



Report No: **175/2010** Public Agenda Item: **Yes**

Title: **Paignton Harbour Estate - Decriminalised Parking**

Wards Affected: **Roundham with Hyde**

To: **Harbour Committee** On: **21st June 2010**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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1. What we are trying to achieve and the impact on our customers

- 1.1 Tor Bay Harbour Authority is aiming to achieve a parking management strategy through civil parking enforcement (CPE) on its harbour estate, previously known as decriminalised parking enforcement (DPE). This method of control is an improvement on the use of harbour byelaws and will ensure that the Council is better equipped to operate the harbour in a safe and efficient manner.
- 1.2 The Harbour Committee needs to make a decision about the proposed Paignton Harbour Traffic Regulation Order 2010, following receipt of an objection during the public notice period
- 1.3 Vehicular and pedestrian safety will be improved through the implementation of decriminalised parking enforcement on the harbour estate and improved control measures are in line with existing risk assessments.

2. Recommendation(s) for decision

- 2.1 **That, notwithstanding the public objection attached at Appendix 3, the Borough of Torbay (Paignton Harbour Estate Zone) (Control of Waiting, Loading and Unloading and Prohibition of Driving) Order 2010 be made as advertised.**

3. Key points and reasons for recommendations

- 3.1 Decriminalised parking was introduced into Torbay in 2005 and has been successful in implementing parking controls throughout the Bay.
- 3.2 The harbour estates at Brixham, Torquay and Paignton have suffered from unregulated parking problems for many years and this has been compounded by the difficulty in enforcing the relevant harbour byelaws.
- 3.3 In December 2007 the Harbour Committee endorsed the use of decriminalised parking enforcement to regulate vehicles using the harbour estates.
- 3.4 Introducing decriminalised parking on the harbour estate will ensure that the estate will be a safer and tidier place. Reducing the number of vehicles will assist with the overall feeling of civic pride endorsed within the Community Plan and will also contribute towards a number of corporate themes, including Pride in the Bay.
- 3.5 The Borough of Torbay (Paignton Harbour Estate Zone) (Control of Waiting, Loading and Unloading and Prohibition of Driving) Order 2010 was advertised on 26th April 2010 in line with current legislation (see Appendix 2). Members must consider the objection attached at Appendix 3. As to that objection:
 - 3.5.1 The proposed Order will not prevent for up to 20 minutes the loading or unloading in the adjacent South Quay harbour road of vehicles delivering or collecting goods from the objector's business.
 - 3.5.2 The legal right of way to which the objector refers was some years ago released over that width of South Quay where the objector claims authority to park.
- 3.6 If new parking restrictions are introduced they will be reviewed after 6 months of operation.
- 3.7 Members of the Committee will be aware that normally there is plenty of car parking capacity in the adjacent Roundham Car Park. Also, it is part of the Council's overall parking strategy to have long stay parking off street and short stay parking on street to improve access to shops, facilities, etc. Therefore, there should be a simple displacement of vehicles into the car park and improved traffic management should be delivered on the harbour estate.

For more detailed information on this proposal please refer to the supporting information attached.

Kevin Mowat
Executive Head of Harbour and Marine Services
Tor Bay Harbour Master

Supporting information to Report 175/2010

A1. Introduction and history

- A1.1 The statutory harbour of Tor Bay consists of the Bay itself and the enclosed harbours of Brixham, Paignton and Torquay. The primary legislation is the Tor Bay Harbour Act 1970 and it is this piece of legislation which forms the basis for the harbour byelaws that are used as a tool in the day to day regulation of the harbour by the Harbour Masters and their appointed staff.
- A1.2 There are 122 byelaws which are used as tools to regulate vessels and navigation, berthing, mooring and anchoring as well as the promotion of safety and the regulation of the harbour estate and the enclosed harbours. The Byelaws contain a specific section for the control of vehicles on the harbour estate.
- A1.3 Byelaw 77 parking of vehicles states the following :- " No person shall park or leave a vehicle in any place where it is likely to obstruct the use of the Harbour Estate, or in any part of the Harbour Estate where the parking of vehicles is prohibited and notice of such prohibition has been erected by the Harbour Master."
- A1.4 Whilst Byelaw 77 is pretty explicit in it's wording and intention, unfortunately the practicality of its use as an enforcement tool is pretty limited. This is because of the onerous burden of proof required to obtain a conviction in the courts against the driver of a vehicle parked illegally on the harbour estate.
- A1.5 In 2002 Torbay Council's legal department did some research and provided the harbour staff with a number of legal documents to facilitate a successful prosecution. This paperwork consisted of serving notice on the vehicle followed by a formal warning and a number of further legal notices to the registered keeper of the vehicle. Again, whilst this worked as a deterrent in a number of cases the sheer complexity of keeping accurate records and the time taken to process details made the system cumbersome and impractical.
- A1.6 In 2005 Decriminalised Parking Enforcement (DPE) was introduced into Torbay and the Harbour Masters were in discussion with the Council's Consultants at the scoping stage. This early engagement led to the inclusion of the harbour estate in the application to the Secretary of State for the Designation Orders under the Road Traffic Act 1991, creating permitted parking areas (PPAs) and special parking areas (SPAs). However, at that time the harbour estate was not properly included within the DPE strategy.
- A1.7 Torbay Council's parking enforcement service has proved to be a successful deterrent and control measure. Although the Harbour Authority has resolved some of its parking difficulties, for example in Torquay through the deployment of fixed remotely controlled barriers, problems still remain in both Brixham and Paignton. Indeed the new fish market development in Brixham will see improvement to the handling, sale and onward shipment of fish, the full benefit of which can only be achieved with a successful parking management strategy.

- A1.8 In December 2007 the Harbour Committee received Report 328/2007 on Decriminalised Parking on the Tor Bay Harbour Estate. Under Minute 399 the Committee endorsed the use of decriminalised parking enforcement to regulate vehicles using the harbour estates.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There is a risk that those who have made the objection may find it difficult to accept the Committee's decision if that accords with the recommendation. There is a risk in not implementing decriminalised parking in that the Council may not be in a position to provide a quality of service to harbour users and that the safe and efficient operation of the harbour estate would be put in jeopardy.

A2.2 Remaining risks

There is a risk that the Council's reputation may be damaged through the implementation of decriminalised parking but this would be mitigated by the positive impacts of improvements to estate management, visitor experience and pedestrian safety.

A3. Other Options

- A3.1 Other options would be to take no action and to continue to manage parking on the Paignton harbour estate through use of the Harbour Byelaws. However, this approach has proved inefficient and unreliable in the past.

A4. Summary of resource implications

- A4.1 There are negligible resource implications.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

- A5.1 Reducing the number of illegally parked vehicles on the quayside will help everybody to benefit from the harbour estate and improve people's enjoyment of the environment.

A6. Consultation and Customer Focus

- A6.1 These proposals have been consulted with the relevant stakeholders through the Torquay/Paignton Harbour Liaison Forum and a meeting with local businesses.
- A6.2 The Borough of Torbay (Paignton Harbour Estate Zone) (Control of Waiting, Loading and Unloading and Prohibition of Driving) Order 2010 was advertised on 26th April 2010 in line with current legislation (see Appendix 2).

A7. Are there any implications for other Business Units?

- A7.1 Implementation of decriminalised parking will require working in partnership with Parking Services (Visitor & Resident Services) in order to have in place the

mechanisms for the provision of IT, notice processing, administration, customer interfaces for queries and the payment of fines.

Appendices

Appendix 1 Borough of Torbay (Paignton Harbour Estate Zone) (Control of Waiting, Loading and Unloading and Prohibition of Driving) Order 2010

Appendix 2 Borough of Torbay (Paignton Harbour Estate Zone) (Control of Waiting, Loading and Unloading and Prohibition of Driving) Order 2010 – Notice of Proposal

Appendix 3 Letter of objection dated 11 May 2010

Documents available in members' rooms

Background Papers:

The following documents/files were used to compile this report:

Harbour Committee Report 328/2007 - Decriminalised Parking on the Tor Bay Harbour Estate.

Harbour Committee Minute 399/2007