

## Appeals and Complaints Committee

A meeting of the Appeals and Complaints Committee was held on 16 May 2006.

**Present:** Councillor Brown (Chairman), Councillors Fletcher, Norton (vice Councillor Coombs) and Patterson

**Officers:** J Butcher, M. Henderson (LD); D. Lynch, G. Spence, N. Gibb (DNS).

**Also in attendance:** Mr M. Smith, Mr. T. Ellis, Mr. T. Hardy, Mr. J. Stephenson, S. Richardson and D. Fenwick

**Apologies for absence** were submitted on behalf of Councillors Coombs, Jones and Womphrey.

### 145 Appeals and Complaints Committee – Procedures for Meetings

Members present at the meeting were informed of the procedure for the meetings of the Appeals and Complaints Committee.

RESOLVED that the information be noted.

### 146 Proposed Extension to No Waiting at any time restrictions – Teesdale Area

Consideration was given to a report detailing 20 outstanding objections received formally by the Council, following statutory advertising of the proposed extension to no waiting at any time restrictions in Teesdale.

The Committee noted that 24 hour waiting restrictions were introduced in Teesdale on 1 November 2004 on an experimental basis. The Experimental Order effected no waiting at any time restrictions for 18 months. Statutory consultation invited formal objections to the indefinite continuation of the scheme within the first 6 months of the implementation date. The Corporate Director of Law and Democracy received no such objections and as a result the experimental restrictions were made permanent as from 1 January 2006.

When the Experimental Order was implemented, a car park with 92 spaces was available for Teesdale employees at Medway House on Fudan Way which was not occupied at that time. The building owners agreed to manage a permit system for the car park. All businesses were informed of this service in October 2004 but there was zero take up of permits. Medway House was later occupied

In November 2005 approval was given to extend the 24 hour restrictions in accordance with requests received from residents and businesses during an initial implementation of the experimental waiting restrictions.

The proposed extensions were advertised on site and in local press on 25 January 2006, the statutory objection period expired on 17 February 2006. 31 objections were formally received by the Corporate Director of Law and Democracy. Correspondence with the objectors had been exchanged and 11 objections had been formally withdrawn. The remaining 20 objections therefore remained unresolved for consideration by Appeals and Complaints Committee.

19 of the 20 objectors were employees of the Siemens/VAI site based at 7 Fudan Way in Teesdale. Siemens was an engineering and construction company and employees required the use of their vehicles in order to conduct site visits and attend meetings.

One objection was received from Sanderson Weatherall acting on behalf of Barclaycard which was located on Massey Road in Teesdale. The grounds for this objection were that the problem of illegal parking would be displaced to the private car park managed by Barclaycard. Sanderson Weatherall also stated that there were insufficient short term parking bays and customers with minor disabilities would not be able to park on the road.

Martin Smith spoke as principal spokesperson on behalf of the objectors from Siemans VAI. Mr Smith confirmed that he spoke with the authority of the company and as a permanent employee of Siemans. He advised Members that Siemans VAI had been present in their offices since September 1999 but in the local area for at least 100 years. They were an international company and did good business for the area and it could only be good for the Council for it to promote their business. He submitted that Siemans had looked at various initiatives to resolve the parking issues but they were a company who suffered from peaks and troughs in employment and business which involved the varying use of agency staff as opposed to permanent staff. He recognised that safety was the paramount importance in any changes to parking arrangements but that to make any changes there must be a suitable alternative in place. He endorsed the safety implications involved in the parking on the highway however, went on to say he was empowered by the company to notify the members that the lease for Siemans Vai ran for a further 18 months but they were seriously considering moving to alternative premises if adequate parking was not provided as they would not be able to retain professional services if coming to work was made too difficult for them.

Tim Ellis then addressed the members. He advised the Committee that he had been employed as an agency worker for 4 years with Siemans Vai and made the 40 miles trip to and from his home near Boroughbridge on a daily basis. As an agency employee he did not have any parking rights in the staff car park, his only option being to park on the roads or in the local car parks. If the restrictions were changed as proposed within the order and enforced elsewhere on the Teesdale Estate it would disperse other parking onto Fudan Way.

John Stephenson advised the Committee that he travelled from South Shields, a one hour trip, and did not want to extend his working day by having to park in the town centre car parks and walk into Teesdale. To further restrict parking on Fudan Way would displace cars to the car parks in the town centre, thereby displacing the town centre workers. Another objector added that it was the nature of the business that many employees were in and out of the office all day. Some arrived early in the morning to get the pick of the parking spaces and if they parked in the town centre car parks this would reduce parking for town centre workers. If Siemans employees came back during the day they would almost certainly lose their parking space and have no where else to park.

Members and Officers were then given the opportunity of asking questions.

In response to a question Mr Smith confirmed that the comments made by the employees of Siemans were endorsed by Geoff Wingrove, MD of Siemans, who also endorsed their attendance at the Committee meeting. It was confirmed that Siemans did not have a work travel plan for their offices on Teesdale and Martin Smith had been unable to speak to the lease manager for Siemans who was based on the South Coast to confirm whether it was a condition of the lease to coordinate a travel plan. Mr Smith did advise that it was Siemans policy to encourage car sharing and cycling but had no official travel plan. He indicated that the office on Teesdale had space for cycles and motorcycles, a shower at work and a policy of encouraging car sharing. It was confirmed that Siemans had not assessed the number of car parking spaces that were necessary to support their organisation but that Mr Smith would be reporting back from this Committee Meeting and would be raising that as an issue. Mr Smith could not indicate how many staff or agency employees were required to have their car at work due to the huge variations in business and type of staff that it was necessary to employ at any particular time.

David Lynch, an officer from Development and Neighbourhood Services then made representations in support of the proposals. He initially indicated that Teesdale was a business park that was due to have three accesses with the north bank works being part of that scheme. When the infrastructure was introduced none of the roads were adopted so most of the units on Teesdale functioned but without the adoption of the roads no restrictions could be imposed to address parking. The car parking approved for the planning permissions for units on Teesdale was the maximum allowed under PPG 13. It was recognised that Teesdale businesses had a high

traffic generation but selected the site because of good transport links, for example the railway station, bus links and easy walking distance to the bus interchange on the high street. Most roads on Teesdale were up to the standard for adoption.

Mr Lynch explained that various parking restrictions were made the subject of an experimental order following the making of which there was no evidence of displaced parking. The experimental order ran from November 2004 until December 2005 when the experimental order was made permanent. Since that time he had received requests to extend the restrictions because businesses and residents were suffering problems with parking on the Teesdale site. The department had selected the most practicable and advisable areas to extend the restrictions to, but received a specific request to restrict the full length of both sides of Fudan Way. They received many objections to the proposed restrictions but were able to resolve many of them by relaxing restrictions on Fudan Way to one side only, to allow parking. This had addressed the problems Siemans put forward in their objections.

The proposed order extended the waiting restrictions into areas where it was required because of specific problems noted during the experimental order period. The Department did not wish to relax the restrictions on both sides of the roads because parking would occur on the footways and the flow of traffic on the roads would be reduced. Mr Lynch submitted that Siemans Vai and other businesses on Teesdale should have travel plans in place to reduce the volume of employee parking. The Department had also promoted a shuttle bus. It was indicated that further parking may become available at the Events car park located near Tees Barrage, only 1100 metres from Siemans Vai which was within the 2 km distance referred to in PPG 3 as being an acceptable walking distance. There would be sufficient parking at the Events car park and the Traffic Management Section was currently looking at surfacing that car park to bring it up to an adoptable standard. The Department had attempted to meet the objections submitted to the order and had done so in some cases but felt that the waiting restrictions were still desirable as contained within the modified proposed order and recommended to members for approval.

When asked about the current unsuitability of the Events car park Mr Lynch confirmed that his department was investigating a lease of the events car park and they could then do works to the surfacing to bring it up to adoptable standard. It would also be made a safe standard car park which would be patrolled by car parking officers and be monitored by CCTV cameras. He confirmed that the Council's off street car parks had an excellent record for safety.

When asked if the restrictions on one side of Sabatier Close could be relaxed he replied that his department had received a direct request from businesses on Sabatier Close to impose waiting restrictions, however, at present there were only four spaces for cars to park on Sabatier Close and only two of those at the most could be released.

When asked if one side of University Boulevard could be relaxed Mr Lynch replied that University Boulevard was a distributor road for the area on which there should be no parking. He also added that the restrictions were specifically requested by the University who had their own internal car park and needed to keep the route into the car parks free of obstruction.

When asked what the parking situation would be and how it would be dealt with, when all of the new proposed building was completed, Mr Lynch replied that any new units to be built would be conditioned with a maximum car parking capacity and he would expect those businesses to have their own travel plans and to encourage other means of transport. He added that the University had an excellent travel plan and no need of overflow parking. Mr Lynch confirmed that approximately 30-40 cars might be displaced if the current proposed restrictions were imposed.

At this point all objectors and officers other than Officers from Law and Democracy left the meeting room.

The Members of the Committee carefully considered the written objections contained within the officers report and the verbal representations made during the Committee meeting. Members were in agreement that they were satisfied there was a parking problem on many roads on the Teesdale site and that measures were necessary to alleviate the congestion or obstruction which could occur. Members were satisfied that to allow parking to continue on both sides of the roads would create difficulties of access for emergency vehicles in particular. Members had sympathy with the office workers based at Teesdale and agreed that many would continue to use their cars due to poor public transport to the Teesdale site including insufficient bus services and the unreliability of the train service. Whilst the events car park, if leased and adopted by the Council, may provide additional parking spaces and accommodate many of the displaced cars it was felt many employees would not walk 1100 metres particularly in the dark and the proposal needed to be investigated further before relying upon it in order to accept the proposed order in its current format. Members did however accept that businesses, including Siemens, must take responsibility for their own parking arrangements and noted that none of the objections put forward by Siemens Vai included alternative solutions.

Whilst members were satisfied that there was an existing congestion problem which needed to be addressed they were not satisfied that all alternative options had been explored thoroughly and felt unable to dismiss the objections to the order without further consideration.

Members considered all representations received in writing and verbally and whilst they recognised that there were problems caused by cars parking on Fudan Way they were not satisfied that all possible solutions had been addressed fully and could therefore be dismissed at that point by the Committee. The Panel therefore felt they could not determine the restrictions proposed in respect of Fudan Way and would like to see the Traffic Management Team investigate further the option of leasing the events car park and bringing it up to the Council's standard, to consider making an experimental order in respect of Fudan Way, to monitor the impact of displaced parking, to come into force once the events car park was up to Stockton Borough Council standard, to investigate the possibility of a one way system to reduce the problem on Fudan Way. The Committee would also expect Siemens to explore their own means of meeting their employees and agency staffs needs for parking including producing a travel plan and to meet with the traffic officers to discuss the suitable solution.

However, Members were satisfied that the proposed restrictions elsewhere than on Fudan Way could proceed and therefore dismissed the objections in respect of all other roads affected and would support the Order being confirmed with the modification of removing Fudan Way from the Order, subject to no further unresolved objections being made to that modification, or that the determination of the scheme in full be deferred, such discretion to be delegated to the Head of Integrated Transport and Environmental Policy whilst alternative options were explored for Fudan Way. Members did support the need for further consideration being given to address the problems on Fudan Way.

RESOLVED that the Head of Integrated Transport and Environmental Policy be recommended to proceed with this matter as described above.

#### **147 Proposed Amendment to Legal Order – Maritime Car Park, Stockton on Tees**

Consideration was given to five unresolved objections received following statutory advertising of a proposed 18<sup>th</sup> amendment to the legal order controlling the use and the tariff levels of the Council's pay and display public car parks.

Members noted that the North Shore roadworks scheme involved the acquisition of land for a widened Maritime Road and a re-aligned Portrack Lane. An area of land, including the site of the Tilery Inn, was surplus to immediate highway requirements and had been laid out with the intention of adding to the Council's stock of chargeable car parks.

Control of the Stockton Town Centre car parks was by way of a legal Order specifying the conditions of use and the parking charges. The Order came into being in 1989 and had been the subject of numerous amendments, as the car park stock adjusted and varying controls found necessary.

The 18<sup>th</sup> amendment to the 1989 Order was for the addition of Maritime car park, a charging scale to put it alongside long stay parking facilities, and to confine permitted parking to motor vehicles not exceeding a specified weight.

Authority to seek a further amendment was the subject of a recorded decision by an officer in consultation with a Cabinet Member. The date of decision being 5 August 2005.

Public advertisement of the intention to further amend the 1989 Order attracted five objections. A resident of Billingham objected and four objections were submitted by businesses located in the nearby Maritime Mill.

The objectors had been invited to the meeting, however, none were in attendance.

Members noted the basis of the complaints made:-

- Costs of proposed parking charges
- Lack of staff and customer parking.

Mr Lynch advised members that the recently constructed North Bank road works and improvements to Portrack Lane involved the demolition of a pub and the construction of a car park over the old Tilery site but that otherwise the old road pattern remained the same with virtually the same waiting restrictions other than to extend them over the new section of Portrack Lane. He advised that the old line of Portrack Lane had been closed and paved over and that off street car parking had been provided. He confirmed that it was the policy of Stockton-on-Tees Borough Council to charge for parking in their car parks and that those inside the A1305 were generally short stay and those outside were generally long stay. Mr Lynch confirmed that the proposed order would include the new Maritime car park in the Council's stock of chargeable car parks with long stay parking facilities. Mr Lynch confirmed that the businesses in the area would not be adversely affected by the Order as their previous parking facilities were not affected by the Order, but merely made the addition of a public car park for off street parking at long stay parking charge rates, and that customers to the business would still have the same facilities for parking within the curtilage of the business and this had not changed. He observed that the other objection was an objection to paying to park to work but he indicated that the Order would merely bring the car park into the same regime as all other car parks in the Borough. At present the car park was fully constructed and was being used by members of the public, as the traffic management department had not sought to prevent its use. The only affect of the Order would be to introduce a parking charge for use of the car park.

At this point all Officers other than those from Law and Democracy left the meeting room.

Members were mindful that the Maritime Car Park was an addition to the parking facilities in the area and was not depriving any businesses or car users of other parking facilities. The car park was currently being used free of charge but there was no advantage long term in allowing the car park to remain free for users and that it was perfectly acceptable to introduce the charging regime.

Members therefore dismissed the objections to the Order and recommended that the Order be imposed without modification.

RESOLVED that that the Head of Integrated Transport and Environmental Policy be recommended to not uphold the objections.