

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Deputy Leader Councillor Malcolm G Chandler

**To:** Cabinet 20<sup>th</sup> November 2018

**(Author:** Ryan Pack Graduate Trainee)

**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 option 2 as set out in the report) or if they do not wish to pursue enforcement against non-electric vehicles which use spaces served by electric vehicle charging infrastructure (option 3)
- 2) If option 1 is chosen, to agree, in principle, that the South Holland District Council (Off Street Parking Places) (Civil Enforcement) Order 2012 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 South Holland owns and maintains 13 car parks across Spalding, Long Sutton and Holbeach. In total there are 755 spaces available to park in with an additional 26 disabled spaces.
- 1.2 Of these car parks, 3 are currently suitable to support electric vehicle charging infrastructure, which would allow car park users to charge their electric vehicles within council owned car parks. These car parks are;
  - Vine Street, Spalding
  - Victoria Street, Spalding
  - Fishpond Lane, Holbeach
- 1.3 If the council wished to place charging infrastructure within its suitable car parks, it may wish to specify that only electric vehicles are able to use certain spaces, as these would allow for users to charge their vehicles.

- 1.4 Currently the council has no provision against non-electric vehicles using spaces which would be designated for electric vehicle charging. This would mean that electric vehicle users may find themselves unable to charge their vehicles in council car parks.
- 1.5 Whilst the council currently has no electric vehicle charging infrastructure in any of its car parks, it may wish to consider installing charging units in the future. If it 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 South Holland District Council (Off-Street Parking Places) (Civil Enforcement) Order 2012 as it currently does not allow for the enforcement of spaces for electric vehicles only.
- 1.6 In order to amend the Order, consultation with the public is required, once Cabinet has given informal 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.
- 1.7 This report provides members with three differing options regarding the proposed changes to the Order.

## 2.0 **OPTIONS**

- 2.1 **Option 1** - Statutory consultation would be necessary to change the South Holland District Council (Off-Street Parking Places) (Civil Enforcement) Order 2012 in order for it to be future ready and allow for the enforcement of electric vehicle only spaces for areas in council car parks with electric vehicle charging infrastructure. This would then allow the Council to introduce electric vehicle only spaces immediately once the necessary budgets and formal decisions have been made to do so. Currently it is anticipated that electric charging bays will be introduced at:
- Vine Street, Spalding
  - Victoria Street, Spalding
  - Fishpond Lane, Holbeach
- 2.2 The recommendation be implemented by consulting on the altering of Article 2 (5) of the order to add the following definition: ““electric vehicle” means any vehicle that uses rechargeable batteries or other energy storage devices that can be restored to full charge by connecting a plug to an external power source.”
- 2.3 The recommendation be implemented by consulting on the altering of Article 2 (5) of the order to add the following definition: “electric vehicle charging bay means a parking bay which is available for use only for parking of electric vehicles during the charging of such electric vehicles.”
- 2.4 The recommendation be implemented by consulting on the altering of Article 3 (5) of the order to say:
- 2.5 “(5A) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only as an electric vehicle charging bay no person shall cause or permit a vehicle to park in that parking bay unless it is an electric vehicle and such vehicle is connected to the electric charging point provided for that parking bay and is being charged.”

- 2.6 “(5B) Where an electric vehicle has been fully recharged the person in charge of the vehicle shall remove the electric vehicle from the electric vehicle parking bay and no electric vehicle shall remain in an electric vehicle charging bay unless that electric vehicle is being charged.”
- 2.7 “(5C) An electric vehicle may within any parking place park within any parking bay which is not an electric vehicle parking bay subject to compliance with the terms of this Order”.
- 2.8 The recommendation be implemented by consulting on the altering of Article 5 of the order to add “5 (2) The charges detailed in column 6 of the Schedule and the maximum period for which vehicles may park detailed in column 5 of the Schedule shall not apply to any electric vehicle using an electric vehicle charging bay during such period as the electric vehicle is being charged.”
- 2.9 This option allows the necessary amendments to be made to the South Holland District Council (Off-Street Parking Places) (Civil Enforcement) Order 2012 in readiness for electric charging infrastructure to be installed into appropriate car parks once the necessary budgets have been identified and a formal decision(s) has been made to place infrastructure in each car park.
- 2.10 It should be noted that (i) the proposed amendments do not require payment of the usual parking fees when an electric vehicle is being charged. Car parking charges only apply when that vehicle is parked in bays which are not electric vehicle parking bays; and (ii) the above wording is only intended to give members an understanding of the proposals, and may be amended when the order is actually drafted.
- 2.11 **Option 2** – the cabinet decide they do not wish to change the current car parking order until the council agrees to install electric vehicle charging points within its car parks
- 2.12 **Option 3** - 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, county council, road haulage association, freight transport association and any other relevant bodies about the proposed changes
  - 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 Members are asked to choose between option 1 or option 2. Option 1 would allow for any future electric vehicle charging units to be installed quicker 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 if the council later decides to install electric charging infrastructure and enforce parking spaces as electric vehicles only, it would still have to change the relevant car parking orders for affected car parks.

4.3 If the council wishes to install electric vehicle charging infrastructure but not enforce parking spaces as electric vehicles only, then car park users with electric vehicles may not be able to charge their vehicle, due to the space being occupied by a non-electric vehicle.

#### 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 with the legal team. If Cabinet is minded to approve Option 1 then it is the recommendation of the legal team that the South Holland District Council (Off-Street Parking Places) (Civil Enforcement) Order 2012 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 South Holland 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 South Holland District Council (Off-Street Parking Places) (Civil Enforcement) Order 2012. 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 Holbeach Town

7.2 Spalding St Johns

## 8.0 **ACRONYMS**

8.1 None

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Background papers:-

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### **Lead Contact Officer**

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**Key Decision:** N

**Exempt Decision:** N

**This report refers to a Discretionary Service**

**Appendices attached to this report:**

Appendix A - South Holland District Council (Off-Street Parking Places) (Civil Enforcement) Order 2012  
Appendix B - Draft Notice of Proposals  
Appendix C - Draft Statement of Reasons