



Cabinet report

Date	16 JUNE 2022
Title	THE ISLE OF WIGHT COUNCIL (PARKING PLACES) ORDER 2022
Report of	CABINET MEMBER FOR HIGHWAYS PFI, TRANSPORT AND INFRASTRUCTURE

EXECUTIVE SUMMARY

1. The council's medium-term budget strategy agreed in February 2021 provided 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 overnight parking charges, the introduction of charges for suspensions required to support events and re-introducing charges at Maresfield Road, East Cowes.
3. Members are asked to consider the outcomes of the consultation exercise on the draft Isle of Wight Council (Parking Places) Order 2022, and to confirm the implementation of the Order in full or in part.
4. The order will, if approved as drafted, re-introduce charges at Maresfield Road, East Cowes.

RECOMMENDATION

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| <ol style="list-style-type: none">5. It is recommended that the Cabinet approve the changes to parking places as set out in the Isle of Wight Council (Parking Places) Order 2022 at appendix 3 and implement as soon as practically possible. |
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BACKGROUND

6. 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

7. 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.
8. 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.
9. As part of its medium-term budget strategy adopted in February 2021 the council agreed to seek additional income from both on-street and off-street car parking as well as suspensions required to support events. 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.
10. The change to overnight charges has been dealt with separately as it only requires a variation as opposed to a new order as the charges are already in place; the charges for event related suspensions was implemented in 2021 although due to the pandemic there were very few requests.
11. In developing the proposal in the parking order for Maresfield Road, consideration has also been given to the current parking arrangements across the Island. Therefore, the same charges are proposed for Maresfield Road as similar long stay off street car parks.
12. 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.
13. A public notice outlining the draft proposals and inviting public comment was published in the Isle of Wight County Press on 14 January 2022 and notices were displayed at the location affected by the order for a period of 28 days; the closing date for representations was 12 noon on Friday 11 February 2022.

14. The purpose of this paper is to report the outcomes of the consultation process to councillors and to agree the implementation of the parking order or not. The notice of proposal and the draft parking order set out the specific changes that were proposed 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.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

Responding to climate change and enhancing the biosphere

15. The proposal in the parking order has implications for the council's Carbon Management Plan in relation to emissions from private vehicles.
16. If the proposals encourage more car sharing or public transport use, there would be a corresponding reduction in carbon emissions.

Economic Recovery and Reducing Poverty

17. The proposed parking order does not significantly impact on reducing the numbers of residents, and especially children, who are living in poverty.

Impact on Young People and Future Generations

18. The decisions the Council makes now not only affect current residents, but may have long term impacts, both positive and negative, on young people and future generations. These impacts may not immediately be apparent or may not emerge for a number of years or decades. Impacts will be interrelated across the various domains of young people's lives from housing, employment or training, health, and the environment.
19. The United Nations Conventions on the Rights of the Child (UNCRC) in 1989, in particular article 12, places a duty for children and young people to have an active voice in decision making on matters that affect them. We value the views of our young people. Incorporating coproduction and consultation with young people into our decision-making process is a robust way of ensuring young people's views are taken into consideration. Participation workers experienced in coproduction can support engagement with the Youth Council, our Island children, and wider groups of young people to ensure the voice of young people is sought, heard, and acted upon on important matters that will affect them.
20. The proposed parking order does not impact on young people and future generations.

Corporate Aims

21. In relation to the latest Corporate Plan 2021-2025, the proposal contained within the parking order will assist with keeping the Isle of Wight Council solvent and taking all the measures we can to improve the financial position of the council.

CONSULTATION

22. A public notice outlining the draft proposals and inviting public comment was published in the Isle of Wight County Press on 14 January 2022 and notices were displayed at the location affected by the order for a period of 28 days; the closing date for representations was 12 noon on Friday 11 February 2022.
23. 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.
24. The Local Authority must consider any objection that has not been withdrawn considering relevant representations, as above, when making the decision.
25. 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.
26. In total nine representations with objections were received, one of which contained a Petition with seventy-five signatures mainly from the employees of local businesses – it should be noted that permit holders will also be able to use the car park. Each of the representations have been considered individually by council staff and a summary of the key comments received is shown objections is included in Appendix 1.

FINANCIAL / BUDGET IMPLICATIONS

27. The estimated additional annual income from the proposed charges at Maresfield Road is £4,000 per annum; this has been built in to the parking income budget for 22/23.
28. The proposal for Maresfield Road is that pay and display transaction will only be possible through PayByPhone thus reducing the infrastructure and set up cost to the provision of a 'welcome to' sign and tariff board. Holders of all island permits and residents 200m permits will also be able to use the car park.
29. 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 Maresfield Road car park should the car park be accrued onto the network as it is not currently although it should be noted that no meter will be installed

30. Members will be aware of the significant financial pressures facing the council. 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.

LEGAL IMPLICATIONS

31. 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.
32. 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.
33. 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.
34. 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
35. 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
36. 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

37. 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
38. 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 2 for information. It has identified no negative impacts on any of the protected characteristic groups.
39. If approved the Isle of Wight Council (Parking Places) Order No 2022 will see the re-introduction of long stay charges at Maresfield Road, East Cowes.
40. The extension of charging periods and introduction of charges at this area will enable the Council to regulate and take enforcement action at this location and prevent unauthorised use of the area.
41. It will therefore be advantageous in better protecting the ability to park for those who have a protected characteristic under the Equality Act 2010.
42. 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

43. 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 2022 at appendix 3 this will result in an under recovery of income of £4k.
 - ii) To approve the changes to parking places as set out in the Isle of Wight Council (Parking Places) Order 2022 at appendix 3 and implement as soon as practically possible.

RISK MANAGEMENT

44. 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.

45. This paper has set out clearly the outcomes of the consultation and they have been considered in framing the recommendations in the paper.
46. 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.
47. A further risk is that the introduction of charges may lead to a displacement of vehicles into adjoining on-street areas where there are no charges; however, there is no evidence to substantiate this when charges have been introduced in other previously free areas.

EVALUATION

48. 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 2021 respectively.
49. 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.
50. Cabinet may want to consider whether a total number of objections of nine, and a seventy-five signature petition, is sufficiently significant to warrant the rejection of the proposal 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 councils on street parking areas and off-street car parks.
51. As with the implementation of charges in other previously free areas the proposal for Maresfield Road is a locally emotive matter for residents and businesses. The key comments from the objections are shown in appendix 1; these primarily concern the potential displacement of vehicles into adjoining roads, impact on residents and businesses.
52. When considering the impact of the introduction of charges there is no evidence of significant displacement into adjoining areas when charge have been introduced in other previously free areas.

APPENDICES ATTACHED

Appendix 1 - Summary of responses received during public consultation

Appendix 2 - Equality Impact Assessment

Appendix 3 - Isle of Wight Council (Parking Places) Order 2022

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