

Report to: Council



Date of Meeting 20 October 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Proposed Temporary Car Park Management Arrangements, Webster's Garage site, Axminster

This report describes a proposal for the Council's car parks team to enter into an agreement with the owners and developers of the former Webster's Garage site in Axminster to manage temporary car park pending long-term redevelopment of the site. The car park is currently closed and it is felt to be in the best interests of the town economy, the council and the site owner to implement this agreement and to reopen the car park without delay.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Council enters into a temporary contract with the site owner to manage the public car park at the former Webster's Garage site in Axminster.

Reason for recommendation:

In simple terms, the arrangements are beneficial for both town centre businesses in terms of availability of public car parking and to this Council in terms income generation. The revenue, which will pass to the site owner, should also facilitate the long-term regeneration of this important town centre site.

Officer: Andrew Ennis, Service Lead for Environmental Health and Car Parks

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

Climate change Low Impact

This car park is already well used. The proposed management arrangements are not anticipated to result in any increase in emissions of greenhouse gases locally. However in the longer term this and other car parks will need to be reviewed as part of our climate emergency action plan to ensure that opportunities for introducing incentives to discourage the use of petrol and diesel fuelled vehicles in our towns and to consider the provision of electric vehicle charging infrastructure at this site are not overlooked.

Risk: . This proposal is low risk. The site is currently closed and this Council is able to provide a short term viable option for managing this public car park. The site owner retains responsibility for maintenance and repair and will be providing insurance cover so the Council's exposure to risk is low.

Links to background information None

Link to [Statement of Intent](#)

Priorities (check which apply)

- Better Homes and Communities for all
- Greener East Devon
- A resilient Economy
- Services that matter

Report in full

1. Colleagues from the Council's Place and Prosperity and Planning Applications teams are currently in discussions with the site owners around the long term redevelopment of the site of the former Webster's Garage in the centre of Axminster. These redevelopment proposals incorporate the Council's South Street short stay car park that has already been sold to the developer and as I understand it, the whole project is seen as an opportunity to contribute to the economic regeneration of the town centre.
2. The Council entered into discussions with the site owner on 2015 for the management of a temporary car park on the site on the basis that we felt that it was in the Council's interests to become involved. Unfortunately at that time the owner decided to lease his site on to NCP but recent events have seen the car park close to the public and the owners are actively seeking another provider to carry out interim management of car parking operations pending submission and determination of a planning application for the site and subsequent redevelopment.
3. It is understood that a planning application for the redevelopment of this site is currently in draft form and will be submitted for formal consideration in the near future. The owner is therefore seeking a management arrangement for around 18 months which is I believe the period remaining on his temporary planning consent for his car parking operation.

Urgency

4. The owner is keen to re-open this revenue stream as it is important to him in funding the long term development. It is also important for the town that the car park reopens as soon as possible to visually convey the message that Axminster is "open for business" and of course, to offer increased parking availability in the run up to Christmas. The Council will also benefit financially from the arrangement so we believe it is clearly in everyone's best interests to enter into this agreement and begin the process of adding the site to the East Devon Parking Places Order without delay.

5. This report is therefore being presented today as an urgent item with the consent of the Chair, effectively bypassing a Cabinet recommendation (with the support of the Leader and Portfolio Holder for Property and Assets) asking full Council for approval. This approval if given can then be implemented as a Senior Officer Decision

Detailed arrangements

6. The Council will enter into a legal agreement with Hallmark Estates (Devon) Limited (the owner) for car parking management services for an initial period of 1 year (extendable subject to planning consent).
7. The car park will remain in Hallmark's ownership and all aspects of liability for insurance and all site maintenance will remain theirs.
8. The Council will supply welcome signage and tariff information at cost to Hallmark (actual costs to be confirmed and agreed).
9. The Council will supply and install one pay machine that will be connected via the cloud to its own network. The location within the site is to be agreed and Hallmark will complete any necessary groundworks to achieve a suitable stable base to which the machine can be securely fixed. The pay machine will remain in the Council's ownership and will be relocated to another site upon termination of the agreement. The machine (installed) will cost around £4,500 and will have an operational life of around ten years.
10. The Council will provide management and support services for a seven days per week car parking operation and will patrol the car park regularly.
11. The Council will also provide a pay by phone service alongside card and cash payment options. The third party costs incurred through processing cash and in handling card and mobile phone transactions at this site will be passed on to Hallmark.
12. Finally, in order to effectively manage the car park we will need authority to amend the East Devon (off street) Parking Places Order to enable our team to use Civil Enforcement Procedures by issuing penalty charge notices and accessing the independent appeals adjudication process and the simplified debt recovery arrangements that come along with it. There is an initial legal and advertising cost associated with this and these costs will be passed on to Hallmark. There will also be legal costs associated with drafting and entering into the management agreement and those costs will also be passed on to Hallmark.
13. In summary, Hallmark will contribute to the initial costs of the ticket machine along with meeting the costs of the necessary legal work, advertising, signage and operating costs including £7,800 annually towards the Council's operational staffing and management of the car park.
14. Finally, there will be a business rates liability for Hallmark and we have agreed for expediency that as we will be the organisation providing the service and collecting the

money, EDDC will deduct business rates prior to transferring surplus revenue to Hallmark as part of this arrangement.

Financial implications:

Financial details are contained in the report and will be of financial benefit to the Council as explained.

Legal implications:

It is open to EDDC to enter into a management agreement to manage a car park on behalf of a car park owner, including the use of the Council's enforcement powers. To facilitate this the site must be included within the Council's Parking Order (PPO) and this has an advertisement time of 28 days meaning that it will take a number of weeks for this to be achieved. There will be costs associated with amending the PPO, including the advertisement costs and also with drawing up and agreeing the commercial management agreement, it is right that the car park owner pays these costs. The commercial agreement should be in place prior to the Council operating the car park on behalf of the owner.