

## NORTH DEVON COUNCIL

**REPORT TO: EXECUTIVE**

Date : 4<sup>th</sup> March 2019

**TOPIC: RESPONSES TO CONSULTATION: REVIEW OF THE  
OFF STREET PARKING ORDER**

**REPORT BY: PARKING MANAGER**

### 1 INTRODUCTION

- 1.1 Amendments to the North Devon (Off Street Parking Places) Order were recommended at Executive on 3<sup>rd</sup> December 2018.
- 1.2 The Notice of Proposals was advertised on 13<sup>th</sup> December 2018 with a closing date of 10<sup>th</sup> January 2019.
- 1.3 Executive are required to consider all responses from the consultation.

### 2 RECOMMENDATIONS

- 2.1 Executive to approve all amendments to the Off Street Parking Order as outlined in the Executive report dated 3<sup>rd</sup> December 2018, excepting the recommendation requested for withdrawal as stated in 2.5.
- 2.2 Executive to note that no objections were received regarding the amendments to the North Devon (Off Street Parking Places) Order for **Braunton Parish Council, Combe Martin Parish Council, Instow Parish Council, North Devon District Council and South Molton Town Council.**
- 2.3 Executive to incorporate into the Off Street Parking Order the change to presentation of information in the Order as recommended by **Combe Martin Parish Council**, as detailed in 4.6.
- 2.4 Executive to note that 59 Objections were received regarding recommendations from **Lynton and Lynmouth Town Council** and that Lynton and Lynmouth Town Council have considered each objection at meetings held on 9<sup>th</sup> January 2019 and 31<sup>st</sup> January 2019.

- 2.5 Executive to approve Lynton and Lynton Town Council's request to withdraw the original recommendation for the amendment to the North Devon (Off Street Parking Places) Order to add condition to **Lower Lyndale car park, N17** '*Means maximum stay in car park during the day is 4 hours*'. As detailed in 4.11 – 4.14.
- 2.6 Executive to refuse Lynton and Lynmouth Town Council's request to remove the original recommendation to withdraw Guest house permit £3.50 from the North Devon (Off Street Parking Places) Order. As detailed in 4.15 – 4.20.

### 3 REASONS FOR RECOMMENDATIONS

- 3.1 To approve the changes to the Off Street Parking Order with consideration of the responses following consultation.

### 4 REPORT

- 4.1 No objections were received for changes proposed to the North Devon (Off Street Parking Places) Order for **Braunton Parish Council**.
- 4.2 No objections were received for changes proposed to the North Devon (Off Street Parking Places) Order for **Instow Parish Council**.
- 4.3 No objections were received for changes proposed to the North Devon (Off Street Parking Places) Order for **South Molton Town Council**.
- 4.4 No objections were received for changes proposed to the North Devon (Off Street Parking Places) Order for **North Devon Council**.
- 4.5 No objections were received for changes proposed to the North Devon (Off Street Parking Places) Order for **Combe Martin Parish Council**.

4.6 Combe Martin Parish Council requested during the consultation period an amendment to presentation in the Order to avoid ambiguity as follows:

From:

**Permits valid at either Kiln Car Park or Parade Car Park Combe Martin**

<b>Non-transferable permit</b>	<b>Annual</b>	<b>£160.00</b>
	<b>6 months</b>	<b>£ 90.00</b>

<b>Transferable permits</b>	<b>£280.00</b>
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To:

**Permits valid as specified in Cormelles Car Park, Kiln Car Park or Parade Car Park, Combe Martin: -**

<b>Non-transferable permits-</b>	<b>Annual -£160.00</b>
	<b>6 months - £90.00</b>

**Permits valid as specified in Kiln Car Park or Parade Car Park, Combe Martin:-**

<b>Transferable permits -</b>	<b>£280.00</b>
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4.7 59 emails of objection were received with regards to changes proposed to the North Devon (Off Street Parking Places) Order for **Lynton and Lynmouth Town Council**

4.8 An analysis of the Objections received is shown in **Appendix 1**.

4.9 Due to the use of templates a number of responses were identical. These responses also listed all recommendations, rather than identifying the particular recommendations(s) being objected to.

4.10 Lynton and Lynmouth Town Council met on 9<sup>th</sup> January 2019 and 31<sup>st</sup> January 2019 to discuss the objections received.

4.11 Following consideration, Lynton and Lynmouth Town Council have requested to withdraw the original recommendation for the amendment to the North Devon (Off Street Parking Places) Order to add condition to **Lower Lyndale car park, N17** '*Means maximum stay in car park during the day is 4 hours*'. As detailed in 4.11.

4.12 Executive are advised:

- There is a significant issue with congestion in Lynmouth during the summer months, which requires addressing.
- A parking sub-committee has been created in Lynton and Lymouth since the recommendations were made to find solutions to the congestion issue.

- North Devon Council parking team have now taken on responsibility for cash collections for car parks in Lynton and Lynmouth. This has released the Civil Enforcement Officer from cash duties to concentrate on Enforcement. Lynmouth car parks has seen a considerable improvement from September 2018 to January 2019. 123 PCN's compared to 30 for the same period in 2017.
- The Parking Manager has approached Devon County Council to discuss the on street parking measures, which have a negative impact on the availability of car parking spaces during the summer months in Lynmouth.

4.13 Due to the above reasons the Parking Manager recommends that Executive agree to Lynton and Lynmouth Town Council's request to withdraw the original recommendations to have a maximum stay of 4 hours in Lower Lyndale car park.

4.14 The North Devon (Off Street Parking Places) Order will again be reviewed in autumn 2019 and the issue of congestion in Lynmouth will be considered again. Summer 2019 data will identify any effects of the improved enforcement. The extra time for review will also take into consideration any alternative solutions offered by the parking sub-committee and discussions with Devon County Council.

4.15 In response to the objections received Lynton and Lynmouth Town Council have requested withdrawal of the recommendation to remove the guesthouse permit £3.50 from the North Devon (Off Street Parking Places) Order.

4.16 Minutes from Lynton and Lynmouth Town Council Full Council meeting held on 31<sup>st</sup> January 2019 state

***".. after much discussion it was felt there were two options; either to leave exactly as it is, or to completely do away with these permits. It was RESOLVED As a temporary measure, retain the permit as is, and review it with North Devon Council Car Park Manager before next year".***

4.17 The Parking Manger is concerned that the review requested by Lynton and Lynmouth Town Council of the guest house permit will not resolve current issues and will result in the same recommendation being made to Executive in the next Off Street Parking Order review in December 2019.

4.18 The Guest house permit is usable in North Devon Council owned car parks which are managed under delegated powers by Lynton and Lynmouth Town Council.

#### 4.19 Executive are advised:

- The all-day parking tariff in Lynton and Lynmouth is already reasonable at £5.00, and has not been increased as part of this review.
- The introduction of new pay and display machines in 2017 now provides 'carry over.' A person arriving at 4pm to check into their accommodation receives parking until 4pm the following day for a £5 fee.
- The concessionary permit granted to guesthouses is not available in any other area within North Devon Council owned car parks.
- The North Devon Council 4 day permit, £12.10, can be used in a number of NDC car parks across North Devon including those in Lynton and Lynmouth.
- The North Devon Council 7 day permit, £20.80, can be used in a number of NDC car parks across North Devon, including those in Lynton and Lynmouth.
- This review also recommended to Executive, and was approved on 3<sup>rd</sup> December 2018, to include Lynton and Lynmouth car parks in the North Devon Council weekly Tourist Rover permit, £42, which provides parking in almost all NDC car parks across North Devon.
- Visitors may also purchase 4 day (£13.00) and 7 day (£20.00) for use in car parks in Lynton and Lynmouth area.
- The Parking Manager is concerned regarding the practice that guesthouse permits are issued by the guesthouses themselves and not Lynton and Lynmouth Town Council.
- The Parking Manager is concerned that in August 2018 NDC Civil Enforcement Officers patrolling Lynton and Lynmouth car parks found irregularities with the use of guesthouse permits. Examples were found of photocopied permits and permits written in pencil being displayed. The Parking Manager is concerned that the associated payment for those parking sessions to Lynton and Lynmouth Town Council were not received.
- Whilst the Parking Manager recognises that the offer of cheaper parking is an incentive to gain guests. North Devon Council should not be seen to be favouring one business type over another. Businesses may choose to offer refunds on presentation of customers' pay and display tickets or use AdverTicket to display advertising, discounts or vouchers on the reverse of a pay and display ticket.

4.20 Due to the above reasons, and without any supporting reasons offered in the minutes provided by Lynton and Lynmouth Town Council, it is the Parking Manager's professional opinion that Executive do not agree to Lynton and Lynmouth Town Council's request to withdraw their original recommendation.

4.21 Lynton and Lynmouth Town Council have requested that all other recommendations for amendments to the North Devon (Off Street Parking Places Order) approved by Executive on 3rd December 2018 be retained.

## 5 RESOURCE IMPLICATIONS

5.1 No resource requirements for signage changes and advertising the Order, as will be met within current budget.

## 6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?	Key decision?
Part 3	Delegated	Yes
Annex 4		

## 7 STATEMENT OF CONFIDENTIALITY

7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 8 BACKGROUND PAPERS

8.1 The following background papers were used in the preparation of this report:

- Email from Combe Martin Parish clerk 18<sup>th</sup> December 2018
- Lynton and Lynmouth Town Council minutes 9<sup>th</sup> January 2019
- Lynton and Lynmouth Town Council minutes 31<sup>st</sup> January 2019

The background papers are available for inspection and kept by the author of the report.

## 9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

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Executive Member: Councillor Brailey

Author: Parking Manager

Date: 6th February 2018