolidated into a new replacement Regulation: the Traffic Management Act 2022. This will take effect from 00:00 on 31 May 2022.

“The regulations giving effect to these powers were laid in Parliament on 27th January. In making these powers available, the legislative opportunity has also been taken to consolidate, under the 2004 Act, the existing civil enforcement regimes for bus lane contraventions (outside London currently under 2005 regulations made under the Transport Act 2000) together with parking contraventions (England-wide currently under 2007 regulations made under the 2004 Act). Creating a cohesive civil enforcement regime will remove numerous inconsistencies which inherently arose due to the disparate enabling legislation, enabling more efficient regime administration.”

DFT – TMA 2004 part 6 February 2022 Advice Note

The legislation will not make any changes to the way the Council operates or enforces parking regulations. However, the Council is required to amend any stationery or Legal Notices which refer to the Traffic Management Act Regulations 2007 as detailed in the table below:

1. Existing regulations:	2. To be replaced with:
The Civil Enforcement of Parking Contraventions (England) General Regulations 2007	The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007	
The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007	
The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007	The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022
The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007	Any such reference must remain unchanged

Charnwood Borough Council's off-street Parking Places Order 2014 with amendments in 2017 will need to be further amended to update the new Traffic Management Act 1984 Regulations 2022 as detailed in the table. Failure to amend the regulations will mean enforcement of the car park restrictions will not be legally possible

Parking penalty stationery will be updated by our partners Leicestershire County Council.

b) Remove article 44B from the off street Parking Places Order 2014 – charging for 'electricity used'.

The amended PPO in 2017 allowed for enforcement action to be taken should non-electric vehicles park in the bays. However, there was also a paragraph stating that the Council would not take any charges for the 'electricity used' by a driver or owner of a vehicle. This paragraph unnecessarily restricts the Council in how it applies charges to a driver using an Electric Vehicle Charge Point. While most of the charges are collected by a third party supplier, the Council wishes to secure options for any electricity used.

It is, therefore felt necessary for this sentence (or paragraph) to be amended to allow the Council to recoup any energy used to fuel private vehicles. and reasonable costs for provision of service

c) Amendment for 'virtual' permits and pay by telephone options

Virtual permits and telephone payment options are widely used in Pay and Display car parks. The Council does not currently offer phone payment options or 'virtual' permits because these options do not suit our main 'Pay on Foot' car parks i.e. Beehive and Granby Street. However, if the Council is to look at alternative payment options and extend permit schemes, especially in the pay and display car parks, then an amendment is required to incorporate 'virtual permits'.

The current (2014) PPO details payment options and physical tickets or permits which need to be displayed in a vehicle. Therefore, non-physical parking tickets are not covered by the PPO.

This amendment for virtual permits and phone payment options will give future options for the customer without further amendments to the Parking Places Order.

The Outwoods car park might be particularly suitable for phone payment options. The amendment would allow this option to be considered.

3. Revoke the Experimental Order on Southfields Offices car park and re-instate the Parking Places Order and schedule from 2017:

In February 2020 the Council supported the national COVID vaccination campaign by using the offices as a hub for the NHS. It was agreed to offer 2 hours free parking to the members of public who came to the site to get a vaccine. This meant an 'emergency' change to the Parking Places Order to amend the schedule. Emergency / experimental orders can only be used for a maximum time of 18 months after which the amendments must be revoked or formally added to the Parking Places Order.

The NHS have now vacated the Council Office site. Therefore, there is no longer a requirement for free parking for people being vaccinated. Also, there are more staff returning to offices. This is not only CBC staff but other partner permit holders such as: Capita, Glebe House, Citizens Advice, LCC etc...

With the changes to working practices there are fewer staff in the Council offices on a daily basis. Therefore, more staff permits for Southfields can be made available which in turn will free up spaces in Beehive car park to support Town Centre shopping and visitors.

It is timely that the Southfields Office car park reverts to its former operation of permits for staff and partner organisations and pay and display for evenings and weekends. There may also be opportunities to extend season tickets or permits to external customers. (e.g. residents).

The 'customer' section near reception will remain 2 hours free parking during the daytime (as in the original order).

4. Expanding the discounted season tickets:

For many years the Council has supported markets, local businesses and shops by offering a 10 week season ticket at a reduced rate of 20% on the full price equivalent. The season ticket applies Monday to Friday, daytimes only. The season ticket is not available to residents. The scheme was initially set up as a local business only concession following lobbying to Council from the Town Chamber of Commerce i.e. pre-BID. At that time, the Council did not authorise other users to access the discounted permits and as such residents have been required to pay the full daily parking tariffs.

The expansion of the discounted season ticket scheme would open up the permits to more users – not just businesses and building contractors. In particular, residents in the town centre who would require the permits for the whole week not just Monday to Friday.

As well as, opening up the discounted permit to visitors and residents, more flexibility is proposed for the time periods offered to applicants. For example, a '3 day a week' or weekend discount permit could be offered to support part-time workers and workers who may work from home a couple of days a week.

The current season tickets are discounted by 20% of the daily equivalent for a 10 week period (season). The discounted permits are £240 pounds instead of the daily equivalent of £300. Currently, there is not a big demand for the 20% discount permits by businesses, partly because of the new ways of working since COVID – many offices have not returned to the traditional 5 day a week, 9 to 5 office.

The vast majority of car park ticket sales and therefore income, are anticipated to remain as daily users but a more flexible approach to season permits will give more sales opportunities for this segment.

The current system for season ticket sales is admin intensive and difficult to manage and control. In order to sell more discounted permits, the current process will need to be updated and reviewed. In particular self-filled application forms and direct debit payments or internet card payments will improve the efficiency of the scheme.

If the system for issuing season tickets is to be modernised and made more efficient, then a third party software supplier may be required.

The two types of parking operation will likely require different set ups for pay and display sites and pay on foot (barrier) car parks. Offering season ticket permits which can be used by individuals in both types of car park may prove unfeasible.

It is not recommended that season permits are offered for Granby Street car park as this is the busiest and most popular site especially for shoppers. The car park goes full on a daily basis.

For Beehive multi-storey, where there is usually space, there are a range of technological options from the current, admin intensive system, to ANPR (Automatic Number Plate Recognition). ANPR would require a capital outlay and approval through the Capital programme but would be more efficient by automating some of the processes.

For pay and display car parks (Southfields Office, Southfields ext and Browns Lane) “virtual permits” should be feasible. This is where payment is taken on-line and vehicle reg no.s are logged on a supplier software. The wardens can use their existing handheld computers to check whether a vehicle has a valid ‘virtual’ permit

There would be an estimated £1,000 set up fee for a software provider to create the web portal and Direct Debit or card payment procedures. On-going costs for admin for permits are charged as a small admin fee by the provider to the customer.

A virtual permit system for pay and display car parks would require a small amount of admin but it is envisaged as being more self-sufficient i.e. the customer does the form filling and Direct Debit set up for automatic payment and a third party supplier will process the virtual permits. There is little admin involvement required other than reconciling payments.

Financial Implications

Parking Places Order advertisement and notification

The process of advertising and replacing the Parking Places Order involves a consultation process which includes advertising in the local paper. This will be approximately £1,200 for each advert. A minimum of two adverts are required: i) The notification of proposal; ii) The Making of the Order

Total one off cost approx.	£2,000 - £2,500
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Existing budgets codes will be used to cover these costs.

The costs above include the amendments for electric vehicles and virtual permits

Southfields offices - revocation of the experimental order:

As part of their lease agreement the NHS were paying approximately, £1,000 per month for parking for their staff. This has now stopped and there is no income for the Southfields offices car park.

Removing the experimental order which supported the COVID vaccination programme and returning to the original tariffs and operation would bring in a small income from Pay and Display at evenings and weekends with some costs for cash collection and processing.

The budget is still in place for 22/23 is based on pre-COVID pay and display tariffs. Service pressures may be required for reduced public town centre use in all car parks but for this delegated decision the cost is neutral.

[Not associated with this delegated decision but the Council staff and Capita permits are also now free and this has reduced the income at Southfields offices by a total of £11,000 – permanent service pressures will be required]

Season tickets

There are no immediate changes to the budgets predicted with this delegated decision.

A permit scheme would offer more opportunities for sales and promotions in the future. Immediate changes to the existing scheme are not expected. However, including the amendments to the Parking Places Order will allow the sale of discounted tickets to a wider customer base. So as not to change the PPO schedule further at this time, it is proposed that the Season ticket remains at a 20% discount for 10 weeks, only it will be available to more customers on more days.

There is not expected to be a significant immediate change in income by expanding the season tickets offered. Therefore, there are no budget changes as a result of the decision. This due to the comparatively low expected sales and the discount offered on the fee. Other authorities and private operators set a limit on the number of permits made available. This is to ensure that the car parks still have 'public' spaces and the car parks don't become blocked up by permit holders.

Should the discounted parking scheme expand significantly in the future, then Budget Working Papers will be updated to reflect changes in the relevant codes i.e. any increase in the Season ticket code (with a potential off-set reduction in the parking income code).

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Regulations are not updated by 00:00 on 31 May 2022 then enforcement may not be legal. So PCNs can't be issued for parking in contravention. Potential financial loss and no control over inappropriate parking	L	L	Introduce new regulations in a timely manner
Experimental Order is not revoked then there will be no control of free parking on site	L	L	Revert to original tariffs and schedule
Electric Charges are not clarified. – Unable to recover costs for electricity used or potential legal claim	L	L	Make recommended amendments
Virtual permits and phone payment options are not included – limits future payment options including season tickets	L	L	Include in PPO amendments for future car park options
Season tickets not offered to residents – no opportunity to sell more discounted permits	L	L	Offer 20% discount season tickets to wider customer base
Season tickets create more admin work to process, take payment, check validity, issue permits etc	M	M	Use new forms, software etc. Corporate support with Direct Debit and internet form payments linked to auto-validated permits
Season ticket uptake impacts on day to day users by taking up too many spaces or staying long term. Also not as	L	M	Carefully consider individual sites, capacity and limit numbers so that public can still access car parks

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
financially beneficial per space offered.			

Key Decision: No

Background Papers: