

Agenda item:

Title of meeting: Cabinet Member for Traffic and Transportation

Date of meeting: 18 June 2015

Subject: B.A.R / Camber Car Park (TRO 11/2015)

Report by: Director of Transport, Environment & Business Support

Wards affected: St Thomas

Key decision: ~~Yes~~/No

Full Council decision: ~~Yes~~/No

1. Purpose of report

To consider the responses to the formal public consultation on proposals contained within this Traffic Regulation Order. There is a statutory requirement to take into consideration any comments from the public before determining whether to confirm or refuse an order whenever objections are received to advertised proposals.

See [Page 4](#) for a copy of the public notice detailing the proposal
See [Page 5](#) for the public consultation responses summary

2. Recommendation

That the Order is approved as advertised (no changes).

3. Background

Following the lease of the Camber car park to Ben Ainslie Racing for its staff, it has been agreed that the car park can be made available for public use outside of working hours, to be managed by Portsmouth City Council. A Traffic Regulation Order is required to facilitate Pay & Display / permit holder parking and subsequent enforcement, which involves public consultation.

4. Reasons for recommendation

4.1 Whilst Portsmouth City Council (PCC) gives local concessions within the public car parks it operates (for Blue Badge holders, residents' parking permit holders, season tickets etc.) the new leaseholder has no obligation to make any public parking available, having leased the car park for its staff use. Therefore the

provision for public parking is welcomed in this area, which is to be operated by PCC to cater for a variety of needs (residents, visitors, tourists, businesses etc).

- 4.2 The times of operation have been discussed and agreed with representatives of Ben Ainslie Racing, and are to remain as per the advertised proposal:

BAR permit holders only: Monday to Friday 7am - 6pm
Public Pay & Display / BAR permit holders: All other times

Operation on Bank Holidays will be the same as Sunday operating.

Whilst a handful of spaces could be available for public use before 8am, it would not be possible to adequately identify segregated spaces without causing confusion, which could be seen as an attempt to entrap motorists.

BAR retains the right to alter the times (suspend public parking) at their discretion in accordance with their business needs.

- 4.3 The comments received in response to the formal consultation of the proposals (Page 5) have been taken into consideration along with the requirements of Ben Ainslie Racing.

- 4.4 Concerns regarding the loss of parking spaces are addressed as follows:

The original Camber Quay car park had 74 parking spaces. This is reduced to 65 spaces within the revised B.A.R car park, which are available for public use during the evenings, overnight and weekends. 10 parking spaces have been re-designated for business use in the adjacent Broad Street car park. However, an additional 30 on-street parking spaces have been created in Broad Street itself under a separate TRO (36/2014) to mitigate the loss of capacity. Further remarking of the parking bays in Grand Parade will enable an additional 30 spaces, and proposals are being considered for the High Street to facilitate 25 more spaces. The latter would be subject to statutory public consultation.

5. **Equality impact assessment (EIA)**

There is no requirement to complete a full EIA as there are no issues arising from this report that relate to the Equalities Groups: Age, Disability, Race, Transgender, Gender, Sexual orientation, Religion or belief, relationships between groups, other socially excluded groups.

6. **Legal Implications**

- 6.1 Under powers contained in the Road Traffic Regulation Act 1984 local authorities may provide off-street parking places and may by order make provisions as to the conditions on which it may be used and the sums to be charged to the public for their use, and may include the provision of Pay & Display facilities. The local authority may also provide that the parking places may be used by specified persons only and/or at specified times.

- 6.2 Local authorities have a duty to take account of the needs of all road users and consider the implications of decisions for the road network
- 6.3 A proposed order must be advertised and the public given a 3 week consultation period during which they may register their support or objections to the proposed order. If objections are received and not withdrawn the matter must go before the appropriate executive member for the decision whether or not to make the order, taking into account the comments received during the consultation period.

7. Finance Comments

- 7.1 Set up costs of £3,500 are estimated to be incurred in preparing the site for Pay & Display overnight parking. This will be funded from the Off Street Parking cash limited budget.
- 7.2 The amount of civil enforcement officers employed by the City Council will remain unaffected. The costs associated with any additional enforcement required will be met by the income received from Pay & Display parking and PCN income.
- 7.3 Any surplus income, in excess of the ongoing expenditure costs, will accrue to the Off Street Parking cash limited budget.

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Signed by:
Alan Cufley, Director of Transport, Environment & Business Support

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
11 emails / letters	Transport Planning, 4 th floor, Civic Offices

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:
Cllr Ken Ellcome, Cabinet Member for Traffic & Transportation

Copy of public notice detailing the proposal under TRO 11/2015:

Dated: 23 February 2015

THE PORTSMOUTH CITY COUNCIL (BEN AINSLIE RACING CAR PARK) (OFF-STREET PARKING PLACES) (NO.11) ORDER 2015

Notice is hereby given that the Portsmouth City Council is consulting the public on the above proposed Order under Sections 32, 33, 34, 35 and 36 of the Road Traffic Regulation Act 1984. The effect would be as follows:

A) PAY & DISPLAY AND PERMIT HOLDERS ONLY**Name of Parking Place**

Ben Ainslie Racing (BAR) Car Park

Days and Hours of Operation of Parking Place

24 Hours a Day, 7 Days a Week

Restrictions and Times of Operation

BAR permit holders only: Monday to Friday 7am - 6pm

Public Pay & Display / BAR permit holders: All other times

REASON FOR THE ORDER

To facilitate parking restrictions (permit holders and pay & display) within the former public car park on the Camber in Old Portsmouth, now leased to Sir Ben Ainslie's racing company. The restrictions would be enforced by the Council's Civil Enforcement Officers. BAR Permits would also be valid during the Pay & Display hours.

A copy of the draft Order and a plan may be examined at the Information Desk, Ground Floor, Civic Offices, Portsmouth during normal office hours, and a copy of this Public Notice can be found on the City Council's website; visit www.portsmouth.gov.uk and search 'traffic regulation orders'.

Persons wishing either to object to or support these proposals may do so by sending their representations in writing to Nikki Musson, Transport and Environment, Civic Offices, Portsmouth PO1 2NE or via email to engineers@portsmouthcc.gov.uk quoting reference **TRO 11/2015** by **16 March 2015** stating the grounds of objection/support.

Under the provisions of the Local Government (Access to Information) Act 1985, any letters of representation that are received may be open to inspection by members of the public.

SIMON MOON, Head of Environment & Transport Service
Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth PO1 2NE



Summary of public consultation responses to TRO 11/2015

Objections to the revised Pay & Display / permit holder restrictions in the car park on Camber Quay. Old Portsmouth

Residents, West Street

We object to the proposal on the grounds of further reduction to residents parking (regrettable as we are fully behind the BAR project and believe the new base is a positive addition to this area and the city) unless:

- KA permit holders continue to be able to use the car park free of charge during public hours
- That any future changes affecting the KA permit holder concession would be subject to public consultation via a separate TRO
- That the BAR exclusive hours of use will be between 08:00 to 18:00 weekdays, with no restrictions at weekends and Bank Holidays.

Resident, Battery Row

To ensure residents are not disadvantaged, KA permit holders should also be authorised to use the car park Monday to Friday 7am-6pm, as well as at all other times, as any overflow parking from BAR is likely to take up spaces currently allocated to residents / pay & display on the surrounding streets.

BAR might be concerned that their spaces could be taken up by locals but I would suggest that KA permit holders would only use the BAR car park in extremis when all the street parking was already taken up by visitors to BAR.

Resident, Broad Street

My personal view is that everything would work much better if there were no restrictions on parking anywhere. A free for all might sort itself out better than having spaces reserved for specific groups such as residents, BAR and KBB which automatically ensures there will be empty unused spaces.

Resident, Broad Street

I wish the Council to reconsider TRO 11/2015 and allow KA residents the right to use the car park as originally promised - i.e. that local residents can use the car park when BAR would not be using it (out of hours and weekends). That may at least give us a fighting chance of finding somewhere to park at weekends.

Whilst business and tourism is to be encouraged, residents should also be given consideration in light of the tremendous impact the recent upheaval and huge increase in traffic has on their daily lives.

Resident, Tower Street

I support the BAR project but feel the goalposts are continually shifting. After the initial briefings I was not aware that residents and visitors would lose so much parking. Between BAR and KBB they seem to have it all.

I strongly object to the times that have been snuck in: 7am is far too early for residents and their guests to vacate parking spaces. 8am Mon-Fri would have been acceptable however, with the addition of extending the KA zone boundary. Parking within the zone will only get worse with the Arches and BAR projects. Also, 5.30pm is a reasonable time to allow non-BAR cars back into vacant slots. BAR should only have exclusivity between 8am - 5.30pm.



Objections to the revised Pay & Display / permit holder restrictions in the car park on Camber Quay. Old Portsmouth

Resident, Broad Street

It is wholly unacceptable not to allow KA permit holders to use the 'BAR car park' without charge. Everyone recognised that the BAR development would put strain on parking for local residents, and implied that the residents would be able to use the car park albeit with restricted hours. No mention of any charge for parking in this area was ever stated. Who will benefit from Pay & Display revenue - BAR or PCC? (bearing in mind BAR are paying nothing for a 25-year lease of the area!)

I object to the BAR staff's parking hours of 6pm to 7am. 8am would be a more acceptable time and would be in line with parking regulations in Broad Street and High Street, Old Portsmouth.

Spice Island Association Committee, Old Portsmouth

The restriction of not allowing KA permit holders to use the car park without charge was never mentioned in previous meetings with BAR, PCC and Councillors. We therefore object as the proposal, instead of compensating for the loss of Camber parking spaces to BAR and KBB, will be a serious source of aggravation to the community. We request that the weekend parking is made free to KA permit holders (including KA Visitor scratch cards).

Old Portsmouth & Gunwharf Quays Neighbourhood Forum Committee

The weekday usage for BAR from 7am to 6pm is unacceptable as vehicles would have to be moved at the unreasonable hour of 7am. This would effectively deter residents and visitors from using the car park during the evenings in the week. Since the BAR car park was proposed it was repeatedly stated in meetings with BAR and PCC as being from 8am-6pm, as is confirmed by the article on the BAR car park in the recent *Flagship* magazine. It is therefore requested that this TRO complies with all other City car parks in which free car parking is available until 8am.

Outside of BAR staff hours, at "all other times" the car park will be available to public pay & display and BAR permit holders. There is no mention of KA permit holders being exempted, which has been confirmed by PCC. KA permit holders have been able to park free of charge in all Old Portsmouth car parks since the scheme started in 1999, and this TRO will aggravate the situation if KA permits cannot be used, instead of helping to resolve some of the issues caused by the loss of 90 or more public spaces in Camber car park.

- Will the car park be open to the public on Bank Holidays and will the parking in the weekday evenings be free, and if not, will it be free for KA permit/scratch card holders? *(PCC response: the car park will be open for public use on Bank Holidays. Pay & Display will operate outside of the 'BAR permit holders only' times).*
- How will BAR permits be controlled to prevent abuse? *(PCC response: the Council's Civil Enforcement Officers will patrol the car park)*
- Will the permits be issued by BAR? *(PCC response: PCC will supply permits to BAR. BAR will issue the permits and ensure their validity)*
- Will the permits be identified with the vehicles (as Resident permits are) or will they be an open permit which can be freely available, readily transferable and with no time limit on validity of use? *(PCC response: It is up to BAR how they manage their own permits. PCC has recommended they use a similar system to that used by PCC, but they are not obliged to do so).*



Objections to the revised Pay & Display / permit holder restrictions in the car park on Camber Quay. Old Portsmouth

Friends of Old Portsmouth Association - Traffic

Times:

The TRO intends the public exclusion commences at 0700 on weekdays. The Transport Assessment said this would be at 0800 and this time was confirmed in the recent edition of *Flagship*. Expecting the public to move their cars by 0700 all year round is unreasonable and the justification that BAR needs all spaces in the car park by 0700 has not been made.

Charges:

During publicity events run by BAR and PCC before planning consent was granted, residents were led to believe KA zone permit holders using the BAR Camber car park would be exempt from additional charges. It is requested that PCC includes this condition.

Team use:

FOOPA considers it reasonable for BAR to have exclusive use of the Camber car park for major events (such as the America's Cup weekend in July) but this needs to be under carefully defined limits established by PCC, so as to maintain the rights of residents.

It is requested that PCC caps the number of days BAR can exclude the public - otherwise there will be nothing to prevent BAR declaring they need the whole car park for team use from 1 January to 31 December inclusive! A maximum of 10 days in the calendar year would be considered reasonable.

Request 2 working days' notice to the public of exclusions, with details of how these will be publicised.

PCC response: Whilst a handful of spaces could be available for public use before 8am, it would not be possible to successfully identify segregated spaces without causing confusion, which could be seen as an attempt to entrap motorists.

Residents have no rights to parking in the Camber car park, and the previous concession for KA permit holders does not have to be made available.

There is no cap on the number of days BAR can request exclusive use of the car park, but each request will be considered by PCC and will not be granted automatically. 48 hours' notice is required from BAR before a closure of the car park is notified by way of signs within the car park.

Resident, Old Portsmouth

The published TRO proposals are legally unsound and should be withdrawn or amended, as the accompanying plan does not reflect the public right of way that presently exists around the Town Quay on the Camber. The parking spaces at the southern end of the main BAR car park and those at the eastern end of East Street all overlap the right of way route, and as such, when in use will obstruct passage along this highway.

PCC response: An informal plan accompanies a TRO to indicate the location of the proposals. It is not a definitive plan of an area. In this case the informal plan was withdrawn and those wishing to view it were directed to the Planning Service for the official plans.

Objections to the revised Pay & Display / permit holder restrictions in the car park on Camber Quay. Old Portsmouth

Resident, Old Portsmouth

The reason for the order stated on the public notice is '...now leased to Ben Ainslie's Racing Company....' which makes the Order inaccurate as no lease has been signed between PCC and BAR. The Heads of Terms have been signed, but no lease has been signed. To that end the Order should be withdrawn or held back until a lease has indeed been signed.

PCC response: Whilst the notice could have indicated that a lease was in the process of being agreed for signature, no decisions could be made until a lease was in place. As public consultation is a statutory requirement for Traffic Regulation Orders and the legal process can be a lengthy one, this was carried out in the knowledge that Purdah and elections were approaching and therefore no decisions could be made on the proposed operation of the car park until June 2015 at the earliest.

(End of Report)