

Highways Committee

12 September 2019

Providence Row, Durham City– Off
Street Parking Places & Parking
Charges ORDER 2019



Report of Corporate Management Team

Ian Thompson Corporate Director of Regeneration and Economic Development.

Councillor Carl Marshall, Cabinet Portfolio Holder for Regeneration and Economic Development.

Electoral division(s) affected:

Elvet and Gilesgate.

1. Purpose of the Report

- 1.1 In accordance with the Council's Constitution, Members are asked to make a decision in principle only which will then guide the Corporate Director in the exercise of delegated decision making. The final decision is therefore one for the Corporate Director, under delegated powers.
- 1.2 To advise Members of objections received to the consultation concerning changes to the traffic regulation order in Elvet and Gilesgate.
- 1.3 To request that members consider the objections made during the informal and formal consultation period.

2. Executive summary

- 2.1 Within Civil parking Enforcement operational guidance, the County Council are committed to regularly reviewing traffic regulation orders to ensure that the restrictions held within them are relevant and appropriate.
- 2.2 The County Council are proposing to amend restrictions on:
 - 2.3 **Providence Row:**
To amend a Section (approx.10 bays) of 'Pay and Display Parking' to Introduce 'Market Traders Permit Holders Only Parking Saturday from

6am-10am' on Providence Row, Durham. Traders will need a valid permit from the Market Manager and will also be required to pay and display.

Due to comments made by current traders there are also bay suspensions being put in place for the Farmers Market monthly markets on Providence Row where the Market Traders Permit Holders bays are proposed. This will be monitored over the coming months to determine its effectiveness. Traders will need a valid permit from the Market Manager and will be required to pay and display.

- 2.4 Several objections have been received during the consultation stages with 4 in total (City of Durham Parish Council objected at both the informal and formal stage).

3 Recommendation(s)

Committee is recommended to:

- 3.1 Endorse the proposal and proceed with the implementation of the Providence Row, Durham – Off Street Parking Places & Parking Charges Order. With the final decision to be made by the Corporate Director under delegated powers.

4 Background

- 4.1 A request was received from the outdoor market traders and market manager to accommodate their high sided vehicles to park on the Saturday market day. The proposals are to set up and have a location to unload and park from along Providence Row after the announcement of the closure of The Sands car park.
- 4.2 The initial consultation exercise was undertaken with statutory consultees from 11/04/2019 – 26/04/2019.
- 4.3 There was one objection received at this point from the City of Durham Parish Council. A decision was made to progress with the TRO (Traffic Regulation Order) and move to the formal consultation stage.
- 4.4 The proposals were advertised formally on site and in the local press between 11th July 2019 – 1st August 2019. There were three formal objections including a second from the City of Durham Parish Council. There were no objections from Durham Constabulary.

5 Providence Row

Providence Row off street car park is situated near to the junction of Freeman's Place and approx. 100m from The Sands car park which has now closed. The off-street car park has a capacity of approx. 20 vehicles.

The off-street car park is currently 'Pay and Display Mon-Sat 8am-6pm' and to give outdoor market traders of the Saturday market parking availability there have been proposals to amend 10 bays to 'Market Permit Holders Only Saturday 6am-10am'. Traders will need a valid permit from the Market Manager and will also be required to pay and display in this restricted section.

Due to comments made by current traders and the City of Durham Parish Council there are also bay suspensions being put in place for the Farmers Market on Providence Row where the Market Traders Permit Holders bays are proposed. This will be monitored over the coming months to determine its effectiveness. Traders will need a valid permit from the Market Manager and will also be required to pay and display.

There are also ongoing surveys of Sidegate car park, where over the last few weeks have had spaces available on a Friday afternoon to accommodate the Full Moon market traders and is another viable option, this will also be monitored over the coming months.

6 Objections

6.1 Objection 1

The first objection was received from the City of Durham Parish Council during the first initial consultation. They state that they wish to object on the basis that other market events take place during the week and not only Saturdays, as the indoor market clearly works throughout the week.

They allege that the new proposals are 100m further from the market than the current one and that residents currently park on this area and it would reduce their spaces, or they would need to move their cars before 6am on Saturdays.

Response

The proposed amendment to the restrictions is to enable the outdoor market traders a location to park their vehicles on a Saturday morning as they are unable to enter the multi-storey car parks due to vehicle heights.

The permits will only be available on Saturday mornings as outdoor market traders need to fully set up and remove all stock and equipment for the Saturday market, where the indoor market traders are able to leave their stalls and stock in the location with minimal need for restocking daily, there are

loading bays situated near to one of the indoor market entrances on Back Silver Street.

The market traders will need to be issued a permit from the Market Manager to use this section, however they will still have to pay and display during this duration.

The proposal is the nearest available location from the market that will be suitable to use for outdoor market traders for the duration required.

6.2 Objection 2

The second objection also comes from the City of Durham Parish Council during the formal consultation stage.

They state they would formally like to object to the proposals again as the new permit area is 100m further away from the market place than The Sands were. They continue that the additional distance and time will cause further difficulty as stalls are left unoccupied.

They explain that they have received correspondence from several outdoor traders stating the scheme will them further difficulty. The state that market traders require parking for the Farmers Market (every third Thursday) and for the Full Moon Market (once a month).

They state that they wish for Market Traders to be allowed to use Fowlers Yard on a Saturday and other market days although not to disrupt bin collections and loading.

Response

As per the response above where Providence Row is the nearest available location from the market that is suitable.

There are plans currently in place to make suitable arrangements for the Farmers Market, where the Market Traders bays on Providence Row will have bay suspensions put in place for the duration of the markets to allow Farmers Market Traders parking availability. This will be monitored over the coming months to determine its effectiveness. Traders will need a valid permit from the Market Manager and will also be required to pay and display.

There are also ongoing surveys of Sidegate car park, where over the last few weeks have had spaces available on a Friday afternoon to accommodate the Full Moon market traders and is another viable option, this will also be monitored over the coming months.

Fowlers Yard was surveyed and was deemed as not suitable for vehicles to park as the limited space along with the large bin storage and with vehicles constantly using the location to load/unload would have a negative effect on the productivity of the available space.

Providence Row will allow Saturday Outdoor Market and the Farmers Market Traders available space to park as well as having the option to park in any other off or on street car park within the city.

6.3 Objection 3

The third objector is an outdoor market trader who attends the Farmers Market and is objecting to the closure of The Sands carpark and proposed Market Trader off street car parking on Providence Row. The objector states that there is a lack of provisions for the Farmers Market which is on a specific time and date once a month.

They continue to allege that the planned provision at Providence Row increases the distance to walk, and an extra three minutes does not sound much, but it feels like a long time when you are leaving your stall unattended.

The objector also states that they must leave extra time to drive to and from this car park, also increased traffic will cause congestion. The state that the closure of The Sands is a bad decision.

They finish their objection by stating that they will no longer be able to have a stall at Durham Farmers market if these plans go ahead as proposed.

Response

Due to the comments received from Durham City Parish Council and Market Traders provisions are in place to accommodate all outdoor market traders with the introduction of the Traffic Regulation Order, and to suspend bays on Providence Row when necessary for the Farmers Market.

There are also surveys being conducted on a weekly basis to determine how many available outdoor on-street and off-street car places are available when the Farmers and Full Moon markets are in place for traders to park. This information will then be passed to the Market Manager and arrangements made by Durham County Council's Parking Services Manager will be made to suspend bays or inform the Market Manager of locations of available spaces.

The proposal is the nearest available location from the market that will be suitable to use for outdoor market traders for the duration required. The traders do not have allocated bays at current so may have been delayed with finding a parking space adding to the time away from their stall. The proposals will allow quick access to an available space if they are allocated a permit

from the Market Manager. The proposed market trader permit location on Providence Row is closer to drive to the market.

6.4 Objection 4

The fourth objection comes from a member of St Nicholas Community Forum Residents Association and provides their objection in relation to objector three's comments. The objector asks if we consider the walking time for a person perhaps less fit or with mobility issues, who must transfer large amounts of stock at each walk. They state that the walk would be longer than 2 minutes.

The objector requests that the department do everything possible to encourage market traders rather than discourage them. They continue to state that the traders are some of the last remaining independent traders the thinking is to support the high street and different retail over chain shops.

The objector then asks what response is given to the worrying and depressing comment that this trader (objector 3) will not be able to trade in Durham City thus depriving the City of a well-used facility and potentially cause difficulties to a small business.

They finish the objection with the comments that the outdoor market is more than one day a week, what provisions do you plan to make for other days. They also question if non market traders choose to park in the proposed bays on Providence Row, or there are more than 10 traders on one occasion what the backup strategy is.

Response

The proposal is the nearest available location with a suitable footway for persons with mobility issues from the market and closer to drive to the market place, that will be suitable for outdoor market traders for their high sided vehicles and duration required. The traders can unload in the market place and then use Providence Row to park their vehicle (with a valid permit and must pay and display) so minimal trips to load and unload are not required.

Durham County Council have been working with the Market Manager to find the best solution for the outdoor market traders, the current situation is that they do not have any allocated bays, so using The Sands car park would never guarantee available parking. The proposals to allocate 10 bays to the outdoor traders will improve the possibility of parking availability and Durham County Council have discussed the amount of required parking spaces with the Market Manager. This will be monitored over the coming months and alterations can be made if the demand is required.

Durham County Council are trying to do all that is possible to accommodate outdoor market traders on the weekly Saturday market, and monthly Farmers

market by putting in bay suspensions on Providence Row when the Sidegate Car Park is at full capacity. In recent weeks since the closure of The Sands carpark there has been parking availability at Sidegate car park to accommodate the Full Moon market.

If none market traders park in the 'Market Trader permit holders only bays' when the restrictions are in force, then they can be subjected to a PCN (Penalty Charge Notice). This will also be the same case if the bays get suspended for the Farmers and Full Moon Market as none permit holders will also be subjected to the same PCN.

6.5 Comments from Market Traders

There have also been two emails from Market Traders with queries regarding the proposals. The first enquiry wanted clarification of how the proposals will work and a plan to explain. They were sent over all available information and no further responses were received.

The second enquiry wanted clarification of how they will get assigned a space if the proposals are successful. A response was given explaining the market trader permit area and how it will work. There was then a final email from them stating that they wish that the Saturday outdoor market didn't have to keep giving way for other things that are going on in the market place and they are trying to make a living but is very difficult as the market is getting closed all of the time.

The comments have not been taken as objections in relation to the traffic regulation order.

6.6 Response

The Council (and persons exercising public functions) has a duty under Section 149 of the Equality Act 2010 when exercising its functions to have regard to the need to (a) eliminate discrimination, harassment, victimization and any other conduct that is prohibited under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Council has considered its public sector equality duty. In particular, the issues the Council has considered include the impacts upon disabled and other less mobile people as a result of the introduction of a TRO.

Having had due regard to all relevant factors, it is not considered that the introduction of a TRO would breach the Council's public sector equality duty. All issues have been considered in accordance with national law and other material considerations. Given the limited number of spaces affected and the

benefits obtained by ensuring that market traders have access to appropriate parking, it is considered that the introduction of a TRO would be proportionate and appropriate in this instance.

7 Conclusion

7.1 It is recommended that Members agree endorse the proposal and proceed with the implementation of the Durham City – Off Street Parking Places & Parking Charges Order 2019. With the final decision to be made by the Corporate Director under delegated powers.

8 Background papers

8.1 Correspondence and documentation in Traffic Office File

L:\TRAFPROJ\06 REGULATION DESIGN & IMPLEMENTATION\Off Street Car Parks\April 2019 Market

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Appendix 1: Implications

Legal Implications

All orders have been advertised by the County Council as highway authority and will be made in accordance with legislative requirements.

Finance

LTP Budget.

Consultation

Is in accordance with SI:2489.

Equality and Diversity / Public Sector Equality Duty

It is considered that Equality and Diversity issues have been addressed within the report.

Human Rights

No impact on human rights.

Crime and Disorder

This TRO will allow effective management of traffic to reduce congestion and improve road safety.

Staffing

Carried out by Strategic Traffic.

Accommodation

No impact.

Risk

Not Applicable.

Procurement

Operations, DCC.

Appendix 2: Location of Proposals

