

Subject:	Preston Park Parking		
Date of Meeting:	24 January 2012		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Jan Jonker	Tel: 29-4722
	Email:	jan.jonker@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan No: N/A	
Ward(s) affected:	Preston Park		

FOR GENERAL RELEASE.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Parking within Preston Park is currently uncontrolled. Surveys have shown that a large proportion of cars in the park do not belong to people using the park, but instead belong to commuters, residents and visitors to the city. This problem has worsened since the introduction of the Controlled Parking Zone (CPZ) on Preston Park Avenue along one side of the park.
- 1.2 Options to control parking have been explored and consulted upon. This report summarises the current parking problems in Preston Park, the outcome of the consultation and recommends implementation of measures to control the parking.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member notes the outcome of the consultation.
- 2.2 That the Cabinet Member approves the proposals to control parking in Preston Park set out in this report, subject to the statutory consultation process for Traffic Regulation Orders.
- 2.3 That the Cabinet Member instructs Officers to advertise the associated Traffic Regulation Orders.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 As a result of parking currently being uncontrolled, cars park in the areas within Preston Park shown in Appendix 1. There is nothing to stop cars parking anywhere in the park at present. The level of parking has resulted in complaints that:

- parking is causing problems for pedestrians and cyclists entering and using the park
 - cars parked on the park's internal roads are a visual intrusion and impact on the overall tranquillity of the park
 - cars driving through the park make it unsafe, particularly for children
 - the current level of parking creates congestion for park visitors
- 3.2 In 2010 a petition with 2,201 signatures was presented to the council urging the it to address the problem of residents and commuters using Preston Park as a free car park.
- 3.3 In addition the current volume of cars in the park is causing more damage to its roads and paths. Parking is limiting emergency access, particularly in the area known as the Ride.
- 3.4 Preston Park is a Green Flag park and in the past judges have expressed concern about the lack of parking control in the park.
- 3.5 In January 2011 a cross party working group of ward councillors asked officers to explore options to control parking with the objectives of:
- Limiting parking to the areas known as The Gallop and The Ride (and, with the exception of Blue Badge Holders, excluding parking from the internal roads and along the London Road side of the park)
 - Preventing parking by non-park users
 - Ensuring that genuine park users are still able to park in the park
 - Ensuring the park remains fully accessible to disabled visitors
 - Extending the maximum length of stay along parts of Preston Park Avenue from 4 hours to 11 hours to give commuters, residents and visitors alternative parking options.
- 3.6 Another parameter was that any scheme should not be funded from the maintenance budget for the park, but that instead it should be self funding.
- 3.7 Proposals to meet these objectives were drawn up and were subject to consultation with park users, local residents, businesses and sports groups who regularly use Preston Park as well as local conservation groups and other stakeholders.
- 3.8 In addition, the Centre for Independent Living (formerly the Brighton & Hove Federation of Disabled People) consultation group, The Get Involved Group (GIG) carried out the consultation amongst their members and extended this to the membership of the Centre for Independent Living.

4. Parking Proposals

- 4.1 Under the proposals parking in the park will be restricted to the two areas known as *The Gallop* and *The Ride*. Due to the narrowness of The Ride, parking will only be permitted on the northern side, not on both sides as is currently the case. With the exception of blue badge holders no parking will be permitted along the path which runs parallel to London Road or on Lime Tree Walk which runs in to the

centre of the park itself. Appendix 2 shows the areas where parking will be permitted.

- 4.2 The maximum length of stay in the park would be limited to prevent non-park users parking in the park. In the consultation proposals the maximum length of stay was four hours, however in response to comments from sports groups in particular who run longer fixtures it has been extended to six hours.
- 4.3 The maximum length of stay in the Preston Park Avenue CPZ is currently four hours. Linked to the proposals for the park, it is proposed to extend parking along part of Preston Park Avenue to 11 hours to provide some more parking capacity for residents, commuters and visitors to the city.
- 4.4 Introducing the controls will require a Traffic Regulation Order (TRO) to cover the whole park and the controls would be enforced using Civil Enforcement Officers. In order to fund the scheme and its enforcement without reducing the budget for the park itself charges would need to be made for parking. The charges as set out in the consultation are detailed out below. Charges have been kept lower than neighbouring Preston Park Avenue in order to ensure genuine park users who have to rely on cars can still access the park. The maximum stay of six hours will limit commuters and other non park users taking advantage of the lower rates.

Preston Park		Preston Park Avenue***	
Up to 1 hour	£0.50	Up to 1 hour	£1.00
Up to 2 hours	£1.00	Up to 2 hours	£2.00
Up to 4 hours	£2.00	Up to 4 hours	£3.00
Up to 6 hours*	£3.00	Up to 11 hours**	£5.00

- * Extension of maximum length of stay to six hours has been included as a result of consultation outcome.
- ** Currently maximum length of stay on Preston Park Avenue is 4 hours. Along parts of the road it will be extended to 11 hours
- *** Prices listed are the proposed prices for 2012/13 and are subject to confirmation at CMM in February 2012.

4.5 The charges are expected to result in a net income of approximately £10,000 per year after the costs of implementing and enforcing the scheme have been taken in to account. Under the proposals this income will be ring fenced to Preston Park to help fund improvements over and above the existing budget. The total amount of income generated and what the money has been spent on will be clearly advertised to park users.

5. Consultation

- 5.1 The consultation ran between 2nd and 30th September 2011. A copy of the consultation document is attached as Appendix 3.
- 5.2 Consultation documents outlining the proposals and a feedback form were mailed to residents in roads directly surrounding the park. Information displays were put up at the two cafes in the park together with the consultation documents. Posters were put up in the park and advertised in local shops as well as through the council website and City News. Groups including sports groups known to use the

park, conservation groups and the Federation for Disabled People were contacted to seek their views on the proposals.

- 5.3 The response to the consultation is detailed in Appendix 4. The main findings are summarised below.
- 5.4 510 responses were received with just over 60% from the immediate area surrounding the park. 81.5% of respondents used the park in a casual and informal way. 25.5% of respondents took part in organised sport in the park.
- 5.5 The consultation sought views on three main questions. For each question respondents were asked whether they agree, disagree or are unsure. They were also given room to leave specific comments. The questions and the overall responses are summarised in the table below.

Question	Yes	No	Unsure
Do you agree that the current parking situation in Preston Park is a problem that needs to be addressed?	56.4%	32.7%	10.9%
Do you agree that parking should be limited to the two designated parking areas set out in the proposals?	39.6%	44.5%	13.9%
Do you agree that the southern section of parking on Preston Park Avenue should be increased to maximum 11 hour stay?	45.3%	30.4%	22.2%

- 5.6 The results show the majority of respondents felt that parking is a problem. Of the people who felt parking was a problem most were local residents and or casual park users. Participants in organised sport in the park were fairly evenly split as to whether parking was a problem. Most of those respondents working locally did not feel parking was a problem.
- 5.7 A small majority of respondents felt that parking should not be limited to the two proposed areas. Analysis of the comments in relation to this question showed they were roughly evenly split for and against the proposals. 23.7% of respondents were concerned about the loss of parking spaces and 13.4% felt that the restrictions would be detrimental to park users.
- 5.8 If the proposals are introduced they will result in non-park users being discouraged from parking in the park due to the time restrictions. This will free up a significant number of additional spaces in the proposed areas and is expected to result in there being sufficient capacity for genuine park users most of the time. This is supported by a survey carried out in November.
- 5.9 As part of the survey the numbers of cars parked in the park on a Friday night at 8:30pm were counted. Of the 89 cars parked in the evening, 58 were still there on Saturday the morning suggesting they were not owned by people using the park. If the scheme is implemented these non-park users would be discouraged from using the park, freeing up these spaces for genuine park users.

- 5.10 The majority of respondents are in favour of extending the maximum stay in Preston Park Avenue to 11 hours.
- 5.11 Several sports groups who regularly use the park expressed concern that for some sports participants need to bring heavy equipment which can not be easily brought down by foot or bus; some families travel long distances to get to the park and some events last all day. One group also expressed concern that charges would make using the park unaffordable.
- 5.12 The proposals are not intended to prevent park users driving to the park. Their purpose is to prevent commuters and other non park users from using it as a free car park. There will be more spaces in the proposed parking areas as a result of non park users being discouraged from parking. The charges have been kept as low as possible while ensuring that the cost of the scheme is covered. Overall only 5.1% of comments related to people not wanting to pay. The minimum length of stay has been increased from 4 to 6 hours. Extending it any further would result in not discouraging commuters and other non park users in to the park, in particular because the charges are lower than Preston Park Avenue.
- 5.13 There will be an opportunity for formal objections to be made to the proposed Traffic Regulation Orders. Any unresolved objections would be reported back to a future Environment, Transport and Sustainability Cabinet Member Meeting.

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 6.1 It is anticipated that initial set up costs will be in the region of £10,000. The ongoing costs of the scheme will be funded by the anticipated receipts, with any surplus income being ring fenced to be used in Preston Park.

Finance Officer Consulted: Name Karen Brookshaw Date: 04/01/12

Legal Implications:

- 6.2 The Council's powers and duties under the Road Traffic Regulation Act 1984 ("the 1984 Act") must be exercised to secure the expeditious, convenient and safe movement of all types of traffic and the provision of suitable and adequate parking facilities on and off the highway. As far as is practicable, the Council should also have regard to any implications in relation to:- access to premises; the effect on amenities; the Council's air quality strategy; facilitating the passage of public services vehicles and securing the safety and convenience of users; any other matters that appear relevant to the Council.
- 6.3 Under sections 32 and 35 of the 1984 Act, there is power to provide off-street parking places and regulate their use for the purpose of relieving or preventing congestion.
- 6.4 Under section 45 of the 1984 Act, the Council has wide powers to designate pay parking places on highways for vehicles or classes of vehicles. It includes power to authorise parking by permit. Under subsection (3), in determining what parking

places are to be designated under this section the Council must consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include the need for maintaining the free movement of traffic; the need for maintaining reasonable access to premises; and the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.

- 6.5 Under section 55 of the Road Traffic Regulation Act 1984, as amended by the Traffic Management Act 2004, the Council must keep an account of all parking income and expenditure in designated (i.e. on-street) parking spaces which are in a Civil Enforcement Area, and of their income and expenditure related to their functions as an enforcement authority. Regulations and guidance confirm that in respect of off-street parking places, the term "income and expenditure as enforcement authorities" includes that related to the issue of PCNs. It does not, for example, include pay and display or permit/season ticket income or the direct expenditure relating to collecting that income.
- 6.6 Before making Traffic Orders, the Council must consider all duly made, unwithdrawn objections. In limited circumstances it must hold public inquiries and may do so otherwise. It is usually possible for proposed orders to be modified, providing any amendments do not increase the effects of the advertised proposals. The Council also has powers to make orders in part and defer decisions on the remainder. Orders may not be made until the objection periods have expired and cannot be made more than 2 years after the notices first proposing them were first published. Orders may not come into force before the dates on which it is intended to publish notices stating that they have been made. After making orders, the steps which the Council must take include notifying objectors and putting in place the necessary traffic signs.
- 6.7 Relevant Human Rights Act rights to which the Council should have regard in exercising its traffic management powers are the right to respect for family and private life and the right to protection of property. These are qualified rights and therefore there can be interference with them in appropriate circumstances.

Lawyer Consulted:

Carl Hearsom

Date: 23/12/2011

Equalities Implications:

- 6.8 As part of the consultation the Federation has been consulted and an EIA has been carried out. The proposals will result in improved and safer access to the park by car for disabled people will be improved.

Sustainability Implications:

- 6.9.1 Preston Park is a Green Flag park attracting a wide range of users. It is currently being used as a car park by a large number of non-park users. The proposals will restrict parking making it safer and reducing the visual impact of parked cars.

Crime & Disorder Implications:

6.10 There are no implications for crime and public disorder

Risk and Opportunity Management Implications:

6.11 The proposals will make the park safer.

Public Health Implications:

6.12 There are no implications for public health.

Corporate / Citywide Implications:

6.13 The proposals will address concerns raised by Green Flag judges and help secure the park's Green Flag status.

7. EVALUATION OF ANY ALTERNATIVE OPTION(S):

7.1 Different options were evaluated as part of the scheme. Restricting parking without charging was not viable because the cost of enforcement would have to be funded from the parks maintenance budget, and it was considered that any scheme had to be self funding. Free parking for the first one or two hours were modelled but these options did not raise enough revenue to cover the cost of the scheme.

8. REASONS FOR REPORT RECOMMENDATIONS

8.1 Parking in Preston Park is currently uncontrolled and unenforceable. It has been a growing problem and now many non park users take advantage of free parking in the park. The recommendations have been proposed to address these issues. Parking charges have been kept as low as possible to make sure the park is still accessible to genuine park users. The main deterrent to non-park users, in particular commuters, is the restriction of the maximum length of stay to 6 hours.

SUPPORTING DOCUMENTATION

Appendices:

1. Plan showing areas where cars currently park
2. Plan showing proposed areas where parking would be permitted
3. Consultation document
4. Consultation report

Background Documents

