

Carlisle City Council Report to Executive

Report details

Meeting Date:	21 st February 2022
Portfolio:	Environment and Transport
Key Decision:	No
Policy and Budget	Yes/No
Framework	
Public / Private	Public
Title:	TRAFFIC REGULATION ORDER (TRO) FOR RICKERBY PARK
Report of:	The Deputy Chief Executive
Report Number:	CS.11/22

Purpose / Summary:

This report provides the justification for the intension to introduce an experimental traffic regulation order for Rickerby Park Car Parks.

Recommendations:

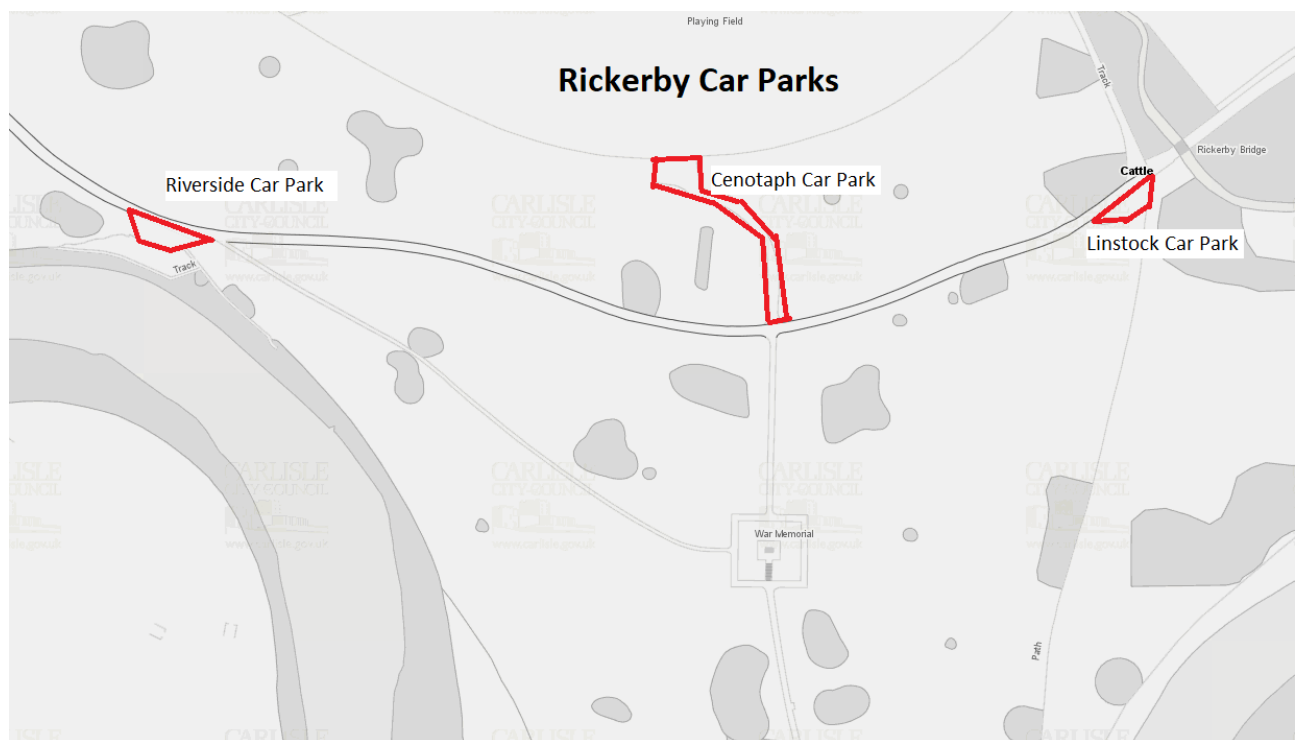
That the Executive approve the introduction of an experimental Traffic Regulation Order for Rickerby Park car parks.

Tracking

Executive:	-
Scrutiny:	-
Council:	-

1. BACKGROUND

- 1.1 Rickerby Park has open access to the park off the highway that runs from Brampton Road to Linstock. This open access from the highway has unfortunately meant that in recent years the park has been used for numerous unauthorised encampments on the grassed areas, and repeated overnight parking in the 3 car parks of Rickerby Park by holiday makers and members of the campervan community. Whilst unauthorised encampments can be moved on by serving a legal notice and the courts, there is currently no way to legally enforce no overnight parking by other groups. Therefore, there is a requirement to create an experimental Traffic Regulation Order (ETRO) to allow 'No overnight Parking' to be enforced. This will allow the council to have a consistent approach to all groups wanting to use the park for overnight stays.



2. PROPOSALS

- 2.1 An experimental traffic regulation order be created to cover the car 3 car parks in Rickerby Park so that no overnight parking to be enforced.

3. CONSULTATION

- 3.1 The council has a duty to consult with a wide range of stakeholders on the proposed changes. A draft order will be published allowing a 21-day consultation

period. This falls within the timeframe recommended for public consultation by the Cabinet Office.

- 3.2** Consultation will involve the Carlisle Highways and Transport Working Group at Cumbria County Council.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** In order to allow No overnight Parking to be enforced the Executive are asked to approve the introduction of an experimental Traffic Regulation Order for Rickerby Park.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

Supports the health and wellbeing of residents who overlook the park.

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Appendices Appendix 1 – Copy of the Draft Order
attached to report:

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS:

LEGAL

- The Experimental Traffic Regulation Order (ETRO) will restrict parking in the 3 car parks in Rickerby Park showed on the above plan between the hours of 11.59pm and 5.01am. The ETRO will be made by the City Council under the statutory powers given in the Road Traffic Regulation Act 1984 and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Contravention of the ETRO will be enforced by a civil penalty.
- The Council also has an additional protocol to take into consideration if the unauthorised parking is an unauthorised traveller settlement. There is no specific legislative duty placed on local authorities to deal with unauthorised encampments

by Gypsies and Travellers local authorities can take action as landowners through civil actions against trespass using Civil Procedure Rules Part 55, heard in a County Court. The protocol contains specific provisions relating to encampments related to Appleby Fair.

FINANCE – The introduction of an Experimental Traffic Regulation Order for Rickerby Park will be contained within existing budgets.

EQUALITY –

INFORMATION GOVERNANCE –

Appendix 1

THE CITY COUNCIL OF CARLISLE
ROAD TRAFFIC REGULATION ACT 1984
The Local Authorities' Traffic Orders (Procedure)
(England and Wales) Regulations 1996
Section 6 and Paragraph 2 of Schedule 2

STATEMENT OF REASONS

Name of Order:

The City Council of Carlisle (Rickerby Park) (Restrictions to Overnight Parking)
Experimental Order 2022

THE AUTHORITY'S REASONS for proposing to make the above mentioned Order are as follows:

Background:

1. Rickerby Park has open access to the park off the highway that runs from Brampton Road to Linstock. This open access from the highway has unfortunately meant that in recent years the park has been used repeatedly for overnight camping and overnight parking by campervans in the three car parks of Rickerby Park namely the Riverside car park, the Cenotaph car park, and the Linstock car park - "the car parks". There is currently no way to legally enforce no overnight parking. Therefore, there is a requirement for the City council of Carlisle "the Council" to create a Traffic Regulation Order (TRO) to allow 'No overnight Parking' to be enforced.

Proposed Scheme:

1. The proposed scheme is to create an Experimental Traffic Regulation Order (ETRO) to restrict parking in the car parks to the hours of 5.01am and 11.59pm "the permitted hours" and allow no parking between the hours of midnight and 5am (save for emergency vehicles).
2. The Council considers and experimental order to be appropriate as parking has not previously been restricted in the car parks and it will allow the Council to regular review and monitor the impact of the ETO.
3. The ETO will last for a maximum of 18 months. During the first six months of the experiment, there will be an opportunity for people to contribute their views and anyone who is opposed to the restrictions continuing on a permanent basis to submit an objection. Such representations will be considered carefully and may lead to revisions to the Scheme and will help determine whether a permanent order should be made, either modified or in like terms to the ETRO.

Reasons:

The Council considers it expedient to make the Order:

1. To prevent overnight parking in the car parks where no facilities for overnight camping are available.
2. To avoid damage to the park from the impact of overnight camping such as burned grass from campfires.
3. To avoid the litter and associated waste that comes with overnight camping.
4. To allow the car parks to remain uncongested from overnight campers and available to be used for the purpose of parking during the permitted hours.

THE CITY COUNCIL OF CARLISLE
(RICKERBY PARK) (RESTRICTIONS TO OVERNIGHT PARKING)
EXPERIMENTAL ORDER 2022

The City Council of Carlisle in exercise of its powers under Sections 9 and 10 of the Road Traffic Regulation Act 1984 and of all other enabling powers and after consulting with the chief officer of police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:

1. This Order shall come into operation on _____ for a period of not exceeding 18 months and may be cited as "The City Council of Carlisle (Rickerby Park) (Restriction to overnight parking) Order 2022."
2. Whilst this Order remains in force no person shall be permitted to park any motor vehicle (with the exception of emergency vehicles) between the hours of 11.59pm and 5.01am on the car parks detailed in Schedule 1 to this Order.

EXECUTED AS A DEED by the
CITY COUNCIL OF CARLISLE
by affixing its common seal
in the presence of

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Authorised Signatory

Schedule 1

Riverside Car Park shown for identification purposes edged red on the plan annexed to this Order "the Plan".

Cenotaph Car Park shown for identification purposes edges red on the Plan.

Linstock Car Park shown for identification purposes edged red on the Plan.