

**TO: THE CHAIR AND MEMBERS OF THE  
COUNTY COUNCIL'S CABINET**

8 May 2014  
Your reference: Reference  
Our reference: Reference jc/CAB

Dear Members

**Cabinet – 15 May 2014**

Further to the agenda for the above meeting please find enclosed the following, which was marked 'to follow':-

Agenda Item No 11 – On Street Charging and Permit Charging

Yours sincerely

*Jackie Currie*

Jackie Currie  
Senior Democratic Services Officer



**CABINET**

**Meeting date: 15<sup>th</sup> May 2014**

**From: Corporate Director – Environment and  
Community Services**

**ON STREET PARKING CHARGES AND RESIDENTS PARKING  
PERMITS**

**1.0 EXECUTIVE SUMMARY**

**1.1 Consultation took place on the draft Council Budget between October 2013 and January 2014 including proposals for the introduction of on-street parking charges and Residents' Permit charges. At the Council Meeting on 13<sup>th</sup> February the budget for 2014/15 was approved and included the introduction of these charges and the involvement of both the Cabinet and Local Committees in the implementation process. Following consultation with Local Committees this report sets out the process by which the Council decision will be implemented.**

**2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS**

**2.1 An Equality Impact Assessment (EIA) has already been carried out and there are no issues arising from the assessments.**

**2.2 The introduction of on street charges reduces congestion and improves traffic flow. This meets the Council Plan Priority:**

**§ To provide safe and well maintained roads and an effective transport network**

**3.0 RECOMMENDATION**

**3.1 Cabinet notes the decision of Council on 13<sup>th</sup> February to introduce on street parking charges in the following towns:**

**Carlisle, Penrith, Kendal, Barrow, Workington, Whitehaven, Maryport, Keswick, Cockermouth, Windermere and Bowness and Ambleside**

**3.2 Cabinet agrees that on-street parking charges be introduced in accordance with the criteria set out in 4.9 of this report.**

3.3 ***Cabinet agrees that the level of on-street parking charges in each area should be set at a level at least equal to, or within a range of up to 20% above the level of District Council off-street parking charges.***

3.4 ***Cabinet agrees to set the charge for Residents Permits at £20 per annum, giving discretion to Local Committees to remove the waiting restrictions on a particular street as an alternative.***

## **ADVICE OF CORPORATE DIRECTOR – ENVIRONMENT & COMMUNITY SERVICES**

### **4.0 BACKGROUND**

4.1 Consultation took place on the draft Council Budget between October 2013 and January 2014, including proposals for the introduction of on-street parking charges and Residents' Permit charges. Parking controls have been introduced in Cumbria over many years and have been based around the use of a parking "disc" system with both the disc and the parking usage provided free of charge. In fact these parking controls themselves were introduced under legislation which allows for charges to be used to recover the cost of these measures and for any surplus revenues to be used to improve local transport infrastructure. The controls were originally put in place as some areas of Cumbria suffer from traffic congestion and capacity issues with on-street parking availability. This remains an issue and one measure which has been identified to help address this would be to introduce on-street parking charges. Decisions on where exactly to introduce on-street parking charges, how much to charge and when and to whom restrictions should apply would be made at Local Committee level through the Traffic Regulation Order (TRO) process.

4.2 At the February meeting of Council it was agreed that local site investigations would focus on the areas of highest demand such as high-street and retail centres (rather than residential areas) in the following towns:-

|            |                        |
|------------|------------------------|
| Carlisle   | Maryport               |
| Penrith    | Keswick                |
| Kendal     | Cockermouth            |
| Barrow     | Windermere and Bowness |
| Workington | Ambleside              |
| Whitehaven |                        |

4.3 The wider context for the introduction of on-street parking charges is to ensure that, within the scope of legislative guidance, the management of parking regulations in Cumbria is carried out effectively and that the cost of doing so is recovered from the motorist ie. the party which benefits, rather than funding parking controls from general revenues, as is currently the case.

- 4.4 In considering the role of on-street parking charges and whether or not to introduce such measures the Council concluded that in view of budgetary pressures it is now appropriate to introduce on-street parking charges to bring Cumbria into line with other highway authorities where charges were introduced at the time of the original parking restrictions.
- 4.5 At the February 2014 Council meeting the following budget savings were agreed. Expected expenditure recovery was detailed in the budget consultation and Council Budget decision, however the final level of expenditure recovery will ultimately be determined by a combination of factors such as the level of charge per period parked and the number of locations as well as the level of use for each parking space.

| £'m                        | 2014/15 | 2015/16 | 2016/17 | Ongoing |
|----------------------------|---------|---------|---------|---------|
| Targeted on street parking | 0.350   | 0.700   | 0.700   | 0.700   |
| Residents Parking Permits  | 0.250   | 0.250   | 0.250   | 0.250   |

- 4.6 A one off capital budget of £0.280m to install ticket machines and associated infrastructure works and a one off revenue budget of £0.300m to deliver a phased and integrated implementation of the above budget savings was also agreed by Council as part of the 2014/15 budget.
- 4.7 In February, Council approval was given to the overall policy for charging for resident's permits and for charging for on street parking. Local engagement workshops have taken place during April where the views of Local Committees were sought, details of Local Committee feedback are provided in Appendix 1. Local Committees, under their existing delegations, will progress the statutory consultation and advertisement of the TROs and then take into account any objections which have been received before making decisions.

#### **On street charging**

- 4.8 Following the Council's decision of 13<sup>th</sup> February 2014, the local site investigation work and the feedback from the Local Committee Workshop discussions On- Street Parking charges will be introduced in the 11 towns as set out in Table one below. Some phasing-in in Allerdale will be allowed.

Table 1 – 2014/15 – Proposed On Street Charging Locations following Local Committee engagement - April 2014

| <u>District</u> | <u>Town</u>  |
|-----------------|--|
| Allerdale       | Keswick (1 <sup>st</sup> Phase)<br>Workington<br>Maryport<br>Cockermouth |
| Barrow          | Barrow   |
| Carlisle        | Carlisle   |
| Copeland        | Whitehaven   |
| Eden            | Penrith  |
| South Lakeland  | Kendal<br>Windermere & Bowness<br>Ambleside                              |

4.9 It is also proposed that Cabinet agrees the criteria that Local Committees must use when deciding on the streets for which on street parking charges will apply in their areas. The suggested criteria are as follows:-

- a) For on-street charges to only apply during the existing waiting limits and during the existing time bands except where changes to those limits would benefit the effective use of parking charges;
- b) To address congestion and parking capacity issues in areas with the highest parking demand and within close proximity to high street/retail areas;
- c) To ensure that restrictions are applied to a sufficient number of streets to ensure the objective of improving parking capacity, without vehicles migrating into non restricted areas.

4.10 Implementation of on-street charging will be achieved using Experimental TRO's to assess the effectiveness of the traffic management scheme before being considered for permanent implementation. The process for introducing experimental Traffic Orders requires statutory consultation and consideration of responses to the consultation exercise by Local Committees before Local Committees authorise the making (bringing into operation) of the Experimental TRO. Experimental TRO's remain in force for a maximum of 18 months so that during their period of operation the charges can be reduced should the need arise but must remain within the scope of the guidance provided by Cabinet. Local Committees have delegated authority to authorise the bringing into force of Experimental Orders. Objections to the Experimental TRO's continuing in permanent effect may be made during the first six months of the TRO's operation. Alterations, which have the effect of

making the TRO's less onerous, may be made during the first 12 months of the TRO's operation. Experimental TRO's must be made permanent or withdrawn no later than 18 months after they come into force.

- 4.11 A key principle for on-street parking charges is that the level of charging in each area should be set in conjunction with the level of off street parking charges. Therefore it is recommended that charges for on-street parking are set at a level at least equal to, or set up to 20% above the level of District Council off-street charges. Charges for waiting in a parking place for less than the maximum permitted period, should be set at a charge pro-rata to the on- street charge but each Local Committee will have discretion as to whether the parking meters will allocate the time allowance for the actual coinage deposited or whether a charge will be made for waiting for a set period of time eg. every 20 minutes.
- 4.12 When Local Committees consider the level of on-street charges, they will be presented with a set of charges which they may approve or amend to reflect the needs of traffic management objectives while seeking to accommodate the needs of businesses and residents. The final range of charges and chargeable periods will ultimately be made by the Local Committee based on technical advice from the local highways team having considered the off-street charges, traffic volumes, parking turnover and local traffic management aspects.

#### **Resident Permit Charges**

- 4.13 Section 45(1) of the Road Traffic Regulation Act 1984 allows a Local Authority to designate parking places on highways and Section 45(2)(a) of the 1984 Act allows an authority to issue a permit for that vehicle to be left in the parking place while the permit remains in force, either at all times or at such times as may be specified in the permit and Section 45(2)(b) allows an authority to make such charge in connection with the issue or use of the permit, of such amount and payable in such manner, as the authority by whom the designation order was made may by order prescribed.
- 4.14 The decision from Council is to charge an annual fee of up to £25 for resident's permits within a scheme. The amount of expenditure recovered by the residents permit charge depends on the uptake of the permits.
- 4.15 A charge of £20 for the issue of resident's permits should enable the majority of the costs involved in enforcing and administering the resident permit schemes to be recovered, assuming a high take up of the existing permits. If Local Committees decide not to introduce the charge in certain towns, then they have the discretion, as an alternative, as to whether to withdraw the waiting restrictions on those streets. This could mean that if the majority of residents on a particular street object to paying for a residents permit, then the Local Committee could remove the waiting restriction on that street, meaning that the street would become unrestricted.

- 4.16 It is not intended to charge for the issue of replacement permits on the occurrence of any of the following events: -
- a) the permit is mutilated or defaced or the figures of particulars thereon have become illegible or the colour of the permit has been altered by fading or otherwise;
  - b) the permit is lost or destroyed;
  - c) the permit holder changes his/her vehicle providing the vehicle is still registered to the same address;
  - d) the permit holder moves address, whereupon the replacement permit will only be issued for the remaining months of the permit's duration.
- 4.17 Where a resident moves to an area outside an existing permit scheme a refund will be made for each complete quarter year period remaining on the permit.

### Implementation Process

- 4.18 The following table outlines the respective decision making roles of Cabinet and Local Committees in relation to both on-street parking charges and charging for residents permits and the level of discretion which Local Committees have.

| <b>Cabinet decision</b>  | <b>Local Committee discretion</b>   |
|--|---|
| To note the towns in which On street parking charges will be introduced. (see Table 1)   | No discretion on the towns - but where more than one town in the local committee area the implementation sequence for each area.  |
| The criteria to be used when deciding on the streets for which parking charges will apply  | Determine the streets within each town <b>(according to the agreed criteria)</b>  |
| The level of on-street charges in each area should be set at a level at least equal to or up to 20% above the level of District Council off-street charges | Determine charging levels within the parameters set by Cabinet.<br><br>Discretion to introduce variable/pro-rata charging within the maximum time allowed or fixed time period charges according to local traffic requirements as per 4.11 above. |
| Agree annual charge for permits – Permit charge £20  | No discretion other than the option to remove the waiting restriction on a particular street or streets as an alternative   |
| Refunds and replacement terms as detailed in 4.14  | No discretion.  |



## 5.0 OPTIONS

- 5.1 That Cabinet agree to the recommendations listed in this report.
- 5.2 That Cabinet amend the recommendations listed in this report.

## 6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

- 6.1 At the 2014 February Council meeting the following budget propositions were agreed:

| £'m                        | 2014/15 | 2015/16 | 2016/17 | Ongoing |
|----------------------------|---------|---------|---------|---------|
| Targeted on street parking | 0.350   | 0.700   | 0.700   | 0.700   |
| Residents Parking Permits  | 0.250   | 0.250   | 0.250   | 0.250   |

- 6.2 In addition, a one off capital budget of £0.280m to install ticket machines and associated infrastructure works and a one off revenue budget of £0.300m to deliver a phased and integrated implementation of the above were also agreed by Council as part of the 2014/15 budget.
- 6.3 In implementing any budget proposition, the risk of non-achievement exists particularly in the first year. It will be necessary to report the progress and financial impact of the roll out of the integrated implementation of these two propositions by Local Committees through the quarterly budget monitoring report to Cabinet. This will provide comparison to the desktop assumptions (across a range of variables e.g. timing, set up and running costs, parking revenues generated etc) that underpin the budget propositions and an assessment of the realisation of the budget in both the current and future years.

## 7.0 LEGAL IMPLICATIONS

- 7.1 This is a proper decision for Cabinet as under Part 3 of the Constitution Cabinet is responsible for taking decisions to implement the County Council's policies.
- 7.2 Under Part 5 of the Constitution, Local Committees, in exercising its Executive functions, shall act in accordance with the Council's Policy Framework and Budget and such other policies of the Council as the Council or the Cabinet has adopted or endorsed.
- 7.3 At paragraph 30 of Part 5 of the Constitution, Local Committees can exercise the powers and duties of the County Council, under Parts I, II, and IV of the Road Traffic Regulation Act 1984 within their Area and, using the guidance in this report, can decide on the level of on-street charges and the streets to be included in the Experimental Orders. If Local Committees decide not to introduce the charge in certain streets, then they have the

discretion as to whether to withdraw the exemptions for residents or the parking restrictions on those streets as an alternative.

In relation to charging for residents permits: -

- 7.4 Section 45(1) of the Road Traffic Regulation Act 1984 (“the 1984 Act”) allows a Local Authority to designate parking places on highways;
- 7.5 Section 45(2)(a) of the 1984 Act allows an authority to issue a permit for that vehicle to be left in the parking place while the permit remains in force, either at all times or at such times as may be specified in the permit; and
- 7.6 Section 45(2)(b) allows an authority to make such charge in connection with the issue or use of the permit, of such amount and payable in such manner, as the authority by whom the designation order was made may by order prescribe.
- 7.7 The introduction of charging for residents permits is intended to be facilitated by variations to each of the existing Traffic Regulation Orders which are in force in the County which currently provide for the issue of residents exemption permits, in accordance with the procedures set out in the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 (SI 1996/2489) (“the 1996 Regulations”), which includes requirements for consultation, advertisement and then consideration of any objections received by Local Committees, who will then decide upon the making of the variation orders in relation to the charge to be introduced for the residents permits.

In relation to the introduction of on-street parking charges: -

- 7.8 Section 46(1)(A) of the 1984 Act allows a Local Authority to impose charges to be paid for vehicles left in a parking place designated by a Traffic Regulation Order, in a civil enforcement area for parking contraventions, such charges to be prescribed either by a designation order or by a separate order made by the authority.
- 7.9 The introduction of charging for on-street parking is proposed to be implemented by way of Experimental Traffic Regulation Orders, made under Sections 9 and 10 of the 1984 Act, in accordance with the procedures set out in the 1996 Regulations.
- 7.10 The effect of an Experimental Order will be to bring into immediate operation the on-street charging provisions, as an experimental scheme of traffic control, which shall continue in force for a maximum period of 18 months.
- 7.11 During the first six months of its operation, anyone affected by the Experimental Order may object to it being continued in permanent operation. Any objections which are received will subsequently be considered by Local Committees who will decide whether to take the objections into account and resolve that the Experimental Order be amended accordingly, or alternatively they may decide that the objections are not valid and resolve that the Experimental Order be brought into operation on a permanent basis.

- 7.12 During the first twelve months of its operation, minor amendments may be made to an Experimental Order, thus that it can be made less onerous; modifications do not extend to making additions to the order or to designate additional on-street parking places for which charges are made.
- 7.13 Local Committees may consider bringing an Experimental Order into permanent operation after the first six months of its operation but may decide that the Experimental Order should run for its maximum duration before deciding whether it has had the effect which was envisaged. Local Committees can then decide whether the Experimental Order should be made permanent or abandoned and either formally revoked or allowed to lapse.

## 8.0 CONCLUSION

- 8.1 The County Council approved its Budget at its meeting on 13th February. This report contains the provision of two budget savings proposals relating to Parking Charges and to Residents' Parking Permits both of which require Cabinet approval of the process by which the Council decision will be implemented.

**Jim Savege**  
**Corporate Director – Environment and Community Services**

May 2014

## APPENDICES

### **Appendix 1: Local Committee Workshops**

Electoral Division(s): \*

*\* Please remove whichever option is not applicable*

|   |                               |  |
|---|-------------------------------|--|
| Executive Decision  | <input type="checkbox"/> Yes* | <input type="checkbox"/>                               |
| Key Decision  | <input type="checkbox"/> Yes* | <input type="checkbox"/>                               |
| If a Key Decision, is the proposal published in the current Forward Plan?   | <input type="checkbox"/>      | <input type="checkbox"/> No <input type="checkbox"/>   |
| Is the decision exempt from call-in on grounds of urgency?  | <input type="checkbox"/>      | <input type="checkbox"/> No* <input type="checkbox"/>  |
| If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained? | <input type="checkbox"/>      | <input type="checkbox"/> N/A* <input type="checkbox"/> |
| Has this matter been considered by Overview and Scrutiny?<br>If so, give details below.   | <input type="checkbox"/>      | <input type="checkbox"/> No* <input type="checkbox"/>  |
| Has an environmental or sustainability impact assessment been undertaken?   | <input type="checkbox"/>      | <input type="checkbox"/> No* <input type="checkbox"/>  |
| Has an equality impact assessment been undertaken?  | <input type="checkbox"/>      | <input type="checkbox"/> No* <input type="checkbox"/>  |

**N.B.** *If an executive decision is made, then a decision cannot be implemented until the expiry of the eighth working day after the date of the meeting – unless the decision is urgent and exempt from call-in and the Corporate Director has obtained the necessary approvals.*

**PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS**  
*[including Local Committees]*

*Council Budget Decision February 2014*

**CONSIDERATION BY OVERVIEW AND SCRUTINY**

*Not considered by Overview and Scrutiny.*

**BACKGROUND PAPERS**

*No background papers.*

**RESPONSIBLE CABINET MEMBER**

*Councillor Keith Little, Highways & Transport*

**REPORT AUTHOR**

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## **Summary of Local Committee Parking Workshops**

### **Allerdale Workshop – April 8th**

- Members present asked to decide on one town to progress although they were informed that in the future the remaining 3 towns would be considered.
- Keswick selected as most appropriate for on street charging. Agreement on streets suggested.
- Understand the charges can be set 20% above off streets car park charges.

### **Copeland Workshop – April 8th**

- Members present agreed Whitehaven -additional streets selected.
- Issue regarding the extent of the existing permit scheme raised for investigation.
- Understand the charges can be set 20% above off streets car park charges

### **Barrow Workshop – April 16th**

- Walk around the area prior to the workshop.
- Some of the suggested streets removed but very little impact.
- Understand the charges can be set 20% above off streets car park charges

### **Carlisle Workshop – April 29th**

- Members present were presented with 3 parking zones - Civic Centre / Historic Quarter area, Portland Square area and Chatsworth Square area. Members were minded to apply charges in all the proposed areas under an experimental order.
- Understand the charges can be set 20% above off streets car park charges
- Members were also keen to streamline the process of permit issue as much as possible for instance to save unnecessary paperwork.

### **South Lakes Workshop – April 30th**

- Members present were presented with 3 towns and selected all 3 for on street charging - no priority order given. Walk round all towns requested to discuss local issues. Some streets deleted but some additional streets added in all towns.
- Charges same as off street charge.
- Asked to consider charging at CCC Busher Walk car park to bring in revenue.
- Asked to consult with SLDC over SLDC plans for Bowness and the Glebe - request to make the Glebe restrictions all year round rather than seasonal at present.

### **Eden Workshop**

- A workshop was proposed and has yet to take place. A meeting took place Wednesday 30<sup>th</sup> April but no details of the proposals were discussed.

### **General comments**

- Need for greater awareness about the possibilities of charging for less than 1 hour- eg split into 20 minute intervals - all keen to introduce linear charging - pay for length of time required. All supported experimental traffic order.
- Request from some workshops that any funding surplus once all costs have been covered can be returned to the area for highway improvements.

- All agreed that communication plan essential to explain to businesses and residents the opportunities of charging and the type of technology to be used with payment options.
- Blue badge holders are exempt from the charging restrictions on street due to national legislation.
- Resident permit holders will be exempt from the on street charges if the permit is valid on a street where a parking charge is in operation.