

Bitton House, Teignmouth: Proposed Car Park Charges

Report of the Chief Officer for Highways, Infrastructure Development and Waste

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that the proposal to impose and enforce parking charges is approved.

1. Summary

This report is to present a request from Teignmouth Town Council to enter into a commercial agreement to enforce parking charges at their car park at Bitton House. This is to be implemented by virtue of a Devon County Council (DCC) Traffic Regulation Order (TRO). Officers have recommended to approve the proposal.

2. Background

Teignmouth Town Council resolved to implement charges for parking at the Bitton House car park and requested DCC to manage and enforce the scheme by including it in the Devon County Council (Off-Street Parking Places) Amendment Order under the Road Traffic Regulation Act 1984 (RTRA). This legislation allows DCC to make and enforce a TRO on private land with the permission of the landowner.

On this occasion DCC are acting as Agents for and on behalf of the Town Council in formally proposing the scheme under powers conferred by the RTRA 1984. As the Order making authority DCC has a duty to follow the legal process to advertise and consider comments before making the TRO. The Order can only be made with the agreement of the Town Council.

3. Consultations/Representations

Over 70 responses from residents were received and were forwarded to the Town Council for consideration. The responses were copies of the same letter and are summarized below:

- Proposed plans will increase congestion/disruption in the area, as residents seek out alternative 'free' parking.
- Significant financial impact on local residents; raise cost of living; many unable to pay.
- Significant impact on 'Disabled Badge' holder residents.
- Plans don't reflect needs of residents and road users.
- Area is residential, not business. Bitton House was historically a private home: that the TC want to let it out as business premises, should not be detrimental to local residents.

The District Council commented that the charges and times are not in line with the other Off Street Parking areas controlled by Teignbridge District Council. A consistent approach may have caused less confusion for the public.

The Town Council have resolved to continue with proposed charges.

4. Financial Considerations

The proposal is for a commercial agreement to enforce the scheme, which will generate some income for DCC.

5. Legal Considerations

The lawful implications and consequences of the proposal have been considered and taken into account in the preparation of this report.

When making a Traffic Regulation Order it is the County Council's responsibility to ensure that all relevant legislation is complied with. This includes Section 122 of the Road Traffic Regulation Act 1984 that states that it is the duty of a local authority, so far as practicable, secures the expeditious, convenient and safe movement of traffic and provision of parking facilities. It is considered that the proposals comply with Section 122 of the Act.

Legally, as the proponent of the TRO, DCC has a duty to consider comments received before making the Order. The TRO could only have been proposed with permission of the landowner as it is effectively private land; i.e. not part of the public highway and not owned by or within control of DCC.

It is important to note that if DCC does not approve the proposal there are alternative options for the Town Council to implement and enforce the scheme. The site is already a car park so there is no change of use required under Planning regulations. The Town Council can impose charges and enter into an enforcement agreement with a private contractor. Essentially the Town Council has made the decision to introduce charges on its own car park.

Therefore, DCC does not have the legal power to prevent the charging scheme even if it is resolved by DCC not to implement the proposed Order to manage and enforce the scheme on behalf of the Town Council.

6. Environmental Impact Considerations (Including Climate Change)

It is considered there will be no discernable impact. There is limited on-street parking capacity so overspill parking will not be significant. The site is already a car park so there will be no change of use.

7. Equality Considerations

There are not considered to be any equality issues associated with the proposals. The impact will therefore be neutral.

8. Risk Management Considerations

There are not considered to be any implications.

9. Public Health Impact

There are not considered to be any implications.

10. Reasons for Recommendations

In reality the Town Council have taken the decision to impose charges on their car park so whether or not DCC agreed to enforce the scheme makes no difference to the final outcome. It is considered that utilizing DCC staff to enforce the scheme under our existing rules and regulations, as opposed to a private contractor, will ensure fair and reasonable enforcement under DCC policies and standards.

The proposals contribute to the safe and expeditious movement of traffic in Teignbridge and therefore comply with Section 122 of the Road Traffic Regulation Act 1984.

Statement of Reasons

Details of Proposals Advertised

It is proposed to add the Teignmouth Bitton House Car Park to Devon's Countywide off-street parking places order to allow Devon County Council to manage and enforce parking in the car park on behalf of Teignmouth Town Council.

Meg Booth
Chief Officer for Highways, Infrastructure Development and Waste

Electoral Division: Teignmouth

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Reference
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Nil

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