

Report to: **South Hams Executive**
Date: **19th July 2018**
Title: **Parking Order Operational Amendments**
Portfolio Area: **Environment Services**
Wards Affected: **All**
Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: To be considered by the Council on 26th July 2018.
(*e.g. referral on of recommendation or implementation of substantive decision*)

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Recommendations:

That the Executive recommends to Council that the following amendments are made to the South Hams Off-Street Parking Places Order:

1. Parking at Follaton House to be permitted from 7am to 7pm only.
2. Parking permits to be introduced for car parks in Dittisham.
3. To include more robust action in respect of the removal of vehicles from all South Hams District Council car parks.
4. Torcross Layby to be included as one of the car parks where permit parking is permitted.

1. Executive summary

- 1.1 This report requests that Members consider the above recommendations to make operational amendments to the South Hams Off-Street Parking Places Order.

2. Background

- 2.1 Follaton House

Following the installation of barriers at Follaton House, it is considered that restricting parking to day time only will support this further and allow enforcement to take place in respect of motorists who leave vehicles parked on the site long-term.

- 2.2 This will be particularly effective in allowing officers to deal with long-term parking issues, such as motor homes being left on the site for weeks at a time, and will ensure that adequate parking is available for visitors, staff and tenants.
- 2.3 Dittisham permits
Dittisham Parish Council operates two car parks in the village – Ham and the Level car parks. South Hams District Council provides enforcement on behalf of the Parish Council and, as such, both car parks are included in our Parking Order.
- 2.4 The Parish Council would now like to implement a permit scheme, which we would administer on their behalf. The Dittisham permits will only be available to Dittisham residents only and proof of residency will be required. Details of the scheme therefore need to be included in our Order. Dittisham resident's permits are available for a maximum of two vehicles only per property. The eligibility criteria will be as follows:

Permit 1 – No charge. Valid in both The Ham car park and The Level car park. Valid in one specified vehicle.

Permit 2 – Valid in Ham car park – no charge. Option to purchase validity in The Level car park at a cost of £100 per annum. Valid in one specified vehicle.

- 2.5 Removal of vehicles from car parks
Our current Off-Street Parking Places Order is not robust enough in respect of our ability to deal with the removal of vehicles from car parks. Therefore, it is recommended that the following paragraphs are added to the Order:

- **ALTERATION OF POSITION OF VEHICLE**
If a vehicle is left in a car park in a position other than in accordance with the foregoing provisions of this Order a person authorised by the Council may alter, or cause to be altered, the position of the vehicle so that its position is in accordance with the said provisions.
- **EMERGENCIES**
For the purpose of meeting the requirements of an emergency a person authorised by the Council, or a police constable in uniform, may alter or cause to be altered the position of a vehicle in a car park, or remove or arrange for the removal of a vehicle from a car park.

- **REMOVAL FROM CAR PARK – FOLLOWING 24 HOUR NOTICE**
If a vehicle is left in a car park in excess of 24 hours, following the issue of a 24 hour notice, a person authorised by the Council may remove the vehicle, or arrange for its removal from the car park to a place of storage and, in such event, the registered keeper of the vehicle shall be liable for all costs of both the removal and storage and reasonable administrative costs so incurred by the Council.
- **REMOVAL FROM CAR PARK – NON-PERMITTED VEHICLE**
Where a vehicle which is not permitted in a car park, in accordance with the Schedule to this Order, has been left in the car park a person authorised by the Council may, without notice, remove the vehicle or arrange for its removal from the car park to a place of storage and, in such event, the registered keeper of the vehicle shall be liable for all costs of both the removal, storage and reasonable administrative costs so incurred by the Council.
- **REMOVAL OF VEHICLE BY TOWING ETC**
Any person altering or removing the vehicle by virtue of, and in accordance with, this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be and any costs incurred in this respect shall be recoverable as a civil debt from the registered keeper of the vehicle.
- **ARRANGEMENTS FOR SAFE CUSTODY**
Where a person authorised by the Council removes, or makes such arrangements for the removal of, a vehicle from a car park he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

2.6 Permit parking at Torcross Layby

Members will recall that permits for all car parks in South Hams were reviewed last year and that it was resolved that permits, other than the Residents permit, should only be valid on long-stay car parks.

2.7 It has since become apparent that this has caused inconvenience for residents in Torcross, who had previously parked in the Layby, which is a short-stay parking area. The resolution meant that permit holders, including residents who don't have off-street parking at their homes, could no longer park there, causing them to have to park in the Tank car park, which is often full of visitors and is a longer walk to their homes.

2.8 Following consultation with the Parish Council, the Local Member and the Environment Services Portfolio Holder, it is recommended

that permit parking be permitted in the Layby, in order to alleviate the problems referred to above.

3. Outcomes/outputs

3.1 In respect of the removal of vehicles, although there are not often instances where it is necessary to remove vehicles from our car parks, the inclusion of the above paragraphs in our Order will ensure that officers are able to address any future issues quickly and effectively.

4. Options available and consideration of risk

4.1 Should the recommendations above be resolved, they will be the subject of a 21-day consultation period, which customers will be aware of by a notice published in the local press and on the Council's website, together with notices in all affected car parks. This will allow customers to object to the proposals, and to make representations to the Council, should they wish to do so. If a large number of objections are received, the matter and representations will be referred to the Executive for further consideration.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		The Council has power to provide off-street parking under the Road Traffic Regulation Act 1984 (as amended). The Council has the power to deal with the provision, management and control of car parks.
Financial		The consultation exercise will cost approximately £600 to advertise, which will be funded by the Car Parks budget, with a proportion of costs being funded by Dittisham Parish Council.
Risk		Motorists who make use of Follaton car park overnight may object to the amendment to have day-time parking only, but will have the opportunity to do so formally via the public consultation process.
Comprehensive Impact Assessment Implications		
Equality and Diversity		A comprehensive impact assessment has been completed in respect of this matter which shows

		that there are no groups of customers which are adversely affected more than others.
Safeguarding		No implications.
Community Safety, Crime and Disorder		No potential positive or negative impact on crime and disorder reduction.
Health, Safety and Wellbeing		No implications.
Other implications		None.

Supporting Information

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Cabinet/Scrutiny)	Yes/No