

# **APPLICATIONS FOR USE OF CAR PARK LAND**

## **GUIDANCE**

**(2010/11)**

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## **1. Car park situations**

The majority of the Council's pay and display car parks are situated within the main shopping areas with residential and business premises being in close proximity.

Residents, local businesses as well as the motorist including permit holders and blue badge holders, have an interest in what happens within the car park. There will be conflicting interests and different views.

A car park serves the customers of local businesses, shops and restaurants and also provides off-street parking space for some residents who have no space of their own. A car park can attract unwanted activities that result in late night noise, and vandalism.

Car parks can be dangerous places and access, flow control and lighting are all important in keeping people safe. Where footways are provided these should be kept clear at all times. Access to property by the emergency services must always be a consideration when considering an application for car park use.

## **2. Pay and Display Charging Period**

The car parks are operated on a pay and display basis between the hours of 8.am and 6pm Monday – Saturday. There are no barriers operating at the pay and display car parks and as such are not closed. Parking may take place outside the charging hours but WBC would not accept liability for any loss or damage to vehicles or injury to persons during such times.

## **3. Car Park Closure**

Various forms of legal agreements, licence arrangements and parking permits are in place at some car park locations that allow a person/s the right to park or cross car park land at any time. These arrangements can include access to a private property. It is therefore unlikely that we will agree a request to close a car park entirely unless it is absolutely necessary, in which case we would need to seek the agreement of those concerned.

The Estates and The Property Terrier IT Application will indicate if licences are in operation at a specific car park.

## **4.Waverley Off –Street Parking Places Order 2010**

The Waverley Borough Council (off-street Parking Places) Order 2010 governs which class and weight of vehicle may use a car park, where they should park and what payment should be made in return for parking provision. It sets out which activities are not permitted to take place within the boundaries of a car park without prior consent. These concern:

- Any trading activity including the sale of goods or services including car washing
- Learner driver activity
- Sleeping or camping, cooking or washing

- Distribution of advertising promotional or campaigning material
- Erection of a tent, booth, stand, building or other structure
- Light a fire, stove or cooker
- Transfer fuel from one vehicle to another
- Make any collection of money or articles for charitable or other purposes

### **5.Reasonableness**

There will be occasions where to refuse an application would be unreasonable. Situations arise when there is no other choice for the applicant; it is the most sensible or safe choice; or would mean the least disruption on the public highway. Examples are to allow access to private property; for the purpose of maintenance works; development; or a house move.

### **6.Events taking place during a charging period**

If an event is held during the charging period, it should not be to the detriment of car parking income. The Council should be reimbursed for the loss of income resulting from a parking bay/s becoming unavailable to a motorist when an event is taking place.

Where the event is in service of the community, it may be proposed that this charge may be waived with the agreement of the Portfolio Holder for Parking and Portfolio Holder for Finance.

### **7.Access for Emergency Services**

An access route for fire and ambulance services should be kept clear at all times and even when an event is taking place. If an event is of a scale that it requires the majority of a car park surface area then a plan should be requested from the applicant to ensure that suitable access will be maintained on the day of the event.

### **8.Noise and Disturbance**

Waverley's off-street Parking Order, prohibits loud noise in a parking place that may disturb or annoy residents or occupiers of premises in the neighbourhood. When giving consideration to applications, noise, smell and disturbance must be a consideration for those living or working in the vicinity.

Consideration should be given to whether the event is taking place during the day or evening and also the duration of the activity.

### **9.Boundaries**

The boundaries of each car park are well defined. Some fencing, walls and green shrubs or hedging may not necessarily be owned or maintained by the Council. This does not mean to say that we cannot be held responsible for damage accidental or otherwise to the boundaries that we do not maintain if we have given permission for activities other than parking to take place.

Ownership and responsibility for the boundary concerned should be established before consent is granted. We may only give permission to erect or display advertisement material on land, property, fencing or walls that we maintain.

### **10.Lighting**

We have a responsibility to maintain a good standard of lighting within each car park. Well-lit areas deter criminal acts and can highlight potential hazards.

The lighting columns need to be protected and maintained to ensure high standards of safety. Any signs attached to a column should not be at a height where it is hazard for a pedestrian and could reduce the visibility of a motorist. A lamp column should not be used to support a temporary structure.

### **11.Advertisement and promotional material**

Any application for the distribution of leaflets affixed to vehicles should be rejected.

Consideration may be given for the display of advertisement or campaigning material for short durations (not more than three weeks). If the form of advertisement is a banner then it must comply with planning regulation. (The Licence charge should apply for a limited period of up to three-week period.)

### **12.Surface car parks**

The surface of a car park is such that it will support general use by the average sized vehicle but with use of vehicles over the weight of 1525kgs the sub structure can deteriorate and an unladen vehicle over the 1600kgs is not permitted to use the car park during times of pay and display.

There are height restrictions that physically prevent a vehicle from entering a car park that is higher than 2.m. There is a height restriction barrier at:

Weydown Road,  
Tanners Lane  
South Street, Farnham (1.9m)  
Station Lane, Milford

The car parks are designed to permit the movement of a vehicle that is of average length and size. A longer vehicle such as a coach or lorry will find it difficult to manoeuvre and as such accidental damage could occur to parked vehicles and the structure of the car park such as at raised islands, kerbs, drainage channels and traffic flow guides.

### **13. Risk Assessment**

A risk assessment is required in each case to enable proper consideration of applications to take place. In the majority of cases, it will be necessary to request sight of a copy of the applicants public liability insurance. A check should be made to ensure that the applicant's insurance is valid and has a protection value of £5m.

#### **14.Cleaning the car park after use**

Some events that involve crowds may result in litter, damage to trees, fencing or pay and display machines. An additional cost to the Council would be incurred if an event is held and the litter and debris has not been cleared by the organisers. The onus should be on the organiser to clear debris after an event and repair and damage to property.

Car washing or repairs may result in the pollution of the watercourses and should be rejected. The Environment Agency will fine the Council in the event that we permit pollution to happen.

#### **15.Trading**

Trading is not permitted within our car parks without the consent of the Parking Office. Consent should be in the form of a Car Park Use Licence. In some areas, of the borough an applicant will also need a Street Trading Licence. For example, this applies at Crown Court the area between the High Street and the car park. To check whether the area concerned requires an additional Street Trading Licence refer to Backstage and Street Trading '[current consent applications](#)'

#### **16.Street Collection**

A street collection taking place in a car park will require both a street collection and car park use licence.

#### **17.Diary of Events**

A record of forthcoming events in car parks should be maintained so that any 'clashes' are identified.

#### **18.Enforcement**

The Parking Services Manager should make an assessment about the enforcement activity and whether the event has an impact on the cash collection service.

#### **19. Licence Charge Assessment**

If an application to use a car park is granted, a Licence charge will be payable unless an event is in a category where the charge may be waived.