

Review of the viability of the British Legion Car Park at Virginia Water - Corporate Head of Customer Digital and Collection Services (Linda Norman)

Synopsis of report:

This report reviews the viability of continuing to provide the British Legion Car Park at Virginia Water as a public car park following discussions with the British Legion and local businesses in the area.

Recommendation:

To remove the British Legion car park from the Council's Off- Street Parking Places Order from September 2023 when the lease expires and return the car park located at Virginia Water to the British Legion to generate a saving of £20,000 pa.

1. Context and background of report

- 1.1 At its meeting in November 2022, the committee authorised the Corporate Head of Customer, Digital and Collection Services along with the Corporate Head of Assets and Regeneration to engage with the British Legion and local businesses to review the current lease arrangement with a view to renegotiating the contract to ensure the car park remained financially viable to the Council following the changes to people's working patterns after the Covid-19 pandemic.
- 1.2 If after discussions with relevant parties, the Council could not ensure that the car park remained financially viable, a recommendation to remove the car park from the Councils "off street" car parking order from September 23 would be brought back to Committee for further discussion.
- 1.3 The British Legion car park is situated behind Station Parade in Virginia Water and offers 20 spaces for the public to use and the charges are at the same rate as Memorial Gardens which has 94 spaces.
- 1.4 The British Legion retains several spaces for their own staff use and the car park is included within a single assessment for Business Rates where the British Legion receive Supporting Small Business Relief of 90% reducing their liability to £600 for the 23/24 year at that location.

2. Report and, where applicable, options considered and recommended

- 2.1 The table below shows a comparison of the ticket sales between the two car parks over the last four financial years:

	18/19	19/20	20/21	21/22
British Legion	1496	733	256	408
Memorial	27058	14250	6938	18 519

- 2.2 The effect of the pandemic and the current cost of living crisis is still impacting car park use across the Borough. The Memorial carpark whilst remaining fairly popular, usage is still way below that of previous years. At the current time, it cannot really be predicted when, or if, their use will return to full capacity and with the British Rail car park in such close proximity, the British Legion car park is no longer widely used.

- 2.3 The Council currently pay the British Legion £20,000 per year to lease that car park in Virginia Water. The income generated no longer covers the cost of that lease agreement for the past few years and therefore the Council need to consider the suitability of that location moving forward.

- 2.4 Income received:

Car park	21/22	22/23
British Legion	£1206	£1613
Memorial	£56 236	£66745

- 2.5 In addition, the British Rail car park has a further 85 spaces and offers off-peak parking at a reduced rate of £3.60 and a daily rate of £7.60 which is slightly higher than the day rate of £7.00 that the Council charges. Annual permits are £1089 at the station as opposed to £700 at Memorial Gardens and British Legion. There is an opportunity to increase awareness of the parking permits available at Memorial Gardens now that the Civil Enforcement Officers are only patrolling off-street locations. The Council could also consider introducing more flexible parking permits to support part time commuters when permit levels are reviewed in November 2023 which may help increase income at commuter car park locations.

Car park	Permits Issued	Permits available	Waiting list
British Legion	1	10	0
Memorial	4	40	0

- 2.6 The Council has written to the British Legion advising of its intention not to renew the lease if the rent remains at £20,000 but is open to discussions on how to work collaboratively to understand the future needs and requirements of the site. As at the time of writing the report no response has been received from the British Legion.
- 2.7 Letters have also been issued to the 28 businesses in the location to advise that the Council may no longer provide a public car park at that location and invited them to comment by 30 April 2023 on any potential concerns they have.
- 2.8 2 responses have been received, of which
- 1 business said they would be unaffected by the changes
 - 1 business has purchased 3 parking permits at Memorial Gardens
- 2.9 As part of the Road Traffic Act 2008, the Council is required to consult with the public and SCC if there is an intention to change the level of off-street parking charges or changes to the Road Traffic Orders. The Borough is obliged to consider any responses received prior to implementing the changes. Therefore, should members decide to remove this car park from the Council's Road Traffic Order, a formal consultation will be undertaken and this should be completed prior to the September 2023 renewal.

3. Policy framework implications

- 3.1 The legislation requires parking to be self-financing with no recourse to public funds. Unfortunately the requirements for 'commuter car parks' have diminished following the pandemic and this car park is no longer financially viable.

4. Resource implications/Value for Money (where applicable)

- 4.1 If the Committee is minded to proceed with the Amendment Order, the Order will be made and confirmation of the making of the Order will be advertised.
- 4.2 If the Committee approve the return of the car park to the sole ownership of the British Legion, this will result in a savings of £20,000 pa.

5. Legal implications

- 5.1 The Council has powers under section 32 Road Traffic Regulation Act 1984 to provide off-street parking places. The legislation goes on to state that a local authority who provide off-street parking will make what is termed an order to regulate (i) the use of the parking place, and in particular the vehicles or class of vehicles which may be entitled to use it, (ii) the conditions on which it may be used, (iii) the charges to be paid in connection with its use (where it is an off-street one), and (iv) the removal from it of a vehicle left there in contravention of the order and the safe custody of the vehicle. Such an order has been made by the Council which regulates the use of the British Legion car park.
- 5.2 An amendment to the Off-Street Parking Order is required to remove the British Legion car park and return it to private ownership.
- 5.3 Under the provisions of the Road Traffic Regulation Act 1984 the Council must advertise its intention to make this proposed change. Any objections subsequently received, must be considered by E&S Committee who will then decide whether to proceed with the Amendment Order.
- 5.4 It should be noted that if the British Legion site is no longer a public car park the owners of the land will have to regulate its use and deal with any unauthorised parking on the site. The Council will have no legal powers to prevent unauthorised parking.

6. Equality implications

- 6.1 Returning this car park to private ownership will not negatively impact on any residents with protected characteristics and disabled bays will be available as normal in the Council owned car park at Memorial Gardens. All Borough pay and display car parks contain dedicated and marked provision for disabled badge holders who are currently also able to use the car parks without charge or time restriction.

7. Environmental/Sustainability/Biodiversity implications

- 7.1 There are none.

8. Other implications (where applicable)

- 8.1 There are none

9. Timetable for Implementation

- 9.1 September 2023

10. Conclusions

- 10.1 Given the reduction in usage of this site and the costs associated with leasing the land it is proposed to remove the British Legion car park from the Council's Off-Street Parking Places Order from September 2023 when the lease expires and return the car park located at Virginia Water to the British Legion to generate a saving of £20,000 pa.

(To Resolve)

Background papers

There are none