



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Provision of Car Parking for Christmas Shoppers
Date:	9th November, 2012
Reporting Officer:	Gerry Millar, Director of Property and Projects, ext. 6217
Contact Officer:	Cathy Reynolds, Estates Manager, ext. 3493

1	Relevant Background Information
1.1	A request has been received from the Belfast City Centre Management Company on behalf of Belfast traders to make use of the Council's staff car park facilities on Ormeau Avenue and Raphael Street (see attached location map) to accommodate shoppers coming into Belfast in the run up to Christmas.
1.2	The requested period of use is for the remaining weekends over the months of November and December (until Sunday 23 rd December 2012) when there is only a limited requirement for use by Council staff.
1.3	It is proposed that parking would be made available over the weekends free of any charge to members of the public wishing to park in these staff car parks on a "first come first served basis"
1.4	It is anticipated that both car parks would require manned security during opening hours provided through the Council external security contract who would open and close the facilities as appropriate.
1.5	Ormeau Avenue is a secure car park compound with a capacity for 106 vehicles. Spaces are marked out on a tarmac surface with floodlight and CCTV. Normally access is controlled by an automatic gate (personal fob), there is also a second manually secured gate. Access by Council staff to facilitate weekend working is accommodated by the automatically controlled gate.
1.6	Raphael Street is also a secure car park compound which has an estimated capacity for 180 vehicles. No spaces are marked out as the surface is rough stone with floodlighting and CCTV. Normally access is via secured gate with manned security (weekdays only 7.00am to 7.00pm) There is no staff access facilitated at the weekends.

2	Key Issues
2.1	<p>Previous advice provided by Legal Services has indicated that Council have limited scope to directly operate a public car park and have therefore in the past entered into licence agreements with 3rd parties to facilitate car park provision at both Smithfield (DRD) and the Gasworks Estate (Inislyn Ltd – private developer) It is therefore envisaged that a similar approach would be required to facilitate this request – further advice from Legal Services will be sought in this respect.</p>
2.2	<p>Provision and use of any type of car parking is regulated by Planning Service. Council currently has the benefit of full planning permission for car parking for both Ormeau Avenue (deemed full planning permission) and also for Raphael Street providing Council with a total of 282 car park spaces. However, the planning permission for Raphael Street restricts its use for Council staff only; therefore use by members of the public, even on a temporary basis, would breach this specific planning condition. Requests to utilise other Council land on the Gasworks Northern Fringe has in the past been resisted given the lack of appropriate planning permissions to properly facilitate these requests.</p>
2.3	<p>Department for Regional Development (DRD) currently provides both on-street parking and pay and display car parks in the immediate vicinity (Cromac Street, Charlotte Street, Bankmore Street) and at least one private operator runs a commercial short-stay pay and display facility directly opposite the Gasworks Estate (Ormeau Road/Donagall Pass junction) – both of these public and private operators may raise an objection to perceived unfair competition from Council making up to 282 <u>free</u> car parking spaces available.</p>
2.4	<p>Regardless of the niceties of the planning issues there is simply no time to obtain planning permission. If we went ahead with this proposal Planning Service may seek to prosecute the Council although we are only using the site on a temporary basis. There is also a strong argument that the Council in doing so for charitable purposes and to alleviate city centre business problems as part exasperated by the actions of DOE and DRD in regard to the Moving Ahead scheme.</p>
2.5	<p>Any use of the Council's staff car park facilities by the general public would require an initial risk assessment and safety audit to be undertaken in terms of public safety, especially in respect of the Raphael Street facility which is unmarked and has an uneven stone surface. Council have already one accident claim arising from use of this facility.</p>
2.6	<p>Council would require appropriate indemnities for proposed use of these car parks by members of the public and to provide suitable legal protection through erection of disclaimer signage. Further advice would be sought from Council's Insurance Unit to ensure adequate insurance cover in the event of claims following incidents or accidents involving either pedestrians or drivers whilst using the Council's car park facilities.</p>
2.7	<p>Unlike DRD car parks both of these Council's facilities are fenced and secured at night which may present an issue for people who return late to find the facility closed or indeed intend to leave their vehicles overnight. In the past Council staff have experienced vandalism of cars left overnight.</p>

2.8	Regulation and management of the car parks, especially capacity in Raphael Street in particular where no spaces are marked out, may be an additional duty required of the on-site security staff.
2.9	Facilities Management would be required to disable the automatically controlled gate to Ormeau Avenue car park each weekend and provide the necessary disclaimer signage for both facilities.
2.10	By agreement market traders utilise the Raphael Street staff car park on both Saturdays and Sundays to park goods vehicles that facilitate running market stalls on these specific days in St George's Market which is a Belfast City Council function. Whilst these traders can be accommodated on Council's Gasworks Northern Fringe lands they have pedestrian access through the staff car park.
	<p>Options:</p> <ul style="list-style-type: none"> (1) Council to grant a licence to a 3rd party operator, for example Belfast City Centre Management Company, to manage and operate a free weekend public car park for a limited period in the run up to Christmas. (2) Council to grant a licence to DRD to manage and operate a free weekend public car park for a limited period in the run up to Christmas. (3) Council to directly operate and manage a free weekend public car park for a limited period in the run up to Christmas.

3	Resource Implications
3.1	<p><u>Financial</u></p> <p>There is no significant internal expense for the Council associated with this request, however there may be the cost of providing security provided through the Council's security contract at a current hourly rate of £8.75 per security staff member.</p>
3.2	<p><u>Human Resources</u></p> <p>Staff resource in the Estates Management Unit, Legal Services and Facilities Management to progress.</p>
3.3	<p><u>Asset and Other Implications</u></p> <p>The asset and other implications of accommodating this request are as detailed in this report.</p>

4	Equality and Good Relations Implications
4.1	There are no equality implications to this proposal

5	Recommendation
5.1	The Committee's decision is sought in respect of the request to utilise the Council's staff car parks at Ormeau Avenue and Raphael Street for the purposes outlined in this report and if applicable to select the most appropriate option to oversee the management and operation of this short-term free car parking provision, the most straightforward of which is option 3.

6	Decision Tracking
Director of Property and Projects will ensure that the requested use is facilitated within the required timeframe.	

7	Documents Attached
Location map	