

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 145

Brighton & Hove City Council

Subject:	Seafront Parking		
Date of Meeting:	7 May 2009		
Report of:	Director of Environment		
Contact Officer:	Name:	Austen Hunter	Tel: 29-2241
		Carol Rogers	29-2245
	E-mail:	austen.hunter@Brighton-hove.gov.uk	
		carol.rogers@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	Brunswick & Adelaide; Central Hove; Queens Park; Regency; Westbourne and Wish		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Environment Directorate has recently investigated the seafront parking tariffs stretching east to west from Madeira Drive to Hove Lagoon following requests from local businesses and discussions at recent Cabinet Member Meetings. The seafront Traffic Regulation Order (TRO) for this area includes Kings Road, Kingsway, Marine Parade, Madeira Drive and New Steine.

2. RECOMMENDATIONS:

- 2.1 (1) That the Cabinet Member for Environment agrees to amend the recently advertised TRO "the Brighton & Hove Seafront (Various Restrictions) Consolidation Order 2008 Amendment Order No *200*" to change the detail of the winter tariff and also the roads in which the tariff will apply. The new tariff will apply in Madeira Drive and Kingsway only, elsewhere the existing tariffs will now remain unchanged.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The current parking arrangement on the seafront is operated by "Pay and Display" and enforced from 9am to 6pm every day of the year. Payment is made through a Pay and Display machine and a ticket is displayed on the windscreen of the vehicle.
- 3.2 The Winter Tariff was removed in September 2004 when statistics showed that the city was an all year round resort with minimal demand reduction in the winter months. However, the local businesses on Madeira Drive feel that the high cost of parking on the seafront is affecting their trade and have requested that the council re-introduce a winter tariff. The previous winter tariffs were:
- 2 hours 80p
 - 4 hours £1.80
 - 9 hours £2.50

- 3.3 Statistics from recent investigations show that from October to March there are empty parking bays on Madeira Drive and The Kingsway. Overall there are 50% more transactions between April and September on Madeira Drive and the Kingsway and the long stay parking of over 6 hours is considerably less during these months.
- 3.4 Kings Road, Marine Parade and New Steine statistics show that there are not the same variances as in Madeira Drive and The Kingsway. This is because Kings Road is close to the city centre and the other two locations are close to St James Street.
- 3.5 The current tariffs are outlined in Appendix A and the tariffs which have been advertised are in Appendix B.
- 3.6 One objection has been received from a local business requesting the short term parking be reduced to 30 pence an hour for the first two hours then £1 an hour.
- 3.7 However, there are currently no tariffs in the city which are 30 pence an hour, therefore, we are recommending 50 pence an hour is the minimum charge for an hours parking which is a reduction from the previously advertised £1 per hour and is consistent with the lowest level of charge across the city.
- 3.8 It is proposed to amend these tariffs to the recommended revised tariffs in Appendix C.

4. CONSULTATION

- 4.1 The Traffic Regulation Order was advertised between 17 December 2008 and 14 January 2009.
- 4.2 The Ward Councillors for the areas were consulted. No additional comments were received.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Pay and display revenue from Madeira Drive and Kingsway currently amounts to £66,000 and £10,000 respectively during the winter months. The risk to the revenue budget from the new winter tariff is very low. If the proposed reduction in short term parking tariffs has the desired effect and leads to an increase in the number of transactions, then the level of income may actually remain the same. If however the proposed winter tariff has no effect on the current level of transactions, the shortfall in budget would be around £15,000.
- 5.2 There are no capital implications.

Finance Officer Consulted: Karen Brookshaw

Date: 31/03/09

Legal Implications:

- 5.3 The Council has specific powers under the Road Traffic Regulation Act to make various types of order and the most relevant in relation to the proposals in this report are summarised below.
- 5.4 Under sections 32 and 35 of the 1984 Act, there is power to provide and regulate the use of parking places (without charges) on the highway, for the purpose of relieving or preventing congestion. The parking places powers must not be used in relation to any road so unreasonably as to prevent access to adjoining premises, or its use by anyone entitled to use it, or so as to be a nuisance.
- 5.5 Under Section 45 of the 1984 Act, the Council has wide powers designate parking places on highways for vehicles or classes of vehicles, with or without charge. 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 –
- (a) the need for maintaining the free movement of traffic;
 - (b) the need for maintaining reasonable access to premises; and
 - (c) 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.
- 5.6 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.
- 5.7 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:

Stephen Dryden

Date: 04/04/09

Equalities Implications:

- 5.8 None.

Sustainability Implications:

- 5.9 None.

Crime & Disorder Implications:

5.10 None.

Risk and Opportunity Management Implications:

5.11 None.

Corporate / Citywide Implications:

5.12 None.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 Keep the tariffs as they are in Madeira Drive and The Kingsway (appendix A)

6.2 Accept the Yellow Waves proposal of 30p an hour which would make the parking cheaper than anywhere else in the city.

6.3 Introduce a winter tariff for the remainder of the roads in the seafront order. (the remainder of the seafront roads are well used whatever time of the year so this does not appear necessary)

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 The recommendations in section 2 strike the best balance between encouraging usage and ensuring charges are consistent with premium city centre areas.

SUPPORTING DOCUMENTATION

Appendices:

1. Current seafront tariffs
2. Revised advertised tariffs
3. New tariffs after objections have been taken into account

Documents In Members' Rooms

None

Background Documents

None