

# Report

## To Cabinet Member for Streetscene and Cabinet Member for Culture and Leisure (Business Manager)

---

### Part 1

**Date:** 17 August 2018

**Subject** Belle Vue Park – Proposed Off-Street Parking Charge Order 2018

**Purpose** To advise the Cabinet Members for Streetscene and Culture and Leisure (Business Manager) of the proposed implementation of an off street pay and display order within Belle Vue Park car park, the objections received following statutory consultation and the options available.

**Author** Head of Service – Streetscene and City Services

**Ward** Stow Hill

**Summary** In December 2017 a Medium Term Financial Plan (MTFP) proposal was put forward to introduce parking charges with Newport City Parks. The proposal included the capital funding bid for the installation of pay and display machines and the extension of the car park through the removal of the disused maintenance sheds and service yard.

Council approved budget proposals, which included this MTFP proposal. In addition, this proposal was considered at Scrutiny Committee and additional consultations with stakeholders, including the collective Belle Vue Park Bowls Committees and the Social Enterprise café, were undertaken.

Following approval to proceed, the council advertised the off- street parking pay and display order which attracted fifteen written objections.

The Cabinet Member for Streetscene and the Cabinet Member for Culture and Leisure (Business manager) are required to consider the objections received and decide upon a resolution.

**Proposal** That the Cabinet Member for Streetscene and Cabinet Member for Culture and Leisure (Business manager) consider the options provided below and decides upon the most appropriate option.

**Action by** Head of Streetscene and City Services

**Timetable** Immediate

This report was prepared after consultation with:

- Head of Law and Regulations – Monitoring Officer
- Head of People & Business Change
- Head of Finance – Chief Finance Officer
- Environment & Leisure Service Manager

- Strategy and Policy Manager
- Parks and Recreation Manager
- Parks Ranger supervisor
- Senior Solicitor – Planning & Land
- Senior Legal Assistant – Conveyancing
- Strategic Finance Business Partner
- Parc Pantry Social Enterprise provider
- The collective Belle Vue Bowls Clubs

**Signed**

## Background

The Belle Vue Park site was given to the town in 1891 by Lord Tredegar of Tredegar House for a public park. Designed by Thomas Mawson and completed in 1893, the park was opened in 1894. Due to the historical nature of Belle Vue Park and its important links to the Landscape Architect Thomas Mawson, Belle Vue Park is registered on CADW's list of Historic Parks & Gardens, Wales Register and its pavilion, terraces, conservatories, cascade bridges and lodges have Grade II listed status.

During the 1980's Belle Vue Park started to fall into major decline and many of its principal features were vandalised or mothballed. A successful Heritage Lottery Fund (HLF) urban parks programme bid with Newport City Council match funding, generated £2.2 million towards the restoration of the park completed in 2006. Since it's re-opening the popularity of the park has increased significantly and this is largely due to the events, activities and the condition of the site. Following completion of restoration Newport City Council has retained Green Flag Status for eleven consecutive years. The parks service has, like other council departments, been tasked with making savings which affect non statutory functions.

In December 2017 a business case was put forward as part of the Medium Term Financial Plan (MTFP) proposals. This business case was subject to formal public consultation

The funding for implementing the car parking infrastructure and to extend the car park facility has already been approved as part of the MTRP and will be met by capital investment.

### WHAT DO THE OBJECTIONS SAY

The proposals have been statutorily advertised and consulted upon and a total of fifteen objections were received. Two letters came from the same property. A summary of matters raised in objections is detailed below. Copies of objections are attached in Appendix 2. The objections are roughly categorised under the fifteen points stated below.

#### The broad issues raised by the objectors are:

1. *Making a charge for short visits (defined between 1 and up to 3 hours) could disadvantage regular visitors and those who wish to visit the park for short periods.*

Whilst there is a risk that the implementation of car parking charges may deter people from visiting the park, the car park will be made available to the public free of charge after 16:00 hours. The costs for parking any car for the first two hours has been set at a low value of £1.00, which is half the cost of the public car park at Stow Hill and reflects the distance from the city centre.

2. *Proposals disadvantage visitors on low income who cannot afford to visit regularly if charges are imposed.*

If members of the public do not wish to pay the charges there is limited on street parking available and the park is well served by bus, cycling and walking routes.

3. *First 2 hours should be free to avoid disadvantaging genuine users.*

The costs for parking any car for the first two hours has been set a low value of £1.00, which is lower than the closest public car park. It was felt that a free short stay tariff would not discourage those using the hospital or other business use. If the free parking was restricted to one hour then this would have an impact on the business of the café and events as people would be less inclined to stay beyond the free period.

4. *People already pay council tax and feel that car parking should remain free of charge.*

The amount raised from council tax is not sufficient fund all council services. The council tax is set at levels that assume this charge.

5. *Proposals discourage children and families to be active and get outdoors.*

The park is well served by bus, cycling and walking routes.

6. *Introducing charges will restrict use for the people who need this facility the most, having a direct impact on the local community and the valuable social enterprise (Parc Pantry) which relies on its support.*

If the free parking is provided for one hour then this would have an impact on the business of the café and tea rooms. An arrangement will be made with the company running the pavilion (currently Parc pantry) regarding costs of car-parking being incorporated into hiring costs. This has been discussed with Parc pantry.

7. *Trying to park elsewhere will cause an unnecessary public health hazard.*

There is on street parking available close to the park which would not cause a hazard. Only illegal parking would create a hazard and is a matter that would be dealt with by the police.

8. *All-day parking charge is too low to deter all day parkers;*

We believe that the highest charge will deter most business use. However we will review the cost of the all-day tariff once the scheme is running to ensure that it is fit for purpose.

9. *The proposals will cause increased difficulty and conflict for residents in the immediate surrounding area.*

The residents have on street residents parking which is available to them with a permit.

10. *Parking fees will deter prospective recruits and prevent continued bowling at Belle Vue Park. It will also curtail support, cause difficulty for aged members and those travelling from afar to compete.*

Following consultation with the Bowls Clubs a decision was taken to not charge for onsite car parking after 16:00 hours, this would allow those who took part in evening league matches to not have to pay to park their cars. Those who took part in afternoon league matches which start at 2.30pm would only need to purchase a two hour ticket for £1.00 before the free parking starts. In addition, we have agreed for access for the club for those who attend the facility to undertake maintenance works.

11. *Park gifted to the People of Newport – this proposal contravenes the intentions of the covenant which precludes money-making activities;*

The money raised through this proposal will be used to offset costs of maintaining and improving facilities. The proposal will not generate a 'profit' for the council; the park is still a net cost.

12. *Cash in the ticket machine will provide increased incentive for vandalism.*

The majority of Payments will be through card and app. The machines will be emptied frequently.

13. *No consultation prior to announcing plans for impending changes;*

This is not correct. The proposal was consulted on as part of a savings package put forward with the budget in November 2017. The proposal was also considered as part of the council scrutiny process at which members of the public can raise objections.

14. *potential impact on the social enterprise as a viable business going forward; negative effect on prospect of gaining future bookings from groups who use the tearooms and for large scale private hire such as weddings; reduction in terms of services and users willing to use the park for community and charity events; problems for staff who work staggered shifts (max 6 staff on site at any one time); dog-walkers and take out trade contribute to a large percentage of the Park and Tea Room's current users – parking restrictions are likely to reduce visitor numbers. Better consultation process and earlier discussions would have negated the need to raise objections to the proposals.*

On 11<sup>th</sup> January 2018 the impacts of the proposals on the business were discussed with the current concession holders and some changes have been agreed as a result. This includes making an allowance for those hiring the facility so that parking could be added onto hire cost if a section of the car park is required; providing two permits for staff to park on site; offering other staff parking within the site. In the early stages of project development the problem of 'bay blocking' was raised by in house Park Ranger staff and the café operators and the Authority was asked to deal with the issue.

15. *The Order contravenes the terms of the original Deed of Gift to allow free use of the land.*

The restrictive covenant contained in the original deed of gift from Lord Tredegar, prohibits the disposal of any part of the park for commercial purposes. There is no intention to dispose of any part of this park.

16. *Charges should not be introduced as parking is limited at both hospitals which will make it difficult and costly to attend appointments.*

This is not relevant as the site is specifically not for hospital parking. Access to the hospital is a matter for the Health Authority.

17. *Charges could put local jobs at risk.*

Staff working at the park have been offered access to the service yard on the old nursery site for parking. People working outside the park will have to make their own arrangements or pay a parking charge.

18. *Suggest car parking charges are introduced around the civic centre.*

This is not relevant to the proposed traffic order.

## **Links to Council Policies and Priorities**

This proposal is connected to a recent decision relating to the introduction of Civil Parking Enforcement. Council resolved on the 30<sup>th</sup> January 2018 to give appropriate authority to officers to make an application to the Welsh Government for the transfer of appropriate powers under the Traffic Management Act 2004 for civil parking enforcement, and for the implementation of these powers following transfer of powers in the event of the application being successful. In recent years, Gwent Police have treated parking enforcement with ever diminishing priority in favour of deploying their limited resources to address more serious crime. Although the Police continue to maintain some levels of enforcement, action is taken only when and if resources become available. With the introduction of CPE and the current levels of parking contraventions, there are concerns over the implications of displaced parking at the city parks.

## **Options Available and considered**

**Option 1** Note the objection received proceed with the introduction of off street parking charges at Belle Vue Park

**Option 2** Do not proceed with the introduction of street parking at Bell Vue Park

## **Preferred Option and Why**

To proceed with the introduction of the off street parking Pay and Display order as previously agreed. The objections raised have been answered and none of them justify not proceeding.

## **Comments of Chief Financial Officer**

The proposal to implement Pay and Display in Belle Vue Park has already been approved by Council with associated MTFP savings of £40k. If the proposal to do nothing was taken, this would be an additional pressure to the future MTFP which would need to be found through further savings.

## **Comments of Monitoring Officer**

The proposed action is in accordance with the Council's statutory powers under the Road Traffic Regulation Act 1984 to provide off-street parking places and to impose charges for the use of those car parks. In order to implement this proposal, the Council is required to make a statutory Order formally designating the parking area in Belle Vue Park as an off-street pay and display car park and to specify the level of parking charges payable for the use of the car park. Non-compliance with the Pay and Display order would then be a criminal offence and punishable by a fine, on conviction in the magistrates court. In accordance with the statutory procedure for making these car parking Orders, the proposed order has been advertised and the public have been given the opportunity to object. Those objections received to the proposed Order are set out in Appendix 2 and officer responses to the objections are also set out in this Report. The Cabinet Member is now required to consider those objections and decide whether or not to proceed with the Pay and Display Order. It should be noted that the rationale for making the order and the impact of the proposal was the subject of previous consultation as part of the budget-making process. Therefore, any statutory objections at this stage should relate to the traffic management reasons for making the Order and the parking implications, rather than the fairness or otherwise of imposing the charges. None of the objections raise any specific traffic management issues and are largely related to the fairness of the charges. The one legal issue raised is whether the car parking charges are contrary to the terms of the original Deed of Gift which transferred the park to the Council. Although there are provisions in the transfer which require the land to be used for the purposes of a park and not to be used for any commercial purposes, a pay and display car park does not contravene these requirements and there is no element of commercialisation involved, provided that the car parking income is used for the purposes of maintaining the park. Therefore, there are no legal grounds for objection to the Order.

## **Comments of Head of People and Business Change**

The report sets out the implementation of a budget commitment agreed following public consultation prior to setting the 2018/19 budget for Newport City Council. As a result of the work of the Council's Scrutiny arrangements further consultation with specific users of the facility was undertaken prior to implementation. The views of these consultees have been reviewed and where appropriate, have resulted in changes to the proposal, now detailed within this report.

This proposal was subject to a Fairness and Equality Impact Assessment which has identified a series of mitigations that have been put in place to ensure the appropriate implementation of this change. Any specific staffing impacts have been mitigated against (namely parking facilities) and there are no further HR implications.

Whilst the report does not specifically describe how it meets the legislative requirements of the Well-being of Future Generations Act the report clearly sets out the intention to protect the Belle Vue facility in a sustainable manner and, following Scrutiny Committee comments, has involved users of the facility in the development of this proposal.

## **Comments of Non-Executive Members**

### Councillor Migdad Al-Nuaimi

I would like to have a meeting with the Cabinet members before they make the decision. As ward member I'm concerned about the following

1. The impact of charging on users of the park. Belle Vue would be the only public park in Newport that will be charging for parking.
2. The impact of the decision on the very limited on street parking around the Park, especially on Residents only Parking Bays.

As part of the All Member Consultation Process, Councillor Al-Nuaimi (Stow Hill Ward Member) requested a meeting with the Cabinet Member for Streetscene. It was concluded that all the relevant partners had been consulted as part of the process and that all the legal requirements had been met.

### Further comments from Councillor Al-Nuaimi after the meeting

I met with the Cabinet Member for Street Scene along with the Head of Service and the Manager of Green Services. It was made clear the decision, the Cabinet Member was required to make concerns only the making of the order to implement the pay and display in Belle Vue Park.

The issue of charging to park a vehicle in the car park, it was pointed out, was already agreed as part of the MTFP, approved by Council in February when the 2018/19 budget was agreed.

I raised the issues of fairness and the impact on the limited on-street parking in the immediate area around Belle Vue Park. I expressed my concerns on the impact from drivers trying to park in the Residents Only parking bays. I drew attention to patchy enforcement by Gwent Police. This was acknowledged but considered temporary in view of the proposed implementation of Civil parking enforcement (CPE) next year.

I raised the issue of the capital works that formed part of the proposal to install pay and display when it came before the Performance Scrutiny Committee-Place, before agreeing the budget. I was assured that the capital works proposed will be implemented to extend the capacity of the car park and to improve its quality. Planning approval will be sought very shortly

I raised the issues for the stakeholders using Belle Vue Park and their needs to maintain their businesses. Meetings have taken place with both Parc Pantry and the Belle Vue Bowling Clubs. I'm pleased to say that the recommendations from the Performance Scrutiny Committee- Place to meet with these stakeholders have been followed and meetings have taken place. The results of those meetings are reflected in the charging fees structure, as well as agreement to provide parking access to staff and volunteers carrying out maintenance of facilities in the Park. eg. the maintenance of the 2 bowling greens.

Finally I like to comment about the necessity and usefulness of engaging with stakeholders, as part of the budget making process and when proposals by council arise that might affect them in the future.

### Councillor Chris Evans

Having spoken to neighbours and users of the park the general feeling is that this is poorly thought out, the communication with users and businesses run from the park has been poor with mixed messages and sometimes incorrect information being given particularly to the business/café owner, what happens if

there's a wedding? Do guests pay for parking? What about bowls club members and visitors to the club? Surely basic services like parks should be free at the point of use, the car parking charge is a tax on leisure a tax on a public asset. You may retort that people can use public transport to visit, if so, has this administration had any conversations with public transport providers to promote their services to the park? I think not. If the introduction of parking charges is to prevent people parking there whilst using the hospital surely this administration should raise this issue with the Welsh Government? Maybe on one of the many visits the Leader tells us about and given that hospital parking is supposed to be free in Wales there's a real irony here.

A bad idea and one that certainly should not be rolled out to other parks/heritage sites like Fourteen Locks as proposed in the budget.

#### Councillor Matthew Evans

I wish to strongly object to these proposals which will set a dangerous precedent. If it is successful at generating income do you intend to roll it out to other parks and play areas across the city such as Tredegar Park, The Glebelands and Beechwood Park? I am not convinced it will raise much revenue but if you are saying you wish to stop all day parking why not implement 4 hours free parking. That would ensure the public who wish to drive there, and groups like the art class and bowlers will not be financially disadvantaged? You are likely to deter some visitors and might well impact on bookings such as weddings and funerals with people being discouraged by paying extra charges. I believe this is a poor decision which will do nothing to enhance or improve a great asset for the city.

#### Councillor David Fouweather

It is a great shame that the cabinet member has decided to implement a spiteful policy that will impact upon families and bowlers who use the park on a regular basis.

In my view up to three hours free parking could be implemented this would deter anyone from parking at the park who work in the hospital or the businesses in the area. A period of free parking would also allow the bowlers to use the facilities without fear of excessive parking charges which will add to the cost of their games. It will also discourage visiting teams from coming here and may result in the bowling club having to pick up the parking charges for visiting teams.

There is also a thriving café business located at Belle Vue. Local businesses need to be encouraged and these parking charges will be seen as a burden.

I urge the cabinet member to reconsider this foolish proposal.

#### Councillor Joan Watkins

Please note my objection to this proposal on the following grounds.

Parks are recreational spaces with the ability to promote exercise to improve and support health and wellbeing. Residents and visitors should be able to access these open space areas without incurring financial disadvantage. Authorities should be encouraging residents and visitors to avail themselves of and enjoy these open spaces as part of supporting improvements to mental and physical health these charges will act as a barrier.

Large groups of people including families with children, dog walker, older people, sportsmen and women will be disadvantaged by these charges.

The imposition of such charges will prevent a lot people who may currently frequent the parks on a regular basis from doing so in the future as the cost becomes unaffordable.



Businesses operating within the parks eg Cafes will also be impacted by a reduced number of customers.

Lastly the imposition of these charges may affect the poorer members of our society preventing them accessing green spaces for enjoyment which in my view is not acceptable

### Response from Cabinet Members to Councillors Chris Evans, Matthew Evans, David Fouweather and Joan Watkins

This report solely relates to the traffic order and subsequent statutory consultation, not on the decision to introduce charging for parking in parks. The Council has already approved the introduction of charges in parks in its budget in February 2018.

### **Local issues**

NA

### **Scrutiny Committees**

This proposal went to the Performance Scrutiny Committee – Place and Corporate on the 22<sup>nd</sup> January 2018. The approved minutes of the committee were as follows in relation to the pay and display proposals.

### **Equalities Impact Assessment and the Equalities Act 2010**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

### **Children and Families (Wales) Measure**

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

### **Wellbeing of Future Generations (Wales) Act 2015**

To consider the wellbeing goals we have considered all five aspects of sustainable development and applied them to this proposal as required by the Act. In particular we have:

- Long term: the long term aim of this proposal is to ensure that this site meets the needs of future generations and continues to be available to serve the public as one of Newport's most significant and well known public open spaces. There is currently a short term need to make cost savings within the public sector however this could be potentially detrimental to the long term condition and use of

the asset. This proposal will offset the short term need to make savings by balancing it with income generation.

- **Prevention:** the status of this park is one of extremely high regard. The park has managed to achieve consecutive Green Flag accreditation for eleven consecutive years. This is protection the investment that was made between 2000 and 2006 by Newport City council and the Heritage Lottery Fund and will prevent this site from falling into the decline that was seen in the late 1980s and 1990s.
- **Integration:** this park has a crucial role to play in the provision of safe, green space in which the public can exercise, recreate and improve their health. Access to the park and the facilities such as the tennis courts and play area is free and will remain so in accordance with the Deed of Gift. It is in a central location which is accessible on foot or cycle and we intend only to charge those travelling into the park by car. The proposal to extend the carpark will not affect the historic fabric of the site as will only extend to the limits of the current service yard which is not of historical significance.
- **Collaboration:** the Authority has collaborated with the suppliers of pay and display machines to identify machines that are solar powered and can be installed without the need to disrupt or alter the current infrastructure of the site in order to protect the historic asset.
- **Involvement:** The park serves a range of people of great diversity in terms of age, health and race the aim of everything we do within the park is to maintain and, where possible, improve this asset for the people of Newport. This involvement will range from the physical improvements – new handrails, play equipment etc. to the events held at the site, food fairs, farmers markets, music concerts and workshops for arts and crafts.

### **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Dated: 17 August 2018

## Appendix 1 Staffing Resource – Belle Vue Park

Job Title	Resource	Grade	Total
Parks & Outdoor Rec. Development & Improvement Officer	1/5 of officer's time is allocated to working on Belle Vue Park.	8 £42,030.00	£8,406.00
Parks Horticultural Supervisor	50% of a fulltime post Split between the two ornamental parks.	6 £31,878.00	£15,939.00
Gardener	1 ½ fulltime posts. Three Gardeners work approx. 1 ½ posts between the two ornamental parks.	4 £27,906.00	£41,859.00
Seasonal Ranger	April – September seasonal resource.	3 £23,385.00	£11,692.50
<b>Total</b>			<b>£69,490.50</b>

## Resources – Belle Vue Park

Resource Type	Total
Tools Plant & Equipment	£8,000.00
Rates, utilities and Statutory Testing	£20,000.00
Plants & Horticultural Sundries	£6,000.00
Alarms & Security	£10,000.00
Response Maintenance	£18,000.00
Refuge	£2,000.00
<b>Total</b>	<b>£64,000.00</b>

## Financial Investment/Additional Spend – Belle Vue Park

Date	Title	Detail	Value
February 2017	Upgrade MUGA and Tennis Courts.	Phase 1 replacement of rotten timbers.	£5,789.91
March 2017	Install bird and bat boxes.	Local school activity supported by the Friends of the Park and the Biodiversity Officer:- assembling habitat boxes. Installation of x10 Bat Boxes and x30 bird boxes. This supports the recommendations detailed within the flora and fauna survey.	£817.50
March 2017	Planting bee friendly plants.	Volunteer's activity. 5x Ajuga reptans 'Mahogany' 5x Centaurea montana 'Amethyst Dream' 5x Digitalis 'Purpurea' 5x Erysimum 'Bowles Mauve' 10x Helleborus niger 5x Lavendula angustifolia 'Munstead' 5x Perovskia atriplicifolia 'Blue Spire' 5x Symphytum officinalis 5x Verbena bonariensis This supports the recommendations detailed within the flora and fauna survey.	£200.00
March 2017	Introduce natural meadows.	Three locations have been identified within the parkland to support the recommendation of the flora and fauna survey.  Interpretation signs will be produced to raise visitor awareness.	£480.00
April 2017	Re-dress surface in	To rake surface and remove all debris	£3,000.00

	fountain bowl.	import m3 of stone dressing and roll surface.	
May 2017	Refurbish fingerposts.	Wash down and repaint heritage signage.	£1,500.00
May 2017	Refurbish litter bin provision.	Wash down and repaint heritage litter bin provision.	£3,500.00
May 2017	Children's play area.	Apply timber treatment to the timber surrounds of the play facility.	£600.00
June 2017	Overlay footpath below children's play area.	Overlay footpath to prevent trip hazard caused by protruding tree roots.	£1,200.00
June 2017	Infill planting area surrounding the bandstand.	Area to be infilled with block paving 42 m2.	£5,500.00
<b>Total</b>			<b>£22,587.41</b>