

BRECKLAND DISTRICT COUNCIL

Report of: Phil Adams, Executive Manager People & Public Protection

To: Paul Claussen Executive Member Place (Health Lead)
Cabinet 5th February 2019

(Author: Andrew Grimley Environmental Protection Team leader

Subject Options for the enforcement of electric vehicle car parking spaces

Purpose: To provide Members with the details of the current car parking options available in order to agree the scope of the statutory consultation that will propose changes to the car parking order

Recommendation(s):

- 1) That members consider whether they wish to enforce electric vehicle only spaces (option 1) or if they do not wish to pursue enforcement against non-electric vehicles which use spaces served by electric vehicle charging infrastructure (option 2)
- 2) If option 1 is chosen, to agree, in principle, that the Breckland District Council (Off-Street Parking Places) Order 2014 be amended so as to allow electric vehicle parking bays to be used only by electric vehicles;
- 3) That if option 1 is chosen officers be authorised to undertake the necessary consultation and equality impact assessment in relation to the proposed amendments to the car parking order and report back to a future meeting following completion of the consultation process;
- 4) That if option 1 is chosen the draft notice of proposals and the draft statement of reasons attached as Appendices B and C to this report be approved in principle

1.0 BACKGROUND

- 1.1 Breckland Council owns and maintains a number of car parks across its district particularly in the market towns. As reported before, Breckland has obtained funding from Highways England to install rapid electrical charging units and these are in the process of being installed in the Breckland owned car parks in Cowper Road Dereham, St Nicholas Street Thetford, Queens Square Attleborough and Pedlars off Market Place Swaffham. Further units may be installed in other car parks in the future as and when funding becomes available.
- 1.2 These charging points will be linked to two parking bays at each location and the bays painted and signed advising of their prime purpose.
- 1.3 Currently the council has no provision against non-electric vehicles using spaces designated for electric vehicle charging. This would mean that electric vehicle users may find themselves unable to charge their vehicles in council car parks.

- 1.4 If the council wished to enforce the use of spaces with access to electric charging units, as designated for electric vehicles only, then it would need to amend the Breckland District Council (Off-Street Car Parking Places) Order 2014 to ensure that the bays can only be used by appropriate vehicles whilst they are being charged, as it currently does not allow for the enforcement of spaces for electric vehicles only.
- 1.5 In order to amend the Order, consultation with the public is required, once the Cabinet portfolio holder for Place has given a formal decision on the proposed recommendations. Full details of the consultation process are set out in paragraph 3 below. Once the consultation has concluded, the responses will need to be considered and returned to Cabinet for a formal decision on changing the order.
- 1.6 This report provides members with two differing options regarding the proposed changes to the Order.

2.0 OPTIONS

- 2.1 **Option 1** - Statutory consultation and an Amending Order would be necessary to change the Breckland District Council (Off-Street Car Parking Places) Order 2014 to ensure that the electric charging bays can only be used by appropriate vehicles whilst they are being charged. It is currently proposed that electric charging units are installed in only 4 car parks, but the Amending Order will allow electric charging infrastructure to be installed into further car parks in the future once the necessary budgets have been identified and a formal decision(s) has been made to place infrastructure in each such car park.
- 2.2 A draft Amending Order is attached at Appendix A for consideration
- 2.3 It should be noted that (i) the proposed amendments in the draft Amending Order do not require vehicles using electric charging bays to comply with any usual maximum parking periods as the length of time that each vehicle remains within an electric vehicle charging bay will depend on the time that it takes to charge the vehicle so the maximum waiting times will only apply when that vehicle is parked in bays which are not electric vehicle parking bays; and (ii) the wording in the attached draft Amending Order is only intended to give members an understanding of the proposals, and may be amended prior to consultation.
- 2.4 **Option 2** - Do nothing. This would mean that any non-electric vehicle using an electric vehicle charging bay would not be contravening the Council's off-street car parking order and could result in the electric charging vehicle bays not being available for use for charging purposes.

3.0 MAKING AN AMENDING ORDER

- 3.1 The procedure for amending the Car Parking Order is set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and includes the following:
 - consult the police, road haulage association, freight transport association and any other relevant bodies about the proposed changes, and secure the formal approval of the county council
 - publish notice of proposed making of order (called "notice of proposals") in local paper and in car parks

- place documents on deposit for inspection by members of the public, including the “notice of proposals”, and a “statement of reasons” setting out why the Council proposes to make the order
- consider all objections and representations received during the consultation process. Note that substantial changes to the initial proposals may result in additional consultation, and where any objection has not been wholly acceded to the Cabinet **must** include reasons why
- if approved, make the order
- publish notice that the order has been made (called the “notice of making”) in local paper and on car parks, and notify all objectors. Notification to objectors must include the reasons why any objections have not been wholly acceded to
- the Order, if approved, takes effect on the date contained in the notice of making

3.2 Members will appreciate from the above procedure that the Council cannot at this stage make a final decision to amend the Car Parking Order as it must first consult, and take into account any observations and representations received during the consultation process. The Equalities Act 2010 also requires a public authority, in exercising its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation etc.; advance equality of opportunity; and foster good relations between persons who come within the terms of the Act and those who don't. It will be necessary to carry out an equality impact assessment before any final decision is made any amendment to the existing Order.

3.3 For this reason the recommendation at this stage is to make a decision, in principle only, to amend the Car Parking Order, and to enable the officers to undertake the necessary consultation and equality assessment.

3.4 The draft “notice of proposals” and the draft “statement of reasons” referred to at the second and third bullet point above are attached as Appendices B and C to this report for approval in principle.

4.0 REASONS FOR RECOMMENDATION(S)

4.1 The portfolio holder for place is asked to choose between option 1 or option 2. Option 1 would allow the use of electric charging bays to be enforced, and also allow for any future electric vehicle charging units to be installed more quickly as the car parking order would already be amended, allowing for enforcement related to non-electric vehicles using parking spaces served by charging units.

4.2 Option 2 would mean that any non-electric vehicle using an electric vehicle charging bay would not be contravening the Council's off-street car parking order and could result in the electric charging vehicle bays not being available for use for charging purposes.

5.0 EXPECTED BENEFITS

5.1 The provision to enforce parking spaces served by electric vehicle charging units, for electric vehicles only, in the event the council wishes to build charging infrastructure in suitable car parks that it provides.

6.0 IMPLICATIONS

In preparing this report, the report author has considered the likely implications of the

decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

6.1 **Constitutional & Legal**

- The legal implications have been considered within the legal team. If Cabinet is minded to approve Option 1 then it is the recommendation of the legal team that the Breckland District Council (Off-Street parking Places) (Amendment No. 2) Order 2019 be consulted on and the Cabinet agree informally the consultation before making a final decision once all response are received.
- The legal team have advised the implications of not doing so could be that the Order would be subject to challenge at the point of enforcement.

6.2 **Reputation**

- Reputational impacts are dependent upon which recommendation is agreed upon. Electric vehicle charging stations would help improved air quality within Breckland district through lessening the amount of emissions in the district.

6.3 **Stakeholders / Constitution / Timescales**

- There will need to be a statutory consultation period to amend the Breckland District Council (Off-Street Parking Places) Order 2014. This will be with car park users, advertised in the media and also provided to the Police, County Council, Road Haulage Association, Freight Transport Association.

7.0 **WARDS/COMMUNITIES AFFECTED**

7.1 All wards

8.0 **ACRONYMS**

8.1 None

Background papers:-

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Key Decision: N

Exempt Decision: N

This report refers to a Discretionary Service

Appendices attached to this report:

- Appendix A - the draft amending Breckland District Council Parking Order
- Appendix B - Draft Notice of Proposals
- Appendix C - Draft Statement of Reasons