

## SOUTH HAMS DISTRICT COUNCIL

<b>NAME OF COMMITTEE</b>	<b>Executive</b>
<b>DATE</b>	<b>11 September 2014</b>
<b>REPORT TITLE</b>	<b>Review of Off-Street Parking Places Order in Beesands</b>
<b>Report of</b>	<b>Street Scene Manager</b>
<b>WARDS AFFECTED</b>	<b>Stokenham</b>

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**Summary of report:**

This report makes a recommendation in respect of reviewing the parking restrictions in Beesands.

**Financial implications:**

There will be no cost to advertising this change as it may be added to some Parking Order amendments which are already in progress.

**RECOMMENDATIONS:**

It is recommended that the Executive recommends to Council that:

1. Due to issues of vehicles parking inappropriately in Beesands, parking on the Village Green be restricted to those vehicles parking with the express permission of South Hams District Council only.
2. In addition, the South Hams District Council's Off-Street Parking Places Order be updated to reflect this change.

**Officer contact:**

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Street Scene Manager

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**1. BACKGROUND**

- 1.1 Following the review of all free parking areas in South Hams during last year, land belonging to South Hams District Council was added to the Off-Street Parking Order with a restriction on some land in Beesands (as highlighted on Appendix A) which permitted parking from 8am to 8pm only.

- 1.2 This restriction was put in place because, at the time, the main concern was that land on the waterfront was being used overnight by camping van owners which led, in some instances, to anti-social behaviour.
- 1.3 Following the implementation of the Parking Order the land on the waterfront was washed away in the recent storms, and this meant that the problem of camping vans parking overnight moved further inland.
- 1.4 All the land highlighted on Appendix A is designated Village Green and, therefore, strictly should not have any parking permitted on it in any case.

## **2. PROPOSAL**

- 2.1 As the Village Green legislation takes precedence over the Off-Street Parking Places Order, it is essential that the Order supports the restrictions in the Village Green legislation, ie no parking permitted.
- 2.2 Consultation has been undertaken with both the Parish Council and Beesands Village Green Committee and it has been provisionally agreed with the Village Green Committee that parking should only be permitted with the express permission of South Hams District Council only, subject to approval by the Executive.
- 2.3 The Parish Council have not expressed a view but agreed that the District Council should manage the land as it sees fit.
- 2.4 This restriction will result in parking only being occasionally permitted, such as for house moves, and will ensure that the current parking problems in Beesands are eliminated by the ability to enforce in accordance with the Parking Order.
- 2.5 Alternative informal parking is available nearby on District Council land, for approximately 40-50 vehicles

## **3. LEGAL IMPLICATIONS**

- 3.1 The Council has power to provide off-street parking under the Road Traffic Regulation Act 1984 (as amended).
- 3.2 The Council has the power to deal with the provision, management and control of car parks.
- 3.4 Parking on a Village Green without consent is an offence under S34 Road Traffic Act 1988
- 3.5 Although the Local Authority can prosecute or commence a civil action for parking on a village green in their ownership or control, both of these remedies are significantly more complex and time consuming than parking enforcement pursuant to a an off-street parking order.
- 3.6 Permission to park can be granted by an owner of a village green provided that the parking does not interfere or interrupt with the use or enjoyment of the green. It is this latter point which would require consultation locally.

3.7 Subject to s16 of the Commons Act 2006, part of the Village Green may be de-registered (and then open to flexible off-street parking regulation) through a strict statutory process which involves consultation, exchange of land (where the area to be de-registered is over 200m2) and ultimately the approval of the Secretary of State. This is for future consideration.

**4. FINANCIAL IMPLICATIONS**

4.1 There will be no cost to advertising this change as it may be added to some Parking Order amendments which are already in progress.

**5. RISK MANAGEMENT**

The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

<b>Corporate priorities engaged:</b>	Community well-being Access to services Towards excellence Customer first
<b>Statutory powers:</b>	As stated in paragraph 3
<b>Considerations of equality and human rights:</b>	An equality impact assessment has been carried out and, as a result, no further actions are required.
<b>Biodiversity considerations:</b>	None
<b>Sustainability considerations:</b>	None
<b>Crime and disorder implications:</b>	None
<b>Background papers:</b>	None
<b>Appendices attached:</b>	Appendix A – plan of Village Green

## STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Objections from customers	Customers who currently park on the Village Green may object to this change to the Off-Street Parking Places Order	2	2	4	↓	This proposed change to the Off-Street Parking Places Order will be subject to a formal notice, followed by a 21-day public consultation period.	C Aubertin

Direction of travel symbols ↓ ↑