



Purpose: For Decision

Committee report

Committee	CABINET
Date	14 JANUARY 2021
Title	THE ISLE OF WIGHT COUNCIL (PARKING PLACES) ORDER 2020
Report of	CABINET MEMBER FOR INFRASTRUCTURE AND TRANSPORT

EXECUTIVE SUMMARY

1. The council's medium-term budget strategy agreed in February 2020 provides for additional income from the use of on street parking areas and off street car parks.
2. This income was anticipated to come from increases in parking charges, the introduction of charges between Cowes and Gurnard, implementing a charge at Somerton Park and Ride and extending all esplanade charges to all year round.
3. Members are asked to consider the outcomes of the consultation exercise on the draft Isle of Wight Council (Parking Places) Order 2020, and to confirm the implementation of the Order in full or in part.
4. The order will, if approved as drafted, introduce the following: -
 - Extend esplanade charges at Sandown, Shanklin, Ventnor and Cowes (currently 1 March to 31 October) to all year round.
 - Implement all year round charges between Egypt Esplanade, Cowes and Princes Esplanade, Gurnard.
 - Implement charges at Somerton Park and Ride car park, Cowes.

BACKGROUND

5. The provision and management of car parking is a legitimate tool for the council to use in the delivery of its transportation and wider corporate objectives. The council is able to control the supply of parking spaces it provides as well as the price and duration of their use in pursuance of these objectives. The council's corporate plan provides for it to improve the economic, social and environmental well-being of the Island. The Local Transport Plan describes the Council's approach to its management of highways transportation (including car parking) in this context and identifies six principal objectives in this approach: -

- Enhance and maintain our highway assets
 - Maintain and improve journey time reliability and predictability for all road users
 - Protect and enhance the environment and quality of life
 - Improve road safety and health
 - Reduce the need to travel
 - Promote travel choice
6. The provision and control of parking can contribute to the delivery of these objectives depending on the approach taken by the council and is able to make a contribution to the costs of achieving these objectives.
 7. The amendments being proposed will assist in facilitating the passage on the road or any other road of any class of traffic (including pedestrians) and for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.
 8. As part of its medium-term budget strategy adopted in February 2020 the council agreed to seek additional income from both on-street and off-street car parking. This income will help reduce the burden of the overall council subsidy being provided to the highways and transportation budget. This is becoming increasingly difficult to service given the pressures on the council's revenue budget which could impact on its ability to deliver its highways and transport objectives.
 9. In developing the proposals in the parking order, consideration has also been given to removing some of the inequalities in the current parking arrangements across the Island. Therefore, the same charges are proposed for similar on-street areas irrespective of location.
 10. In order to implement any changes to the arrangements for charging for the use of its car parking spaces (on and off-street), the council is required to publish a notice of parking proposals in the form of an official order, setting out the details of changes, including location and charges and including a statement that all objections and other representations relating to the order must be made in writing and that all objections must specify the grounds on which they are made.
 11. A public notice outlining the draft proposals and inviting public comment was published in the Isle of Wight County Press on 21 August 2020 and notices were displayed at those locations affected by the order for a period of 28 days; the closing date for representations was 12 noon on Friday 18 September 2020.
 12. The purpose of this paper is to report the outcomes of the consultation process to members and to agree the implementation of the parking order in whole or part. The notice of proposal and the draft parking order set out the specific changes that were proposed to each car parking area and which were the subject of the consultation. It is not therefore possible to vary these proposed changes without the development of another draft parking order and further consultation on its content. It is possible, in the terms of the legislation, to agree the parking order but delay its implementation for a period of up to two years without having to publish a new order.

13. In total 467 valid objections to the proposals in the parking order were received; a further 69 were received but these were not valid as they were either related to the tariff changes in the Variation Order which was not subject to consultation, other non-related Traffic Regulation Orders or were general parking observations. Each of the 467 valid objections to the parking order has been considered individually by officers and a summary of the objections is included in Appendix 1.
14. A summary of the key comments contained within the objections is shown in Appendix 2 for information.
15. A number of respondents posed questions regarding parking issues and requested a reply to their objections. As this was a consultation process to request views and comments on the proposals to inform members' decision on the order, it has not been possible to reply to each request for individual comment. It is anticipated that this paper will provide the answers to many of these comments.

STRATEGIC CONTEXT

16. The implementation of the parking order supports the aspirations of the council to be an organisation that, "meets its statutory duties and enables and delivers services at the right quality and cost effectively within the resources available". It may also help to, protect and support most vulnerable and provide support to the economy, if the income earned from the changes helps the council to sustain and improve some of its highways and policy objectives as set out in the Local Transport Plan (see earlier) and contribute to its statutory responsibilities under the Traffic Management Act.
17. In relation to the Corporate Plan 2019 - 22 the proposals contained with the parking order will assist the council in being financially balanced and viable. It also contributes to being effective and efficient in everything we do and ensuring everyone is treated equally.

CONSULTATION

18. A public notice outlining the draft proposals and inviting public comment was published in the Isle of Wight County Press on 21 August 2020 and notices were displayed at those locations affected by the order for a period of 28 days; the closing date for representations was 12 noon on Friday 18 September 2020.
19. The modifications proposed by the Order should be reasonable and should not go further than necessary to deal with the highway problems identified. The Local Authority is required to undertake a balancing exercise between the need to provide suitable parking facilities against the harm that may occur in highway safety terms of not making the orders.
20. The Local Authority must consider any objection that has not been withdrawn considering relevant representations, as above, when making the decision.
21. It is recognised that restrictions on road users may represent an interference with an individual's human rights under Article 8 (Right to respect for private and family life) and Article 1 of the first protocol (Peaceful enjoyment of property) of the European Convention on Human Rights. Any such interference is considered necessary and proportionate due to positive enhancement of such road safety for other users of the area.

22. During the consultation period 467 valid objections were received regarding the proposals; these are summarised in the table below with full details in Appendix 1 and a summary of the key comments within the objections are shown in Appendix 2. The total is greater than the 467 as some objections referenced more than one proposal.

Proposal	No of objections
Extend esplanade charges at Sandown, Shanklin Ventnor and Cowes (currently 1 March to 31 October) to all year round	23
Implement all year round charges between Egypt Esplanade, Cowes and Princes Esplanade, Gurnard	449
Implement charges at Somerton Park and Ride car park, Cowes	18
Total	480

FINANCIAL / BUDGET IMPLICATIONS

23. The estimated additional annual income from the proposed changes in the parking order is £157,900; of this £124,000 will be derived from on-street charges. The breakdown of the total estimated income across the three proposals in the draft parking order is as set out below: -
- Extend esplanade charges at Sandown, Shanklin, Ventnor and Cowes (currently 1 March to 31 October) to all year round - £58,000.
 - Implement all year round charges between Egypt Esplanade, Cowes and Princes Esplanade, Gurnard - £66,000.
 - Implement charges at Somerton Park and Ride car park, Cowes - £33,900.
24. The proposals for Somerton Park and Ride and Egypt Esplanade to Gurnard will require additional infrastructure (ticket machines and signs) as well as lining works; the costs of these are £4.6k and £42.7k respectively.
25. Surplus income from on-street parking can only be allocated as described in the legal implications in this paper and will be used to fund those items as required by the legislation and will help meet inflationary and VAT increases introduced since 2008.
26. The council, through the PFI contract with Island Roads is committed to improving the standard of its entire car parking provision; this will ensure that off-street car parks are resurfaced and remarked and that the signage and machines in them are maintained to the highest standards. It is difficult to disaggregate the exact cost of these works from the PFI contract but prior to the contract the council had no funds with which to undertake these works. There is therefore a case that there is in part an additional cost to the operation of the car parks associated with these planned improvements.
27. Members will be aware of the significant financial pressures facing the council which require savings of c£10.5 million over the three years to 2020/21. Without consideration and agreement to the proposed changes in the parking order the council will need to make further reductions across its service areas in order to help fund the increasing costs in relation to the highways and transportation activities especially in relation to free bus travel.

CARBON EMISSIONS

28. The proposals in the parking order have no impact on the council's Carbon Management Plan as it does not measure emissions from private vehicles.
29. However, looking more broadly at Island carbon emissions, there are a couple of points worthy of note: -
 - If resistance to the proposal results in more car sharing or public transport use, this would be positive as it would reduce carbon emissions.
 - There may be a negative impact of introducing charges at Somerton Park and Ride if drivers decide to take their vehicles further into Cowes town centre.

LEGAL IMPLICATIONS

30. The statutory authority for Traffic Regulation Orders is contained within the Road Traffic Regulation Act 1984. Orders are progressed in accordance with the Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996.
31. Section 122 of the Road Traffic Regulation Act 1984 sets out a general duty that the Council must meet when exercising powers under the Road Traffic Regulation Act 1984 and a power to provide off-street parking places. This power is not restricted by any limitation on what may be charged.
32. Section 32 of the Road Traffic Regulation Act 1984 gives the Council the power to provide off-street parking places for the purpose of relieving or preventing congestion of traffic. The Council can charge for the use of these off-street parking places and provide for the use of these parking places pursuant to section 35(1)(iii) of the Road Traffic Regulation Act 1984.
33. Thorough consideration has been given to the factors set out in Section 122 of the Road Traffic Regulation Act 1984 in proposing these Traffic Orders. Section 122 requires the local authority to secure the expeditious, convenient and safe movement of traffic (including pedestrians) and the provision of adequate parking facilities. In carrying out this exercise the Council must have regard to the:
 - Desirability of securing and maintaining reasonable access to premises.
 - The effect on the amenities of any locality effected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the road(s) run.
 - Any strategy prepared under Section 80 of the Environment Act 1995 (the national air quality strategy).
 - The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles.
 - Any other matters appearing to the local authority to be relevant

34. The Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996 set out the procedure to be adopted following publication of the proposed TROs and the approach the Council should adopt in considering the Orders
35. Regulation 13 of the 1996 Regulations confirms that before making an order, the Traffic Authority shall consider all objections duly made to the TROs. This report considers the representations received regarding the proposed charges.

EQUALITY AND DIVERSITY

36. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
37. Under the Equality Act 2010 the council is required to have due regard to its equality duties when making decisions, reviewing services, undertaking projects, developing and reviewing policies. An Equality Impact Assessment has been undertaken and is attached at Appendix 3 for information. It has identified no negative impacts on any of the protected characteristic groups.
38. If approved the Isle of Wight Council (Parking Places) Order No 2020 will see the implementation of the following: -
 - Extend esplanade charges at Sandown, Shanklin Ventnor and Cowes (currently 1 March to 31 October) to all year round
 - Implement all year round charges between Egypt Esplanade and Princes Esplanade, Gurnard
 - Implement charges at Somerton Park and Ride car park, Cowes
39. The extension of charging periods and introduction of charges at these areas will enable the Council to regulate and take enforcement action at these locations and prevent unauthorised use of the areas.
40. It will therefore be advantageous in better protecting the ability to park for those who have a protected characteristic under the Equality Act 2010.
41. Due regard to the Council's responsibilities under the Equality Act 2010 has been given as part of this process. Through the consultation exercise, the opportunity to provide comment and representation on all the changes has been permitted.

OPTIONS

42. The options available to the council are as follows: -
 - i) Not to approve the changes to parking places as set out in the Isle of Wight Council (Parking Places) Order 2020 at appendix 4.

- ii) To approve the changes to parking places as set out in the Isle of Wight Council (Parking Places) Order 2020 at appendix 4 and implement as soon as practically possible.
- iii) To approve the changes to parking places as set out in the Isle of Wight Council (Parking Places) Order 2020 at appendix 4 with amendment and implement as soon as practically possible.

RISK MANAGEMENT

- 43. There is a risk in implementing the car parking order in total that a body or organisation may seek a judicial review of the council's decision. The council has followed the procedural regulations in both publishing the notice of proposals for the parking order and in the consultation that it has been through.
- 44. This paper has set out clearly the outcomes of the consultation and they have been considered in framing the recommendations in the paper.
- 45. There is a risk that the planned changes to car parking as set out in the parking order do not deliver the estimated increases in casual parking income. A considerable amount of time has been spent looking at all of the data collected for both the council's on and off-street parking provision and in understanding the behaviours of the users of the car parks and an allowance has been made for 'resistance' to the changes that may cause an initial reduction in use of the car parks. This may be a benefit in terms of the council's wider highways and transport objectives as it could indicate people are using alternate forms of travel or car sharing but it would be a financial pressure for the council to consider. The council would have to consider making further reductions in its spending in areas not related to highways and transportation in order to balance any shortfall in the additional expected income from the changes in the parking order.

EVALUATION

- 46. The possibility of the changes to the council's parking arrangements as set out in the draft order has been publicly known since the proposals were first considered by the Cabinet and then the Full Council in January and February 2020 respectively.
- 47. The publication of the notice of proposals for the parking places order and the consultation process required before its adoption has afforded the community of the Island a further opportunity to comment on the proposals.
- 48. Cabinet may want to consider whether a total number of objections of 467 is a sufficiently significant number to warrant a complete rejection of the proposals in the parking order. However, this number needs to be seen in the context of over 60,000 registered vehicles on the Isle of Wight and therefore represents a very low percentage of the potential users of the council's on street parking areas and off-street car parks.

Cowes to Gurnard – implementation of charges

- 49. The implementation of charges from Cowes to Gurnard is clearly an emotive matter for residents and businesses; 96.1 percent of the objections received related to this proposal. The key comments from the objections are shown in appendix 2; these primarily concern the potential displacement of vehicles into adjoining roads, impact

on businesses and the sailing club, loss of free access to local amenities as well as having a potential detrimental impact on health and wellbeing.

50. When considering the impact of the introduction of charges on other esplanades there is no evidence of significant displacement into adjoining areas.

Extending esplanade charges to all year round

51. The impact of the extension of chargeable period on esplanades only attracted 23 objections (4.9 percent of the total received); key comments related to the impact on winter exercise and mental health, detrimental to local shops and Shanklin Rowing club.
52. Parking Charges were extended from seasonal charges to all-year charges at North Walk, Ryde over 10 years ago and there has been no evidence presented of any decrease in numbers of people walking and exercising in the area.

Somerton Park and Ride – introduction of a daily parking fee

53. The proposed charge at Somerton Park and Ride attracted 18 objections (3.7 percent of the total); the key comments in the objection related to affordability and this being a disincentive to use the car park, loss of free parking for school drop off and collections and the impact on residents through parents parking in residential roads.
54. It is not unusual for Park and Ride locations to charge for parking on a stand-alone tariff. The proposed tariff of £2.00 per day is regarded as an incentive to use the car park and public transport in an attempt to tackle congestion in the centre of Cowes. The daily charge is significantly discounted when compared to the £9.00 daily tariff at other Council Car Parks. It is noted that a daily charge of £1.50 is levied to use the Park and Ride facility at St John's Road station at Ryde. Additionally, there should be no impact on residential streets in terms of the school drop-off as the Council will incorporate Somerton Park and Ride Car Park into its Park and Stride Scheme which allows parents and carers a window of free parking at school drop-off and pick-up times.

RECOMMENDATION

55. It is recommended that the Cabinet adopt option (ii) and that it agrees: -

(ii) To approve the changes to parking places as set out in the Isle of Wight Council (Parking Places) Order 2020 at appendix 4 and implement as soon as practically possible.

APPENDICES ATTACHED

- Appendix 1 Summary of Objections Received
- Appendix 2 Summary of responses received during public consultation
- Appendix 3 Equality Impact Assessment
- Appendix 4 Isle of Wight Council (Parking Places) Order 2020

Contact: Alex Minns, Asst Director Neighbourhoods, ☎ 821000 alex.minns@iow.gov.uk

COLIN ROWLAND
Director of Neighbourhoods

COUNCILLOR IAN WARD
Cabinet Member for Transport and Infrastructure