



Notice of Non-key Executive Decision

Subject Heading:	Amendment to operational arrangements of Wilson Close (Gaynes Road) Car Park, Upminster
Cabinet Member:	Councillor Osman Dervish
SLT Lead:	Dipti Patel
Report Author and contact details:	Lorraine Delahunty – 01708 432618 lorraine.delahunty@havering.gov.uk
Policy context:	Traffic & Parking Control
Financial summary:	Variation to the current operational hours of Wilson Close (Gaynes Road) Car Park. The variation to the operational hours will not deliver additional income.
Relevant OSC:	Environment
Is this decision exempt from being called-in?	This is exempt as it is a non-key decision to be made by an authorised officer

The subject matter of this report deals with the following Council Objectives

- Havering will be clean and its environment will be cared for
- People will be safe, in their homes and in the community
- Residents will be proud to live in Havering

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

1. This Executive Decision approves the commencement of statutory consultation for the following operational changes to the Wilson Close Car Park, Upminster shown outlined bold red on the attached plan (“Car Park”):
 - i. introduction of new operational hours between 07:30 hours and 22:30 hours;
 - ii. introduction of new maximum stay period of 3 hours;
 - iii. introduction of new parking tariff:

Period (hours)	Mon-Sat*
Up to 30 minutes	Free
Up to 2 hours	£1.50
Up to 3 hours	£2.00
6pm to 7am (overnight)	Free
Solo Motorcycles	Free

Any representations arising out of consultation shall be considered in a further report to determine whether to proceed with implementation of the proposals or retain the current operation of the Car Park.

2. In the event that no objections are received to the proposed operational changes to the Car Park, following completion of the statutory consultation, that the proposals set out at recommendation 1 (i) (ii) and (iii) above, are implemented
3. Authority is given to negotiation and vary the Car Park lease to give effect to the operational changes authorised by recommendation 2 above.

AUTHORITY UNDER WHICH DECISION IS MADE

Council’s Constitution

Part 3, Section 3.4, paragraph (c)

To manage buildings and facilities under their control including letting, hiring or otherwise permitting the use of such premises and property for occasional purposes and to dispose of obsolete, worn out and surplus stores, equipment and vehicles, ensuring that value for money is obtained on all asset disposals

STATEMENT OF THE REASONS FOR THE DECISION

Background

Wilson Close Car Park, Upminster (commonly referred to as Gaynes Road Car Park) ("Car Park") Is situated within Upminster Town Centre, in close proximity to Upminster station, to the High Street shops and is one of the main parking provisions within the town centre.

The Car Park currently operates between 07:30 hours and 20:30 hours 7 days per week and provides 100 parking spaces of which 8 are dedicated for disabled use.

The Car Park operates as a Pay and Display facility which currently applies the following tariffs:

Period (hours)	Mon-Sat*
Up to 30 minutes	Free
Up to 2 hours	£1.50
Up to 3 hours	£2.00
Up to 4 hours	£3.00
Up to 5 hours	£4.00
Up to 6 hours	£5.00
Up to 7 hours	£6.00
Up to 8 hours	£7.00
Up to 12 hours	£8.00
6pm to 7am (overnight)	Free
Solo Motorcycles	Free

*Free parking on Sundays

The Car Park currently provides free parking for up to 30 minutes and offers competitive rates for short term parking. The proposed changes do not effect the free parking provision or rates for short term parking. The current tariff structure was designed to encourage a high turnover of parking spaces in support of local businesses in Upminster Town Centre. It is in support of this aim that the proposals are made.

The Car Park tariff also provides for longer term parking of periods of up to 12 hours. The charges associated with longer term parking are also highly competitive when compared to alternative parking facilities in the vicinity of Upminster Town Centre. This has resulted in the Car Park becoming increasingly popular with commuters as it is sited a short distance from Upminster Station.

The increase in longer term commuter parking has acted to undermine the strategy of encouraging short term parking. In order to improve parking turnover, in support of local businesses, it is recommended that the maximum stay for the Car Park is limited to 3 hours. This period is considered sufficient to facilitate the customers of businesses within Upminster Town Centre.

It is recommended that the following tariff be implemented in the Car Park:

Period (hours)	Mon-Sat*
Up to 30 minutes	Free
Up to 2 hours	£1.50
Up to 3 hours	£2.00
6pm to 7:30am (overnight)	Free
Solo Motorcycles	Free

* Free parking on Sundays

Non-key Executive Decision

Lease

The Car Park is owned by the London Borough of Havering ("Council").

In 2007 the Council leased the Car Park to Aldi Stores Limited ("Aldi") for a term of 25 years. The lease stipulates that the Car Park remains available for public use. The Car Park is also used by customers of the Aldi Store at 119-129 St Mary's Lane, Upminster.

There have been a few minor changes made to the lease agreement, by way of a side letter of agreement but it has been some time since any fundamental changes have been made.

The lease provides that general management responsibility of the Car Park is vested in Aldi with the Council remaining responsible for controlling and enforcing parking restrictions.

Aldi have requested implementation of the proposed changes to the operation of the Car Park so as to enhance the customer experience.

The Lease provides that the Council can specify terms of operation of the Car Park (Article 3.9.1).

A change in the operational hours of the Car Park to include overnight parking would need to be agreed in writing between the Council and Aldi.

OTHER OPTIONS CONSIDERED AND REJECTED

To continue operating the car park in its current form with no amendments to the operating hours or to the tariffs would not be of benefit to customers or to Aldi Stores Ltd. To retain the current arrangements would not facilitate the turnover of spaces required to meet demand and therefore should not remain. This has been a long standing request from Aldi's, Ward Councillors and customers. Officers also considered the continuation of charging period from 6pm until 10pm (Monday to Saturday) so as to mitigate any potential loss of income; however this was not accepted by Ward Councillors.

PRE-DECISION CONSULTATION

Ward Councillors have been consulted with and agree that the changes should be made to the Operating hours of the car park. It is also agreed that the tariff and chargeable hours be amended as noted in this report.

Aldi Stores Ltd have formally requested the change to the operating hours and are also in agreement to amend the chargeable tariffs and to introduce a maximum stay period of 3 hours.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Lorraine Delahunty

Designation: Service Unit Manager

Signature:  Date: 17th October 2017

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Legal Comments in relation to Traffic Management Orders

The Council's power to provide off street parking is set out in the Road Traffic Regulation Act 1984 ("1984 Act"). The 1984 Act allows the Council to designate off street car parks (section 32) and regulate their operation, including the levying of charges (section 35) through traffic management orders. The Gaynes Road car park ("Car Park") is regulated by the Havering (Off Street Parking Places) Order 2017 (as amended) ("Order").

In order to facilitate the proposals set out in the report the Council will need to amend / revoke those parts of the Order that relate to the Car Park on the grounds that it is no longer necessary for relieving or preventing congestion of traffic. This is considered in the Report.

The Council should ensure that the statutory procedures set out in the Local Authorities Traffic Orders (Procedure)(England & Wales) Regulations 1996 (SI 1996/2489) ("Regulations") are complied with. The Regulations require publication and provision of notices to those affected; a 21 day period for receipt of representations before a decision can be taken on implementation. The Traffic Signs Regulations and General Directions 2002 govern road traffic signs and road markings.

Section 122 RTRA 1984 imposes a general duty on local authorities when exercising functions under the RTRA. It provides, insofar as is material, to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. This statutory duty must be balanced with any concerns received over the implementation of the proposals.

In considering any responses received during consultation, the Council must ensure that full consideration of all representations is given including those which do not accord with the officers recommendation. The Council must be satisfied that any objections to the proposals are taken into account.

In considering any consultation responses, the Council must balance the concerns of any objectors with the statutory duty under section 122 RTRA 1984.

Public law decisions of local authorities are subject to the risk of legal challenge. Provided that the Council only considers relevant issues when making decisions and follows the correct statutory procedure the risk of successful challenge is low.

A change in the operational hours of the Car Park would need to be agreed in writing between the Council and Aldi which could be achieved by letter signed by both parties.

Non-key Executive Decision

FINANCIAL IMPLICATIONS AND RISKS

Officers have analysed the income generated by tariff bands so as to assess whether there is a risk to income.

Wilson Close Transactions by Tariff 2016-2017			Additional 2hr stay Tickets required to meet 16/17 income re:4-12hrs		Additional 3hr stay Tickets required to meet 16/17 income re:4-12hrs	
Time band	Total Tickets	Total Income	Total Tickets	Total Income	Total Tickets	Total Income
30 mins free	140,974	£0	140,974	£0	140,974	£0
2hrs -(2016-17@ £1) (2017/18 @ £1.50)	111,616	£111,616	111,616	£167,424	111,616	£167,424
3hrs - £2	10,350	£20,700	10,350	£20,700	10,350	£20,700
4hrs - 12hrs at £3 - £8	4,580	£19,745		£19,745		£19,746
Required to mitigate potential loss			13,163		9,873	
Total	267,520	£152,061	276,103	£207,869	272,813	£207,870

Above figures will be reduced due to VAT at 20%

Reducing the maximum stay period to 3 hours could result in a reduction in income generation linked to the 4–12 hours stay period.

Currently, there are on average 4,500 transactions for parking stays between 4-12 hours which equate to an annual income of £19,745. Depending on whether activity increases then the maximum loss is £20k.

The introduction of a maximum stay period could therefore result in less income being generated – however this could be mitigated by enabling more customer transactions for the shorter parking stays periods.

To maintain 2016-17 level of income collection either 19,800 transactions of up to 2 hours at (£1.50) or 9,872 transactions of Up to 3 hours at (£2) or a mixture of the two options would be required.

The Fees & Charges for Traffic & Parking Control 2017/18 will be amended and advertised to reflect the change made in respect of the maximum stay period.

To incorporate the changes made, amendments would be required to all Tariff and Operational signage within the car park and software changes applied to the Pay & Display machines.

The costs associated with the changes noted would be circa £500 and would be funded from the Parking revenue account which is A24600 641140 0000.

**HUMAN RESOURCES IMPLICATIONS AND RISKS
(AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

No human resources implications and risks have been identified for this report.

Non-key Executive Decision

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

There are 100 parking spaces within the car park, of which 8 of these are solely for the use of those whom are Disabled and whom have a valid Blue Badge. There are no obvious equal opportunities implications but should any arise they will be managed in accordance with the Council's appropriate policy.

BACKGROUND PAPERS

N/A

Non-key Executive Decision

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

Proposal NOT agreed because

Details of decision maker

Signed 

Name: Dipti Patel

Assistant Director: Environment

Date: 23/10/17

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 24/10/2017

Signed 