

		Executive meeting 10 th June 2009	Agenda Item No.
Title		Enforcement of the Brays Car Park at Kenilworth Castle.	
For further information about this report please contact		Gary Charlton tel: 01926 456315, e-mail gary.charlton@warwickdc.gov.uk	
Service Area		Neighbourhood Services	
Wards of the District directly affected		All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		No	
Date and meeting when issue was last considered and relevant minute number			
Background Papers			

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <u>must</u> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	20 th May	Andrew Jones
Chief Executive		Chris Elliott
CMT	21 st May	
Section 151 Officer		
Legal	19 th May	Peter Oliver
Finance	19 th May	Mike Snow
Portfolio Holder(s)	tbc	Dave Shilton
Consultation Undertaken		
Please insert details of any consultation undertaken with regard to this report.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

- 1.1 The Council have been approached by English Heritage requesting that the Council manage the enforcement of off-street orders at the Brays car park at Kenilworth Castle
- 1.2 The report sets out the reasons for taking on this workload and the licence agreement under which the agreement will operate.

2. RECOMMENDATION

- 2.1 The Executive approve the licence agreement set out as Appendix 1 and the take on of the enforcement of the off-street regulations operating at the Brays car park at Kenilworth Castle.
- 2.2 That officers are requested to open negotiations with Kenilworth Town Council and English Heritage regarding the possible enforcement of Abbey Fields car park.

3. REASONS FOR THE RECOMMENDATION

- 3.1 English Heritage is introducing pay and display parking at the Brays car park at Kenilworth Castle and consequently require parking enforcement. They have approached the Council to take on the enforcement of the pay and display parking area on their behalf.
- 3.2 For the Council to enforce the Brays car park the area has to be included within the off-street parking orders. As the off-street parking orders follow a legal process Executive approval and a licence agreement are required. The licence agreement is set out in Appendix 1.
- 3.3 By undertaking the management of the Brays car park on behalf of English Heritage the Council will now be in a better position to negotiate with English Heritage and Kenilworth Town Council some form of management arrangements for the car park in Abbey Fields where some level of enforcement is required.

4. ALTERNATIVE OPTION CONSIDERED

- 4.1 To decline the English Heritage request. This was rejected on the basis that we now have available staff resource in Kenilworth to provide this service and that by managing this car park the majority of parking enforcement within the town is being delivered in a consistent and fair manner and there was general support from Kenilworth Town Council for the Council to undertake this role.

5. BUDGETARY FRAMEWORK

- 5.1 Capital costs. There are none.
- 5.2 Revenue costs. Overall the impact of this agreement on the revenue costs is expected to be no worse than neutral with a possible small surplus.
- 5.3 English Heritage will pay the Council £300.00 per year for managing the car park. Any PCN income will be retained by Warwick District Council. Given the off-street regulations which are in place and the level of enforcement we are required to provide it is not expected that a large number of PCN's will be issued.

- 5.4 The licence agreement states that we will perform 7 visits per week. The patrol beat that operates between 8am and 8pm daily in this area is small in terms of locations covered and as the patrol passes the car park it can easily be included within existing workload. As a result this will have a minimal impact on operating costs which will be met by the fee and PCN income.

6. POLICY FRAMEWORK

- 6.1.1 The Council currently manage the privately owned car park at Royal Priors on behalf of the owners and have managed the car park at Talisman Square for the previous owners.
- 6.1.2 Adding the Brays to this patrol area will bolster this beat and ensure that the civil enforcement officers are in the location longer acting as more of a deterrent for illegal and inconsiderate parking which is in line with the car park strategy.
- 6.13 The arrangements for WDC managing the car park was considered by Kenilworth Town Council who unanimously consented to the proposed licence between English Heritage and Warwick District Council for the routine operation of the Brays Car Park during Kenilworth Castle normal business hours, subject to scrutiny of the final draft agreement. That final draft agreement is being considered at their meeting on 4th June and a verbal report will be made at the Executive meeting.

7. BACKGROUND

- 7.1 Since the introduction of Decriminalised Parking Enforcement (DPE), Parking Services enforcement team have been undertaking regular enforcement across all of Kenilworth including the area around Kenilworth Castle.
- 7.2 In 2008 English Heritage took the decision to introduce pay and display parking within the Brays car park and sought the necessary permissions for this. Rather than contract out the enforcement of the car park to a private operator, they have approached WDC parking services to take on the enforcement on their behalf.
- 7.3 For WDC to be able to take on the enforcement of the Brays car park we must have a legal interest in the land to include the car park within the off-street parking orders which can be achieved by a licence agreement. Legal services have confirmed that the executive must approve in principle this agreement for the car park to be included within the off-street parking orders to enable us to carry out enforcement.
- 7.4 The licence agreement is set out in Appendix 1. The agreement will be a rolling agreement that either side can terminate with three months written notice. It states that English Heritage will pay WDC a yearly fee of £300.00 (subject to RPI) in addition all income generated from penalty charge notices (PCN) will be retained by Warwick District Council. Liability for the car park, its general upkeep, equipment and consumables will remain with English Heritage.
- 7.5 The Council's obligations are set out in item 3 – 5 of the agreement. The agreement requires that we will provide minimum of one patrol per day during the normal operating hours and as the enforcement team is already patrolling the area due to on-street enforcement in this area we are able to commit to this level of enforcement with minimal disruption to the current regime or increase in costs.

- 7.6 Parking services currently has a patrol area which borders this car park and this patrol is smaller in size to other areas to the location of restrictions at this end of Kenilworth. Adding the Brays to this patrol area will bolster this beat and ensure that the civil enforcement officers are in the location longer acting as more of a deterrent for illegal and inconsiderate parking.