

COUNTY COUNCIL LOCAL COMMITTEE FOR SOUTH LAKELAND
Meeting date: 5th October 2021
From: Executive Director – <i>Economy and Infrastructure</i>

COUNTY HALL CAR PARK – INTRODUCTION OF ANNUAL PERMIT CHARGE

1.0 EXECUTIVE SUMMARY

- 1.1 *This report makes recommendations to the Local Committee to amend The County of Cumbria (County Hall, Kendal) (Off-Street Parking Places) Order 2020 to provide the introduction of an annual permit charge of £350 in Area 5, the main public parking area, as an alternative option to the current daily tariffs.*
- 1.2 *It recommends that the South Lakeland Local Committee agree to proceed to statutory consultation and advertisement of the amendments to the Order and subject to no objections they authorise the bringing into force of the Order. Any objections to the Order will be brought to a future Local Committee meeting to resolve the issues.*

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

- 2.1 *The introduction of an annual permit charge within the County Hall off street car park and within other County Council premises has the following benefits;*
- *To enable communities to live safely and shape services locally*
 - *To protect and enhance Cumbria's world class environment*
 - *To provide safe and well maintained roads and an effective transport network*
 - *To promote sustainable economic growth, and create jobs*
 - *To be a modern and efficient council*
- 2.2 *There are no equality implications contained in this report.*

3.0 RECOMMENDATION

- 3.1 ***That the Local Committee agrees to proceed to statutory consultation and advertisement of amendments to The County of Cumbria (County Hall, Kendal) (Off Street Parking Places) Order 2020 (“the Order”) for the introduction of an annual permit charge of £350 in Area 5, as an alternative option to the current daily tariffs and that the operational days of existing staff permits which are currently valid for 5 days be changed so as to be valid for 7 days.***
- 3.2 ***It recommends that the Local Committee agree that in the event that no objections are received, the Order be brought into operation.***
- 3.3 ***It recommends that Local Committee agree that any unresolved objections will be brought back to the Local Committee for consideration, otherwise the order will be made and introduced.***

4.0 BACKGROUND

- 4.1 Currently the existing traffic order, The County of Cumbria (County Hall, Kendal) (Off Street Parking Places) Order 2020, which allows the County Hall car park to be enforced has a schedule of hourly car park charges but it does not contain the option to purchase an annual permit charge.
- 4.2 The inclusion of an annual permit charge for Area 5, will allow drivers to pay up front to park in that Area, all year, thereby eliminating the need to pay on every visit. It is suggested that the charge is set at £350. The permit will be a virtual permit.
- 4.3 South Lakeland District Council ('SLDC') also has the facility to buy an annual permit in their 'Car Parks outside of the Lake District National Park' (including Kendal car parks) and their charge is currently £485. SLDC also offer Contract Parking at two sites within Kendal town centre at £730 per space, although all these spaces are currently taken and SLDC hold a waiting list.
- 4.4 The proposed annual permit charge of £350 reflects the fact that the Cumbria County Council permit would only be available for use in a single car park in Kendal. The SLDC annual permit allows parking within eligible car parks outside of the Lake District National Park, including eight SLDC car parks within Kendal town centre. Some of the SLDC car parks are located in a more central position within the town, which would theoretically result in lower perceived demand for a permit at County Hall in comparison, hence the reduced cost of a permit compared to the SLDC permit.
- 4.5 At the Highways Working Group on September 1st there was considerable discussion on the level of the annual permit charge with some members requesting a lower charge. The issue with a lower charge is that this may encourage a large number of applicants which in theory would reduce the number of available spaces for short stay parkers, and, in turn, impact on the ability to relieve or reduce congestion. If a lower annual permit charge is agreed then a limit on the number of annual permits is suggested to ensure

that spaces are available for short stay visitors. The suggested charge of £350 has been set at this level after considering the charge set by other local authorities. The new annual permit system is aimed at commuter parking and therefore offers a more affordable pricing structure.

- 4.6 Measures are being put in place so that payment for the annual charge can be made by direct debit via the County Council website and there will also be an opportunity to pay monthly via direct debit.
- 4.7 The new County Hall Car Park commenced operation for members of the public from 17 August 2020. As a result of changes in work patterns arising from the COVID pandemic and 'New Ways of Working', staff have not been charged to park at County Hall during the subsequent period, subject to a temporary 'car parking permit' being visible inside the windscreen of the vehicle. This policy will continue until April 2022. The Council continues to review future arrangements for staff car parking at office locations across the county.
- 4.8 SLDC car parks in the National park area have been over capacity during the summer due to 'staycation' visitors and have exceeded numbers pre-COVID. The demand for parking in the SLDC Kendal car parks is increasing but are not yet at pre-COVID levels.
- 4.9 A variation to the existing Off Street Parking Places Order is also required as the current Order states that staff permits, currently designated as A to F are only valid Monday – Friday but some services require vehicles to be accessible for seven days a week and hence the staff permits will be valid every day.

5.0 OPTIONS

- 5.1 Approve the recommendations in paragraphs 3.1 to 3.3 above.
- 5.2 Not approve or approve in part the recommendations in paragraphs 3.1 to 3.3.

6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

- 6.1 There are no direct resource implications for Local Committee arising from the recommendation to proceed to statutory consultation and if subsequently agreed implementation of the Order.
- 6.2 All consultation and implementation costs for the Order would be met from the non devolved capital budget for this scheme.
- 6.3 Non devolved revenue income and maintenance costs would be held within the non devolved Property budget. (NG23/09/21)

7.0 LEGAL IMPLICATIONS

- 7.1 Section 32(1) of the Road Traffic Regulation Act 1984 (“the 1984 Act”) provides that “Where for the purpose of relieving or preventing congestion of traffic it appears to a local authority to be necessary to provide within their area suitable parking places for vehicles, the local authority, subject to Parts I to III of Schedule 9 to the 1984 Act—
- (a) may provide off-street parking places (whether above or below ground and whether or not consisting of or including buildings) together with means of entrance to and egress from them...” by means of an off-street Order.
- 7.2 Section 35(1) of the 1984 Act provides that as respects any parking place provided under section 32 (above), the off-street Order may make provision as to the use of the parking place, and in particular the vehicles or class of vehicles which may be entitled to use it; the conditions on which it may be used; the charges to be paid in connection with its use (where it is an off-street one), and the removal from it of a vehicle left there in contravention of the order and the safe custody of the vehicle. and the power to make provision as to the payment of charges shall include power to make provision requiring those charges, or any part of them, to be paid by means of the hire or purchase in advance, or the use, of parking devices in accordance with the order.
- 7.3 An order under subsection 35 (1) above may provide for a specified apparatus or device to be used as a means to indicate the time at which a vehicle arrived at, and the time at which it ought to leave, a parking place, or one or other of those times, or the charges paid or payable in respect of a vehicle in an off-street parking place; or as a means to collect any such charges, and may make provision regulating the use of any such apparatus or device [...].
- 7.4 An order under section 35 (1) above may also provide for regulating the issue, use and surrender of parking devices; for requiring vehicles to display parking devices when left in any parking place in respect of which the parking devices may be used; without prejudice to the generality of paragraph (b) above, for regulating the manner in which parking devices are to be displayed or operated; for prescribing the use, and the manner of use, of apparatus designed to be used in connection with parking devices; for treating the indications given by a parking device, or the display or the failure to display a parking device on or in any vehicle left in any parking place, as evidence (and, in Scotland, as sufficient evidence) of such facts as may be provided by the order; for the refund, in such circumstances and in such manner as may be prescribed in the order, of the whole or part of the amount of any charge paid in advance in respect of a parking device; for the payment of a deposit in respect of the issue of a parking device (and for the repayment of the whole or any part of any such deposit.
- 7.5 In Section 35 “*parking device*” means either a card, disc, token, meter, permit, stamp or other similar device, whether used in a vehicle or not, [...]

which, being used either by itself, or in conjunction with any such apparatus as is referred to above indicates, or causes to be indicated, the payment of a charge, and the period in respect of which it has been paid and the time of the beginning or end of the period, or whether or not the period for which it has been paid or any further period has elapsed, or the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place, and the time of the beginning or end of the period, or whether or not the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place or any further period has elapsed; or operates apparatus controlling the entry of vehicles to or their exit from the parking place, or enables that apparatus to be operated; or any other device of any such description as may from time to time be prescribed for the purposes of this section or section 35A below, namely a “*credit card*” being a card or similar thing issued by any person, use of which enables the holder to defer the payment by him of the charge for parking a vehicle; and “*debit card*” being a card or similar thing issued by any person, use of which by the holder causes the charge for parking a vehicle to be paid by the electronic transfer of funds from any current account of his at a bank or other institution providing banking services.]

- 7.6 The Local Committee has the power, as set out at paragraph 5.1.2 (g) of Part 2D of the Constitution, to approve the making of traffic regulation orders in accordance with powers under Parts I, II and IV of the 1984 Act, except for the making of traffic regulation orders which involve the introduction of charging for on-street residents permits, which are delegated to the Executive Director – Economy and Infrastructure subject to a decision of the appropriate member body to introduce such charges. (23.9.2021)

8 CONCLUSION

- 8.1 Members are asked to introduce changes to the existing off street parking order for County Hall car park to allow for the introduction of an annual permit charge in Area 5, and to extend the operational days of the existing staff permits from 5 to 7 days.

Angela Jones
Executive Director – Economy and Infrastructure

September 2021

APPENDICES

Appendix 1 Car Park plan

Electoral Division(s): All South Lakeland

Executive Decision

Yes	<input type="checkbox"/>
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Key Decision

<input type="checkbox"/>	No
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If a Key Decision, is the proposal published in the current Forward Plan?

<input type="checkbox"/>	<input type="checkbox"/>	N/A
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Is the decision exempt from call-in on grounds of urgency?

<input type="checkbox"/>	No
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If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?

<input type="checkbox"/>	<input type="checkbox"/>	N/A
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Has this matter been considered by Overview and Scrutiny?
If so, give details below.

<input type="checkbox"/>	No
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Has an environmental or sustainability impact assessment been undertaken?

<input type="checkbox"/>	<input type="checkbox"/>	N/A
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Has an equality impact assessment been undertaken?

<input type="checkbox"/>	<input type="checkbox"/>	N/A
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PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS *[including Local Committees]*

None

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny.

BACKGROUND PAPERS

No background papers.

REPORT AUTHOR

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