

	<b>REPORT TO CABINET TO BE HELD ON 17 JULY 2018</b>	
	<b>Key Decision</b>	<b>No</b>
<b>Corporate Priority: Safe and Healthy Prosperous Quality Environment</b>	<b>Cabinet Portfolio Holder  Leisure</b>	<b>Cllr Martin Smith</b>

## REPORT OF DIRECTOR (LD) – 18/160

**WARDS AFFECTED: ALL**

### SUBJECT: OBJECTIONS TO AMENDMENTS TO CAR PARKING ORDERS - WHITBY

#### RECOMMENDATION (S):

- a) that cabinet consider the objections to the amendments; and
- c) if Cabinet is minded after considering the objections to approve the changes to parking orders, to prohibit motor caravan parking overnight on various Off Street Car Parks as advertised and implement these changes from 1 August 2018

#### REASON FOR RECOMMENDATION (S):

To ensure appropriate measures are put in place to enable the Council to take enforcement action to control overnight sleeping on the selected car parks outlined in the report.

#### HIGHLIGHTED RISKS:

Failure to introduce controls and take enforcement action may result in increased usage of some off street car parks for overnight sleeping.

## 1. INTRODUCTION

- 1.1 Motor caravans have been commonly referred to as Motorhomes. The issue of motor caravans parking overnight on Council off-street car parks and on highways, particularly in prominent tourist locations across the Borough has been debated over a number of years. Although complaints have been received about such vehicles blocking views etc during the daytime on prominent seafront locations; this report specifically relates to overnight parking.
- 1.2 This main purpose of this report is to assist Cabinet in making a decision on the matter by providing the full details of the objections received to a Statutory Notice and providing officer comments in response to the main issues. The report also outlines the recent action leading up to this report.

## **2. BACKGROUND**

- 2.1 Members previously considered Motor Caravan parking arrangements in 2012. A number of car parks were identified to prohibit motor caravans in the Borough Council's Car Parks. Further consideration has been given to extending the prohibition within a report (18/76) on motor caravan parking to the Cabinet Member for Leisure...
- 2.2 The Portfolio Holder considered the report and on 26 April 2018 approved:
  - a) the placing of statutory advertisement to prohibit motor caravan parking overnight on Off Street Car Parks detailed within the report; and
  - b) The placing of statutory advertisement to extend parking restrictions to Endeavour Wharf, Battery Parade and Whitby Marina Users
- 2.3 Subsequently the statutory advertisement to prohibit motor caravan parking overnight on various Off Street Car Parks was placed on 15 May 2018.
- 2.4 In response to the Statutory Notice a number of objections have been received and these are summarised together with Officer comments in Appendix A

## **3. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN**

- 3.1 The parking function relates to the following Corporate Aims:

**Aim 1:** 'Safe and Healthy' through the control of vehicles to assist safe traffic flows and protect of pedestrians.

**Aim 2:** 'Prosperous' through the contribution to the Council's income stream, which supports services provided and the provision of off-street car parks to contribute to attracting visitors to the tourism destinations in the Borough and to assist the economy of the town centres with the provision of car parks used also by residents.

**Aim 4:** 'Quality Environment' through the provision of off street car parks and parking controls to contribute to maintaining the attractiveness of the Borough.

## **4. ISSUES**

- 4.1 Motor Caravan parking, especially overnight, is increasing noticeably in high-profile tourist areas of Scarborough and Whitby. This is thought to be due to the increased numbers of motor caravan ownership over recent years.
- 4.2 In 2012 a number of car parks were identified where problems were known to exist and prohibit Motor caravans between 11pm and 7am. These were

### **Scarborough**

Spa Drive & Forecourt, Marine Drive, West Pier, King Street, Eastborough, and Quay Street

### **Whitby**

Pavilion Top & Drive, West Cliff, Church Street, Endeavour Wharf and Marina Front

### **Filey**

Station Avenue and Country Park

Following the prohibition members have indicated that the number of motorhomes/caravans now migrating into the Marina Back and other car parks adjacent to the harbour have increased so have the number of complaints received.

- 4.3 It is important to note that this restriction is not being applied to all car parks In Whitby.
- 4.4 If necessary further changes can be proposed to the order when appropriate to deal with other issues that may arise.
- 4.5 The Council's off street car parks are controlled by Traffic Regulation Orders made under the Road Traffic Regulation Act 1984. The existing Borough of Scarborough (Off Street Parking Places) Order 2012 does not permit any vehicle parked in parking place for the purposes of camping.

However enforcement is ineffective mainly due to the difficulties in proving that the owner of the vehicle is actually sleeping in the vehicle combined with the difficulties in signing this restriction.

The proposed changes to the Traffic Regulation Order will allow enforcement of unauthorised camping by motor caravans on the car parks specified in 4.2 above.

- 4.6 Following advertisement of the proposed changes four (4) letters have been received in relation to the changes to the Traffic regulation order to

prohibit motor caravan parking from a number of off street car parks. Appendix A sets out a summary of all the comments received, together with officers' observations.

- 4.7 No comments have been received in relation to the amendments to plans to prevent unauthorised vehicles parking in other areas not currently covered by parking orders; it is therefore proposed that amendments to the maps in the traffic regulation orders are amended to include these areas.
- 4.8 A copy of the correspondence received can be found in Appendix B of this report. Any further correspondence received after the preparation of this report will be submitted at the meeting.
- 4.9 As an amendment to a Traffic Regulation Order is required the County Council have been notified of the proposed changes as required by legislation.

## **PROPOSAL**

### **OFF STREET CAR PARKS – PROHIBITION OF MOTOR CARAVAN ON SELECTED CAR PARKS**

#### **4 Objections Received**

- 4.10 **Proposal: to introduce amendments to Traffic Regulation Order to prohibit motor caravan parking between 11pm and 7am on certain car parks**

4.10.1 Whilst accepting the comments made by objectors, members should be aware that by allowing the overnight stay of motor caravans this would be considered to represent a material change of use from a car park to a mix of car park and camping/caravan. Advice given by planning indicates that this would therefore require planning permission.

4.10.2 A detailed assessment and response is given to each of the objections/ comments in Appendix A.

**Recommendation: to introduce the proposed changes from the 1 August 2018**

## **5. CONSULTATION**

- 5.1 Statutory consultations have been carried out to progress the amendment to the Traffic Regulation Orders (TROs) proposed.
- 5.2 Proposals for TROs are circulated directly to interest groups, e.g. all Emergency Services, Road Hauliers Association, Public Transport providers, NYCC etc. as a matter of course. It is also a legal requirement that TRO proposals must be advertised in the local press and notices placed on site to

allow a minimum of 21 days for interested parties to comment upon or object to the proposals.

- 5.3 In addition Public Notices were placed on the Scarborough Borough Council website thus giving the opportunity to object online.

## **6. ASSESSMENT**

- 6.1 The proposals of this report are intended to manage the increasing number of motor caravans using the aforementioned Council's Off Street Car Parks

## **7. IMPLICATIONS**

### **(a) Policy**

- 7.1 There are no changes in overall Council policy arising from the proposals in this report.

### **(b) Financial**

- 7.2 The Financial Implications will include the signage on the car parks where motor caravans are to be prohibited. In addition a small cost will be attributed to enforcement of the said restriction out of hours.

### **(c) Risk**

- 7.3 See Appendix.

### **(d) Legal**

- 7.4 The Council as agents for the County Council has powers under the Road Traffic Regulation Act 1984 to make relevant orders. A statutory Notice of making will be required.

### **(e) Staffing**

- 7.5 In order for the restriction to be effective additional patrols will be required. The cost is likely to be absorbed by some re-adjustment of existing shifts.

### **(f) Other**

- 7.6 I have considered whether the following implications arise from this report and I am satisfied that there is no identified adverse implication that will arise from the decisions:

Planning  
Crime and Disorder  
Health and Safety  
Environmental  
Equalities and Diversity

## **8. ACTION PLAN**

Implementation of amended Traffic regulation Order – 1 August 2018



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**Director**

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**Background Papers:**

Report 18/76 26 April 2018 the Cabinet Member for Leisure

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT STUART CLARK ON 01723 383582 e-mail [jane.wilson@scarborough.gov.uk](mailto:jane.wilson@scarborough.gov.uk)

## Risk Matrix

<b>Risk Ref</b>	<b>Date</b>	<b>Risk</b>	<b>Consequences</b>	<b>Mitigation</b>	<b>Current Risk Score</b>	<b>Target Score</b>	<b>Service Unit Manager/ Responsible Officer</b>	<b>Action Plan</b>
1	July 2018	Failure to introduce controls	Car Park overnight usage by motor caravan increases significantly in some areas to the detriment of providers of the facility and other car park users	Adopt proposals in the report	C3	B2	S Clark	As detailed in report

## Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

## Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

### Likelihood:

A = Very Low  
 B = Not Likely  
 C = Likely  
 D = Very Likely  
 E = Almost Certain

### Impact

1 = Low  
 2 = Minor  
 3 = Medium  
 4 = Major  
 5 = Disaster



Objector Comments	Officer Comments
<p>Banning motor caravans is discriminatory</p> <p>Motor caravans pay £9 for 24 hour parking.</p> <p>Motor caravan users are willing to pay a charge overnight</p> <p>Motor Caravan owners put income into the local economy over day trippers.</p>	<p>There are many other options available for overnight stays and parking across the Borough.</p> <p>Off Street Car Parks are considered private land, therefore can be controlled as The Council see fit. Our car parks are controlled by traffic regulation orders made under the Road Traffic Regulation Act 1984. One of the grounds for such an order is the improvement or protection of the amenities of an area. We have as an authority always taken the view that overnight sleeping, and camping on our car parks, is an undesirable practice for our resort.</p> <p>The charges for parking only cover the hours of 9am – 6pm</p> <p>As a Council we have always taken the view that by not charging in the car parks after 6pm that we are supporting the nighttime economy. If a charge was introduced all users of the car park would be required to pay the charge.</p> <p>There is no evidence that prohibiting motor caravans will have an affect on local businesses.</p>

<b>Objector Comments</b>	<b>Officer Comments</b>
<p data-bbox="188 236 1075 304">Should encourage motor caravans by providing Aires bespoke parking areas</p> <p data-bbox="188 496 976 564">Motor Caravans are self sufficient so do not require any additional facilities</p> <p data-bbox="188 644 1081 746">Marina permit holders should be exempt from the restriction by displaying their permit holders car park permit. This is required for access to maintain their berth.</p>	<p data-bbox="1128 236 2049 379">Members have previously considered this option however it was felt that there were sufficient official sites within the Borough that welcomed motor caravans and there was not a need for a facility specifically for motor caravans.</p> <p data-bbox="1128 496 2024 598">Officers have received complaints of motor caravans using harbour facilities for disposal of associated waste and chemical toilets.</p> <p data-bbox="1128 644 2040 788">Harbour officers have confirmed that 6 out of 206 permit holders use motor caravans to travel to the Marina Users Car Park. The concern in allowing an exemption, is this would encourage other motor caravan users to follow suit and park up.</p> <p data-bbox="1128 831 1984 900">There is a small risk that berth holders who couldn't park the vehicles would no longer pay for a berth.</p> <p data-bbox="1128 943 2040 1045">Marina Users can use alternative car parks over night that do not have a prohibition to park their vehicles. ie Abbey Headland, Cliff Street and St Hildas Terrace.</p>