

Highways Committee

10 January 2007



Objections to 'The County Council of Durham (Off-Street Parking Spaces) (Durham City Park and Ride Site) (Amendment) Order 2006'

Report of John Richardson, Corporate Director, Environment

1.0 Purpose of the Report

- 1.1 To advise Members of objections received to the proposed Amendment Order to continue to effectively manage the Park and Ride sites.

2.0 Proposal

- 2.1 The purpose of the amendments is to remove minor anomalies regarding the enforceability of the Conditions of use of a Parking Place, Conditions of Entrance and Exit and Surface Markings, and Restrictions of Use of Park and Ride Sites through the issue of a Fixed Charge Notice in accordance with the Schedule to the order as outlined in Appendix 2.

3.0 Background

- 3.1 The County Council of Durham (Off Street Parking Places) (Durham City Park and Ride Sites) Order 2005 was sealed on 10 November 2005 prior to the official opening of The Durham City Park and Ride sites on 3rd December 2005.
- 3.2 The intention of the Order is to make available to Durham County Council the powers to enforce the various conditions and restrictions of use of the Park and Ride sites. Vehicles in contravention of conditions and restrictions of use may be issued with a Charge Notice.
- 3.3 Whilst the Park and Ride sites have been operating successfully since their introduction there is a need to continually review our operational procedures and ensure that the necessary powers exist to tackle any issues that may arise.
- 3.4 The amendments to the Order are considered necessary to ensure that, should a Charge Notice be imposed it is not open to legal challenge due to anomalies within the Order.

- 3.5 A statutory consultation was undertaken in September 2006 resulting in 18 objections (12 households) from those living in the Belmont area; these include objections from the Chairman of Belmont Parish Council, a City of Durham Councillor and a resident of Newton Hall.

The majority of the amendments were not challenged and can be confirmed and introduced. However, several minor points have been objected to, as detailed in the report and which Members are asked to consider.

- 3.6 A letter was sent to objectors explaining the reasons for the Order. This resulted in one resident from the Belmont area withdrawing their objection.

4.0 Representations

4.1 Objection Group 1

A number of representations were received objecting to the proposed amendment to the 'Conditions of use of Parking Places' Article 7 by the inclusion of the words 'and use' which if amended will read -

'All drivers and passengers using the Park and Ride Sites must do so with the intention of using and use the Park and Ride Bus Service'.

The Objectors believe that this amendment now prevents use of the Belmont Park and Ride site by non Park and Ride users and as a car sharing base.

Response

Even without the proposed amendments, the Order does not allow the use of the Park and Ride site by non Park and Ride users. Nonetheless a small number of vehicles have been using the Belmont Park and Ride site as a car sharing base. However if the Park and Ride sites are used by car sharing vehicles or by other non Park and Ride users, a Charge Notice could be imposed.

4.2 Objection Group 2

A number of representations were received objecting to the proposed addition of Article 12a which reads 'No person shall cause or permit a vehicle to be left or wait or be parked in a Park and Ride Site outside of Operational Hours'. Objectors believe this prevents the use of the Park and Ride site by vehicles currently parked on-street overnight in adjacent streets.

Response

The Park and Ride site currently operates 7am to 7pm. The amendment order does not propose to change this. Even without the proposed amendments, the Order does not allow use of the Park and Ride site outside of operational hours. The proposed amendment will provide clarification to ensure a Charge Notice is not open to legal challenge.

4.3 Objection 3

A representation was received objecting on the grounds that people using Durham Railway Station do not use the Park and Ride bus service as they cannot guarantee being able to return to the site before its closure. Instead they choose to park within streets adjacent to the Belmont Park and Ride site.

Response

The Park and Ride site currently operates 7am to 7pm. The Amendment Order does not propose to change this.

Those wishing to use the Durham Railway Station who can not guarantee their time of return may use the Railway Station car park, on-street Pay and Display parking or a privately operated 24 hour off-street car park such as Prince Bishops multi storey car park within Durham City.

4.4 Objection 4

A representation was received objecting on the grounds that all drivers and passengers using the Park and Ride Sites must do so with the intention of using the Park and Ride Bus Service. It is claimed that this prevents dropping off passengers as this action will now result in a Charge Notice being issued.

Response

A Charge Notice will not be issued to any vehicle from which passengers are boarding and alighting. Charge Notices will only be issued to vehicles left unattended on site.

5.0 Local Member Consultation

- 5.1 The Local Member, Councillor Holroyd, has been consulted and supports the objections.

6.0 Recommendations and Reasons

6.1 It is recommended that Members:

- consider the representations received during the consultation period.
- endorse the proposal to proceed with the amendment order.

Background Papers

Letters of objection.

Response to letters of objection.

Copies of correspondence have been placed in Members' Resource Centre.

Contact: Danny Harland Tel: 0191 383 5551

Appendix 1: Implications

Finance

None

Staffing

None

Equality and Diversity

None

Accommodation

None

Crime and Disorder

None

Sustainability

None

Human Rights

None

Localities and Rurality

As detailed in report.

Young People

None

Consultation

Full consultation carried out.

Health

None