

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Culture, Recreation and Countryside
Date:	14 September 2015
Title:	Proposals for Off Street Parking Order for Calshot Activities Centre
Reference:	6730
Report From:	Enda Ryan/Dave Gunter

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1. Executive Summary

- 1.1. The purpose of this paper is to seek permission to advertise the authorities' intention to make an Off Street Parking Order for Calshot Activities Centre under the Road Traffic Regulation Act 1984.
- 1.2. This paper provides the Executive Member with the necessary information to determine whether to give authority to make the aforementioned decision.

Extract from the **Road Traffic Regulation Act 1984**

35. Provisions as to use of parking places provided under s. 32 or 33.

(1) As respects any parking place:

- (a) provided by a local authority under section 32 of this Act, or
- (b) provided under any letting or arrangements made by a local authority under section 33(4) of this Act,

the local authority, subject to Parts I to III of Schedule 9 to this Act, may by order make provision as to—

- (i) the use of the parking place, and in particular the vehicles or class of vehicles which may be entitled to use it,
- (ii) the conditions on which it may be used,
- (iii) the charges to be paid in connection with its use (where it is an off-street one), and
- (iv) the removal from it of a vehicle left there in contravention of the order and the safe custody of the vehicle

and the power under paragraph (iii) to make provision as to the payment of charges shall include power to make provision requiring those charges, or any part of them, to be paid by means of the hire or purchase in advance, or the use, of parking devices in accordance with the order.

2. Background

- 2.1. Income from parking at Calshot Activities Centre is a crucial funding stream for the Centre and is an important component of its business plan. It is therefore critical to ensure that the systems and processes around the parking operation are robust, effective and efficiently managed, and provide a good quality service to our customers.
- 2.2. The parking operations at Calshot Activities Centre have developed over time and have operated in accordance with the head lease (with The Crown Estate) which allows for the business to run a 'car park'. Whilst parking is legitimate under the lease, where (Hampshire County Council) has a statutory power to make an off street parking order, it should be followed, especially where there is an element of public user, as there is at Calshot.
- 2.3. The Car Parking areas at Calshot are used throughout the year and throughout the day by a wide variety of customer's. In order to regulate and enforce parking effectively, within a legal framework, an Off-Street Parking order is considered the best option. A more detailed summary of the exact changes to law and process which has prompted this Order is included as Appendix 1.
- 2.4. The parking Order in question is to regulate parking at Calshot Activities Centre. To make this Order, officers are required to seek permission from the relevant Executive Member to advertise the Order. When permission is granted the County Council may then advertise the proposed orders on site for 21 days and placed in the press, during which any member of the public may make a representation or objection. Depending upon whether any representations are made, it may be necessary to publish a further report for the Executive Member to decide whether or not to make the Order.
- 2.5. Calshot Activities Centre: This report seeks permission to advertise a draft Off-street Parking Order relating to Calshot Activities Centre. The proposed schedule of charges to be included in the Order is included at Appendix 2 and 3 respectively.

3. Formal Consultations

- 3.1. An informal consultation with members/users has been undertaken and a special meeting of the Calshot Association has taken place, to discuss the order. Following explanation and questions the meeting confirmed its support of the order, which was amended (minor amends) based on comments and observations. A copy of the formal minutes is attached at Appendix 4.
- 3.2. Following the above, a formal consultation will take place between 21 September 2015 and 12 October 2015, as well as advertisement on site and in the press and will be circulated to the following groups and individuals to include provisions about penalty charging in line with the Civil Parking Enforcement regimes that are in place in some areas of Hampshire; suggested to be set at £50, reduced by 50% for prompt payment:

- Local Member
- Fawley Parish Council
- New Forest District Council (Legal)
- New Forest District Council (Deposit)
- Chief Constable (RPU Officer)
- Chamber of Commerce
- Freight Transport Association
- Road Haulage Association

4. Conclusions

- 4.1. Officers are of the view that these proposals meet the required legal tests and consider it necessary to continually review and update the provisions of the Orders to enable the County Council to lawfully enforce the proposed provisions.
- 4.2. It should be noted that the Order will simply formalise the current charging arrangements at Calshot Activities Centre, it will not introduce charging where it is not already happening.

5. Recommendations

- 5.1. That the Executive Member for Culture, Recreation and Countryside grants permission to advertise the intention to introduce an Off Street Parking Order for Calshot Activities Centre.

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	no
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2. Equalities Impact Assessment:

The decision will maintain the current system for blue badge holders, whereby the first 3 hours are free

2. Impact on Crime and Disorder:

2.1 This decision will enable off street parking be better regulated, managed and enforced.

3. Climate Change:

a) How does what is being proposed impact on our carbon footprint / energy consumption?

b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

The proposal is unlikely to have any significant environmental impact..

HAMPSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**THE HAMPSHIRE (CALSHOT ACTIVITIES CENTRE)
(OFF STREET PARKING PLACES
AND PROHIBITION OF WAITING) ORDER 2015**

Hampshire County Council in exercise of its powers under Sections 1, 2, 4, 32, 33 and 35 of the Act, as amended by the Traffic Management Act 2004, Part IV of Schedule 9 to the Act, and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

PART I – GENERAL

1. In this Order, and the preamble and schedules hereto:

“The Act” means the Road Traffic Regulation Act 1984;

“The Council” means Hampshire County Council or, as the case may be, a third party agent contracted by the Centre/Hampshire County Council.

“Car Park Warden” means any person authorised by or on behalf of the Council to supervise any parking place designated by the Order and includes any other officers of the Council employed to control and manage any such parking place;

“Disabled Person’s Badge” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“Driver” in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

“Motor Cycle” means a two wheeled mechanically propelled vehicle not having a side car or trailer attached thereto;

“Owner” has the same meaning as in the Road Traffic Regulation Act 1984;

“Paid ” refers to the Excess Charge when it is paid not later than 0900 hours on the 15th day following the day on which the Excess Charge was incurred;

“Parking Disc” means a disc, issued by a Local Authority, 125 millimetres square, coloured orange or blue and capable of showing the quarter hour period during which a period of waiting begins;

“Passenger Vehicle” means a vehicle constructed or adapted solely for the carriage of passengers and their effects;

“Prescribed Hours” means the hours specified in Column 5 of schedule 1 to this Order on those days when parking places are available;

“Parking Place” means any part of land authorised by this Order to be used as a parking place;

“Specified Position” means wholly within the area of the parking place provided the use of the parking place by other persons is not unnecessarily prevented and, in particular, that all access roads are maintained throughout to a minimum width of 3 metres free of parked vehicles; and

“Ticket Machine” means an apparatus of a type and design approved by the Secretary of State in accordance with Section 35(3) of the Act for the purpose of this Order, being apparatus designed to indicate the time by a clock and to issue parking tickets indicating the payment of charge and the date and time at which the payment was made.

“Vehicle” has the same meaning as in s136 (1) Road Traffic Regulation Act 1984 so as to include a non motorised trailer.

2. Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 has effect for the purpose of defining the expression “relevant position” in this Order.
3. In the event of any dispute as to the meaning of any heading or legend used in any part of this Order, any schedule to this Order or any plan attached to this Order, the substantive wording in the Order or schedule shall prevail over the heading or legend. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

PART II – AUTHORISATION AND USE OF PARKING PLACES

4. (i) Subject to the following provisions of this Order, each of the areas specified in Column 1 of schedule I to this Order is authorised to be used as a parking place for such classes of vehicles, on such days, during such hours and for such maximum periods as are specified in the said schedule in relation to that area.
(ii) Nothing in paragraph (i) of this Article shall restrict the power of the Council by a notice:
 - (a) From closing the parking place or any part thereof for any period whilst any works are being executed therein or whilst the parking place or part thereof is required for use for some special purpose or to prevent the likelihood of damage to the surface of the parking place;
 - (b) From setting aside for use only by specially authorised vehicles of part or parts of a parking place on all days or on certain days during certain parts of certain days.
5. Where in Article 4 to this Order a parking place is described as available for waiting on all days or on certain days by specified classes of vehicle or in a specified position, the driver of a vehicle shall not, except with and subject to the terms of any permission in

writing from the Council in the particular case, cause or permit it to wait in that parking place on any day:

- (a) unless it is of the specified class; and
- (b) unless it is positioned within the designated parking areas or where parking bays are not marked out in straight lines so as not to impede access to or departure from other part of the parking place..

6. The driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it:
 - (a) to wait in a parking place or any part thereof:
 - (i) at any time when the parking place or that part (as the case may be) has been closed under Article 4(ii)(a) of this Order;
 - (ii) for any period which continues into the following day.
 - (b) to wait in any part of a parking place at a time when that part has been set aside for use by a specifically authorised vehicle or vehicles in accordance with 4(ii)(b) of this Order unless the vehicle is so authorised.
7. The driver of a vehicle drawing a trailer shall not permit the vehicle or the trailer to wait in a parking place unless they have paid the appropriate charge whether it has been disconnected or not and for the purpose of this Order the vehicle and trailer shall be deemed to be separate vehicles and the said driver shall be deemed to be the driver of each of the said vehicles. The appropriate combined launching and parking fee should be paid or if not launching the appropriate fees for separate vehicles.
8. Unless the vehicle displays a valid season ticket in relation to the particular parking place, a disabled person's badge or the driver has been otherwise exempted by the Council from payment of the charge, the driver shall in respect of the waiting of the vehicle in a parking place, pay the appropriate charge.
9.
 - (a) This Article applies to the parking places specified in Column 1 of schedule I of this Order;
 - (b) The initial charge for a vehicle left in a parking place during the charging hours shall be that specified in Column 6 of schedule I to this Order;
 - (c) The charge referred to in Article 7 of this Order and in paragraph (b) of this Article shall be payable by the insertion of an appropriate coin or coins into the apparatus or device provided, being an apparatus or device approved in accordance with Section 35(3) of the Act and the provisions of Section 47(5) of the Act shall apply in respect of such apparatus;
 - (d) The owner of a vehicle may, on application in accordance with Article 9 of this Order, purchase a season ticket in respect of that vehicle for a charge specified in schedule II to this Order and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued;
 - (e) Any ticket issued on payment of the charge referred to in paragraph (b) of this Article or season ticket issued in accordance with paragraph (d) of this Article or any permit issued under the provisions of Article 6(b) of this Order shall be attached in a conspicuous position to the vehicle in respect of which it was

issued; a vehicle shall not be left in a parking place if it displays an out-of-date ticket;

- (f) A ticket issued on payment of the charge referred to in paragraph (c) of this Article shall be available only at the parking place at which it was issued.
10. Any person who is the keeper or user of a motor car or vehicle of an un-laden weight not exceeding 3.5 tonnes may apply to the Centre for the issue of a Season Ticket for any parking place specified in schedule II to this Order; any such application shall be made on a form issued by the Centre and shall include the particulars and information required by such form to be supplied.
11. The Centre may require an applicant for a Season Ticket to produce such evidence in respect of the application as they may reasonably require to verify any particulars of information given to them.
12. The Centre may by notice in writing served on the Season Ticket holder at the address shown on the application withdraw a Season Ticket if it appears to the Centre that any of the events set out in Article 12 of this Order has occurred and the Season Ticket shall cease to be valid and the holder shall surrender the Season Ticket to the Centre forthwith.
13. The events referred to in Article 11 of this Order are:-
- (i) the Season Ticket holder ceasing to be the keeper or user of the vehicle in respect of which the Season Ticket was issued
 - (ii) a cheque received from the applicant for a Season Ticket as payment for same subsequently being dishonoured.
14. No person shall remove the parking ticket from the vehicle until the vehicle is removed from the parking place.
15. The following vehicles shall be exempted from the payment of the charges specified in Column 6 of schedule I to this Order:-
- (a) a disabled persons' vehicle which displays in the relevant position a disabled persons' badge issued by any authority in accordance with the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
 - (b) a vehicle parked in consequence of the driver's duty or business on behalf of the Council.
 - (c) a vehicle left in the parking place during the prescribed hours if at the time the vehicle is left there is no ticket machine at that parking place or all the ticket machines at that parking place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of Order.
16. If a vehicle is left in a parking place:-
- (a) During charging hours and no initial payment has been made in accordance with the requirements of Article 8(b) of this Order or when applicable no season ticket is in force with respect to the vehicle in accordance with the provisions of Article 8(d) of this Order; or
 - (b) During charging hours for longer than the initial period for which payment has been made; or

- (c) For a period which continues into the following day; or
- (d) Otherwise than in a specified position; or
- (e) Where the vehicle in question is not of one of the classes authorised to use the car park and is so left without the consent of the Council; or
- (f) At a time when the parking place or the relevant part thereof is restricted to use of specially authorised vehicles in accordance with the provisions of Article 4(ii)(b) of this Order and no such authorisation has been granted in respect of that particular vehicle –

then an additional amount of £50.00 (which additional amount is hereinafter referred to as the “Penalty Charge”) shall be payable.

17. In the case of a vehicle in respect of which an excess charge may have been incurred, it shall be the duty of a Car Park Warden to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:
 - (a) The registration mark of the vehicle or where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) The time at which he first observed that the period for which payment was made by the initial charge has expired, or the other reason for the excess charge having been incurred in the particular case;
 - (c) A statement that the excess charge is required to be paid;
 - (d) The manner in which, and the time within which, the excess charge should be paid.

18. In the event that the Penalty Charge payable in accordance with Article 15 is paid to the Centre not later than 0900 hours on the 15th day following the day on which the Excess Charge was incurred, it shall be treated as being Paid Early and a reduced sum shall be accepted by the Centre in satisfaction of the Penalty Charge.

19. Where a notice has been attached to a vehicle in accordance with the provisions of Article 15 of this Order no person other than the driver of the vehicle or some other person duly authorised by the Centre, shall remove the notice from the vehicle until the vehicle is removed from the parking place.

20.
 - (a) The driver of a vehicle in a parking place shall comply with all directions, signs, road surface markings, traffic control devices or other reasonable instructions given by a Car Park Warden.
 - (b) the driver of a vehicle using a parking place shall not drive the vehicle:-
 - (i) recklessly or at a speed or in a manner which is dangerous to other users of that parking place, or without due care and attention or without reasonable consideration for other users of that parking place; or
 - (ii) other than for the purpose of leaving that vehicle in a parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place. (Provided that Article 19 shall not prevent a person from driving a motor vehicle in a parking place to which this Order applies for the purpose of gaining access to a private parking place where access to that private parking place can only be gained by driving a vehicle through a parking place to which this Order applies).

21. No person shall use a caravan or caravanette whilst it is in a parking place as a dwelling place or for any domestic or sanitary purpose.
22. No person shall except with permission in writing from the Centre use or permit a vehicle to be used in a parking place in connection with the sale of any Article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
23. No person shall, whilst a vehicle is in a parking place, permit the carrying out of any work of maintenance or repair thereto except such as may be necessary to enable the vehicle to be removed from the parking place.
24. The driver of a vehicle shall not use a parking place or part thereof:-
 - (a) So as unreasonably to prevent access to any other parking place or to any premises adjoining the parking place or so as to be a nuisance;
 - (b) When the Centre has closed that parking place or part thereof in accordance with the provisions of Article 4(ii)(a) of this Order and exhibited a notice of such closing on or near the parking place;
 - (c) Unless the engine is stopped as soon as the vehicle is in position in a parking place and not re-started except when the driver is about to change the position of the vehicle in or to depart from the parking place;
 - (d) While operating any loud speaker fixed or connected to the vehicle in such a way as to cause nuisance or disturbance to any person.
25. Where a Car Park Warden as defined in Article 1 of this Order is of the opinion that any provisions contained in Articles 5(a), 6, 20 or 23 of this Order has been contravened or not complied with in respect of the vehicle left in a parking place, he may remove the vehicle or cause it to be removed from the parking place.
26.
 - (i) A Car Park Warden or other persons duly authorised by the Centre may move or cause to be moved, in case of emergency, to any place he thinks fit, vehicles left in a parking place.
 - (ii) Where a vehicle is left in a parking place in a position other than that specified in Column 2 of schedule I to, or Article 23 of this Order, a Car Park Warden or any other person duly authorised by the Centre may move the vehicle or cause it to be moved to a position which complied with that specified in Column 2 of that schedule.
27. Any person moving, removing or altering the position of a vehicle in accordance with Articles 24 or 25 of this Order may do so by towing or driving the vehicle or by such other manner as he may think necessary and may take such steps in relation to the vehicle as he may think necessary to enable him to move, remove or alter his position as aforesaid.
28. When a Car Park Warden or other person authorised by the Council removes a vehicle or causes it to be removed from a parking place in accordance with Article 24 of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

SCHEDULE I

<i>Name of Parking Place</i>	<i>Position in which vehicles may wait</i>	<i>Class of vehicles</i>	<i>Days when parking available</i>	<i>Prescribed Charging Hours</i>	<i>Period of Parking and Charge</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
Calshot Activities Centre (i) The areas shown as “Car Parking Areas” on the accompanying Order map	Specified position as defined in Article 1 of the Order	(a) Motor cars, goods vehicle of an unladen weight not exceeding 3.5 tonnes and passenger-carrying vehicles with seating for 14 passengers or less (including motor homes) (Those launching any craft, boat, board etc should pay the appropriate combined launching and parking fee for the type/size of craft, board or boat)	All days	At all times	Year round Monday – Sunday inclusive Car and Vans; Up to 2 hrs. £2 Up to 4hrs - £3.50 All day £5.50 (Those launching any craft, boat, board etc should pay the appropriate combined launching and parking fee for the type/size of craft, board or boat)
		(b) Motorcycles	All days	None	Not applicable
		(c) Mini buses	All days	At all times	All periods £10.50

(ii) The areas shown as "Coach Parking Areas" on the accompanying Order map	Specified position as defined in Article 1 of the Order	Coaches with seating for 15 passengers or more	All days	At all times	All periods £21
(iii) The areas shown as "Disabled Parking Areas" on the accompanying Order map	Specified position as defined in Article 1 of the Order	Vehicle displaying a disabled person's badge	All days	At all times	Not applicable up to a maximum of 3 hours duration then refer to standard vehicle charges thereafter.

SCHEDULE II

Season Tickets valid for use in parking places shown on the accompanying Order map.

For a period no greater than one year from date of issue:- £51



Off -Street Parking order map 28/07/2015 – Car Parking Areas

All areas of hard standing and grass not in uses or designated for other purposes, restricted by centre staff or marked as none parking areas. Inclusive of all classes in Column 1 of Schedule 1, within the boundary of Calshot Activities Centre.

