

**Agenda Item No:**

**Report To:** CABINET

**Date of Meeting:** 14<sup>th</sup> March 2019

**Report Title:** Proposed Multi Storey Car Park, Station Road, Ashford

**Report Author & Job Title:** Steve Parish - Project Delivery Manager  
Jo Fox - Deputy Head of Community Safety and Wellbeing

**Portfolio Holders for:** Cllr Bradford - Community Safety and Wellbeing  
Cllr Galpin - Corporate Property  
Cllr Shorter - Finance and IT



**Summary:** This report seeks approval for the development and construction of a new multi-storey car park on the site currently occupied by the existing surface level car park on Station Road, Ashford. The aim of the proposal is to provide a high quality, commercially viable car parking facility that supports the aspirational and expected growth of the town centre, complementing the steadily rising growth in the local economy and demand for parking.

**Key Decision:** YES

**Significantly Affected Wards:** All Town Centre wards particularly Victoria

**Recommendations:**

**The Cabinet is recommended to:**

- I. Approve in principle the construction of a new multi-storey car park of circa 500 spaces on the site of the existing surface car park on Station Road, Ashford, subject to a planning application being made and approved in due course.
- II. Recommend Council approve the necessary capital funds to deliver the multi-storey car park in accordance with the estimate provided. Such funds to be met from reserves and borrowing the extent of which is to be determined by the Director of Finance and Economy in conjunction with the Chief Executive.

- III. **Approve that the capital resources expended on the project are funded from future income over the life of the asset.**
- IV. **Delegate authority to the Director of Law & Governance with the Head of Community Safety and Wellbeing, Head of Corporate Property and Projects and Director of Finance in consultation with their respective portfolio holders to effect and complete all necessary steps for the development and construction of the new multi-storey car park at Station Road, Ashford. This to include approval of the detailed design of the proposed scheme, associated professional appointments, preparation of detailed designs and submission of planning permission prior to procuring the works.**
- V. **Receive further update reports as necessary.**

**Policy Overview:**

The Council's Corporate Plan identifies Enterprising Ashford, stimulating economic investment and growth, as a key priority. The growth that is being achieved will result in a significant increase in demand for parking during the next decade. The multi-storey car park will help to ensure that demand for parking is met and thus support and develop the local economy. The facility will be of relevance to residents, commuters, and visitors. The proposal supports the overall objectives of the Town Centre Framework.

**Financial Implications:**

The capital cost of developing the multi-storey car park is outlined at Appendix A. This is based on the provision of circa 500 spaces. The year 1 net cash benefit for the recommended option is estimated at circa £73k. This will however be influenced by the final capital cost, the number of spaces to be provided and the charging structure applied. Viability to year 6 is presented within an exempt appendix.

**Legal Implications:**

Planning permission for development of the site will need to be obtained. This is an entirely separate approval process. The council will also need to comply with its rules for contracts in engaging appropriate engagements for scoping and subsequently undertaking the construction. The council has the necessary powers to enable it to provide off-street parking places and can choose to use its land as an off-street car park. The totality of the site is in the council's ownership, however, there are covenants relevant to access by third parties. The council can choose whether to regulate the use of the car park through an off-street parking order that gives the council its charging and enforcement

powers. The proposed development of the multi-storey car park will be subject to a statutory notice process.

**Equalities Impact Assessment:**

The proposed new multi-storey car park will be designed and constructed in line with relevant national car parking and planning practice. It will incorporate consultation feedback as part of the planning process and the likely impacts on protected groups. An equalities impact assessment is provided at Appendix B.

**Other Material Implications:**

This is a major project and requires significant input from both the Community Safety & Wellbeing Service and Corporate Property and Projects. It will also generate considerable work in terms of finance and legal support.

There is currently insufficient council resource to take the project to the next stage and therefore a suitably qualified and experienced person(s) will need to be engaged at various points during the course of the project in order to meet the indicative timetable.

A screening application will be made in order to determine whether an environmental impact assessment is required as part of the planning application. An air quality assessment will, however, be undertaken.

**Exempt from Publication:**

Appendix A, E & F are not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**Appendices:**

Appendix A ( <b>Exempt</b> )	Estimated cost/capital requirement
Appendix B	Equality Impact Assessment
Appendix C	On & off street parking provision
Appendix D	Examples of car park facade treatments and interiors
Appendix E ( <b>Exempt</b> )	Viability on basis of cost estimate
Appendix F ( <b>Exempt</b> )	Viability to year 6

**Background Papers:**

None

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## **Agenda Item No.**

# **Report Title: Proposed Multi Storey Car Park, Station Road, Ashford**

## **Introduction and Background**

1. Members agreed in July 2018 (Minute reference 95 CA 120718) to the development of options to construct a multi-storey car park in order to meet the growing demand for parking and to support the wider regeneration and development aspirations for the town centre. The existing surface level car park on Station Road was identified as the preferred location and authority was given to allocate resources to develop the proposal.
2. The above report identified the existing parking provision within the town centre (both public and private), gave details of new council car parks that were due to open, and addressed the longer-term implications for certain car parks in light of site development opportunities. Clearly, vehicle parking is integral to meeting the needs of visitors to the town and commuters.
3. The council is currently responsible for nine public car parks that apply charges accommodating 1,869 vehicles. In addition, 1,663 cars that can be parked on-street within the controlled town centre parking bays. The number of car parking spaces recently increased with the opening of Elwick Place in December 2018 and it is expected that this number will increase by a further 104 spaces once Victoria Way car park is open. Further information on council car parking provision is provided at Appendix C.
4. While the number of public car parking spaces has recently increased, as stated in the earlier report, the Ashford Town Centre Masterplan has identified suitable redevelopment sites located on land in council ownership that are currently utilised for public car parking. The key sites being Vicarage Lane and Elwick Road which currently provide the following spaces:
  - Vicarage Lane – 178 spaces (including 16 additional temporary bays since February)
  - Elwick Road (temporary car park) - 105 spaces
5. The development of Vicarage Lane car park is on the agenda for this cabinet meeting and therefore it will be clear to members that a considerable number of spaces could be lost from the town centre. The temporary car park on Elwick Road will be developed as part of the future phases of the Elwick Road development site and is only covered by a temporary planning permission until April 2020. Development of these sites would see a potential loss of 283 parking spaces.
6. In addition to the above, it is likely that the following factors will contribute to the pressures on parking in the town centre during the next decade:

- On-going economic development of the town centre which will continue at pace with a number of major development schemes already underway
  - Projected year on year growth in the local population
  - Projected year on year growth in commuters and rail users
  - Demand for off-street parking
  - Growth in on-street controls which will increase usage of off-street facilities
7. In order to respond, the council's parking strategy needs to offer suitable mitigation action including:
- Managing the supply, location and pricing of parking to support local economic growth and the prosperity of the town centre
  - Effectively managing the likely shortfall in supply of short and long stay parking
  - Seek opportunities through redevelopment to upgrade (both physically and technologically), rationalise and consolidate car parking provision in a way that improves overall offer across the town centre
  - Provide high quality parking facilities that create demand and attract usage
  - Ensure that our car parks design in public safety and discourage anti-social behaviour
  - Supporting car park provision that where possible incorporates environmental features, including charging points for electric vehicles, provision for bicycle storage, lighting to minimise light pollution, design that will blend with existing landscapes and integrate with surrounding architecture.

## **The Proposal**

8. Having selected the existing Station Road car park as the preferred location for a multi-storey car park, a feasibility study has been undertaken to look at the options available to maximise the number of spaces. The following issues have been considered:
- Design
  - Vehicle movements
  - Financial modelling
  - Programme
  - Payment arrangements

### ***Design***

9. The detailed design of the car park has yet to be determined but currently the recommendation is to construct a steel framed flat deck five-storey car park. This will provide circa 500 spaces. Vehicle access to parking areas will be via internal ramps. Vehicle circulation will be one-way with combined entry/exit. Access for users will be via two stair cores both of which will incorporate a passenger lift.

10. Notable requirements that will influence the design include proximity to adjacent buildings (which is of particular note for firefighting and means of escape), bay sizes, payment arrangements (i.e. ANPR), additional facilities (e.g. toilets and bicycle storage) and junction capacity considerations. Note toilets are not factored into the build cost.
11. It is anticipated that the building will be clad in an aesthetically pleasing material and incorporate an attractively designed feature on the south-west corner visible from Station Road and the Commercial Quarter. Further consideration will be given to those sides of the car park that are visible from neighbouring premises. Variables that will also change the external appearance include the location and design of the stairwells and lift shaft, top floor treatment (either open topped or roofed with photovoltaics and public realm/landscaping around entrances).
12. The car park will be designed to meet the *Park Mark Safer Parking Scheme – New Build Car Park Guidelines for car park designers, operators and owners*. It is anticipated that the car park will have shutters allowing access to users day and night throughout the year.
13. CCTV will be incorporated into the building on every floor that, combined with regular building inspections and a high standard of cleaning, will create a safe and comfortable environment in which to park. The project team are currently in contact with the Designing Out Crime Officer from Kent Police in order to ensure that crime prevention is a key consideration from the start of the project i.e. where there is an opportunity to prevent and reduce the opportunities for crime from occurring.
14. ANPR technology will be incorporated which will necessitate the use of entry and exit barriers in combination with pay stations.
15. Fire safety is a critical consideration for the design of the car park. While fortunately car park fires are quite rare there are concerns regarding new and emerging risks from modern cars and alternative fuels. Fire safety arrangements are currently being investigated and any necessary measures will be addressed as part of the detailed building design.
16. Provision will be made for electric vehicle charging at a level that supports an increase in the use of electric vehicles and encourages their use of our car parks. Bike racks will be included within the design of the car park. Potential options to add photovoltaics panels to the building will be investigated as part of the detailed design process.
17. A screening application will be made in order to determine whether a full environmental impact assessment is required as part of the planning application. Air quality assessment will, however, be undertaken in line with the Kent & Medway Air Quality Planning guidelines that recommend an assessment as part of any development proposing 30 or more two-way movements in any hour, or more than 100 parking spaces.
18. In order to provide an idea of the type of building being considered, some examples of modern multi-storey car parks have been provided at Appendix D. This shows a range of surface treatments as well as giving an idea of what the

interiors could look like. They are provided purely as examples to give a better feel for the quality and style of building that could be achieved and have been identified as part of the early viability work.

### **Vehicle movements**

19. A transport planning and infrastructure design consultancy has been engaged to identify vehicle movements associated with the proposed car park facility and to consider the suitability of the access function from Station Road to accommodate future movements. The report prepared assumes that Vicarage Lane remains in use as a car park in order to identify the worst-case scenario for vehicle movements onto Station Road. The capacity of the access junction and its ability to accommodate the forecast vehicle movements were assessed.
20. The capacity modelling results suggest that the existing junction is able to accommodate movements associated with the increase in car parking numbers identified. However, this would depend on pedestrian demand for the crossing facilities. Capacity results during the morning peak identify a better performance than during the evening peak periods. Vehicles queueing to exit the car park are likely to occur during the evening peak period and may extend to the car park egress from the access road. This needs to be considered as part of the overall design of the car park and in the context of the planning application.
21. It is appropriate as the project moves forward to confirm the intended use of the car park in terms of the percentage long-stay to short-stay in order to further refine the junction capacity analysis as well as repeating the modelling in light of the decisions over the Vicarage Lane Car Park. This will be examined through the planning process.

### **Financial modelling**

22. The financial implications of the recommended option to construct a 500 space multi-storey car park have been modelled and are summarised in the table below:

<b>Option</b>	<b>Assumptions</b>	<b>Benefit (£000's)</b>
Multi-storey car park constructed on Station Road	500 spaces subject to planning permission  50 year investment period	Annual surplus (161)  Less Station Road 2019/2020 net budget (88)  <b>Annual Net Cash (Benefit) (73)</b>

23. The table indicates the multi-storey car park development is estimated to yield cash benefit to the council over the 50 years investment period. This acknowledges the income currently achieved by the Station Road surface level car park that for 2019/20 is estimated at £88k. The net cash benefit from the multi-storey car park is therefore estimated at £73k in year 1. See

Appendix E & F for additional cost and viability information. The annual net cash benefits increase year on year as the inflation figure for income is higher than that for costs. Borrowing remains at a fixed rate assuming interest rates continue as forecast. Use of reserves or capital receipts from other council projects will reduce the extent of borrowing and consequently increase the annual net cash benefit further.

24. The projections are based on the following:
- 500 spaces of which 60% are short stay and 40% are long stay
  - Average current rates of return for long and short stay parking
  - Overnight charge to be applied
  - 70-80% migration from existing council owned car parks
  - Vicarage Lane and Elwick Road closing
  - Increasing demand for parking

### ***Procurement arrangements***

25. The project is estimated in excess of £4.5m and as such an OJEU compliant route will be followed for procurement. The use of frameworks is currently being considered but it is likely that a traditional two stage process will be undertaken in preference i.e. stage one advertising for expressions of interest, evaluation to shortlist to a minimum of five tenders and then stage two tendering to shortlist. The evaluation criteria is envisaged to be 70% cost /30% quality.

### ***Programme***

26. Subject to the approval of the recommendations contained within this report, the aim is to construct and open the new multi-storey car park by December 2020. This date is relevant not only from the practical construction timescale but takes in account the desire to close Station Road car park after the Christmas holiday i.e. closed in January 2020. This minimises disruption to existing users and protects local businesses during the Christmas period.
27. Subject to the approval of this report, delegated authority will be given to progress the appointment of associated consultants, prepare and submit a planning application and appointment of an approved contractor to develop and deliver the car park.
28. The anticipated delivery programme based on key milestones is summarised in the following table:

<b>Activity</b>	<b>Target completion date</b>
Cabinet/Council	March\April 2019
Design phase	June 2019
Planning committee	October 2019
Tender period & contract award	October 2019
Update to Cabinet	October 2019
Construction starts	January 2020
Construction completes	November 2020
Car park open	December 2020

## ***Payment arrangements***

29. Users will be asked to sign up for a new account with the council providing their vehicle and payment details and this will allow them to pay automatically. The car park will use automatic number plate recognition (ANPR) technology so that users only ever pay for how long they actually stay in the car park. Signing up will be easy, fast and secure.
30. Tariff structures are still under consideration but as previously stated they are likely to accommodate both long and short stay parking. Parking will also be available overnight at a reduced rate. In order to provide for both short and long stay customers, as well as a night rate it is necessary to zone areas of the car park. It is currently proposed to allocate floors 1 to 3 as short stay and floors 4 and 5 as long stay. It will be possible to adjust the areas as demand changes.
31. Customers will also be able to pay by cash, credit card and by phone.
32. Parking charges are reviewed by the council for all our car parks every three years. The next review would see any changes in effect from 1 April 2020.

## ***Equality Impact Assessment***

33. An equality impact assessment is provided at Appendix B. This will be reviewed and updated during the design phase. The initial assessment indicates that any negative impacts arising during the build phase will be temporary and that the project will, on completion, deliver positive impacts through increasing the supply and quality of parking (including dedicated disabled parking) at Station Road.
34. Any changes to existing car park provision have the potential to affect the public and protected groups in different ways. It is expected that the development will increase overall parking supply and the design will fully consider the needs of those with limited mobility. There are currently 24 disabled bays within the proposed scheme. Relevant engagement will take place with the Ashford Access Group in order to ensure appropriate provision in line with applicable guidelines.

## **Implications and Risk Assessment**

35. The potential implications of the council not approving the proposals set out in this report include:
  - Affordable town centre public parking provision does not keep pace with demand affecting residents, businesses, and commuters
  - Missed opportunity to generate additional income from the Station Road site
  - Failure to provide public parking to compensate for the likely closure of other council car parks and the knock on effect on other town centre development projects
  - Slowing of economic growth through lack of infrastructure investment

36. The risk assessment for this project is constantly updated, however, a summary of the current position is provided as follows:

37. **Risk 1 – Size of car park restricted**

The number of spaces that the car park can accommodate may need to be reduced in light of the traffic movement forecast and capacity concerns at the access junction. The size of the car park may also be restricted in order to meet fire safety requirements. The commercial viability of the project would be called into question if the number of spaces were significantly reduced. Both issues have been addressed and the risks are not considered significant at this point in time. See earlier section on vehicle movements. Existing rights of way and ground conditions as this is a brown field site, which had various industrial uses.

38. **Risk 2 – Disruption for existing customers during the construction phase**

A suitable location to accommodate temporary parking spaces is needed to deal with the temporary displacement of vehicles from the existing Station Road car park during the multi storey car park construction phase. The plan is to relocate the Station Road customers, which are mainly long stay, to the Vicarage Lane car park while the multi-storey car park is being built. This will necessitate re-designating Vicarage Lane for long stay. At the same time, short stay customers (currently using Vicarage Lane) will be encouraged to use Elwick Place which is already designated as a short stay car park. Upon completion of the multi-storey car park, Vicarage Lane Car Park becomes available for development with customers transferring to the multi-storey car park.

39. **Risk 3 – Shift in strategic parking policy**

The developing corporate plan could see a change of policy regarding parking provision.

40. **Risk 4 – Brexit impact on construction costs**

If trade agreements with favourable terms are not secured this could result in increasing cost of resources, tools, materials and subsequently projects.

41. **Risk 5 – Financial risks**

The cost of construction as currently estimated might be too low. Until the detailed design work has taken place, planning conditions have been established and tenders received we will not know for certain. Any increase in capital cost (or consequential revenue implications) will affect the viability of the project.

If it is necessary to remodel the Station Road junction to meet the required traffic flow this could have a significant cost impact. The current project costings have only included some minor works to the existing infrastructure.

There are financial risks associated with interest rates as previously highlighted. The financial modelling also factors in percentage increases in

parking charges and operating costs and these could change. Once the car park is constructed, it becomes more difficult/expensive to utilise the land for other uses. This is mitigated to some degree by constructing in steel which would be easier to adapt. An exchange rate fluctuation would have significant impact on construction costs e.g. cost of steel, and influence the long-term viability of the car park. An economic downturn would also affect income streams. However, other surface level car parks could be taken out of the system if demand drops. Edinburgh Road car park will at some point be redeveloped or undergo major refurbishment and this is relevant to the viability of the new multi-storey in the context of an economic downturn.

**42. Risk 6 – Changes in demand for car parking**

Changing social behaviour could see a shift from car usage resulting in less demand for public parking. We know however that there is a demand for on-street parking which exceeds supply and an additional car park will help in this regard. Enhanced vehicle charging requirements during the predicted life of the car park. The intention is to incorporate as much future proofing as possible to mitigate these issues. This will result in an increased construction cost initially but will be significantly cheaper than retrofitting in the future both in terms of capital costs and disruption to users.

**43. Risk 7 – Technology risk**

There is a risk that we could adopt new payment and car park access technology that is not welcomed by our customers. The project, however, seeks to utilise technology that has been tested by other operators so this risk is reduced. There are also risks related to ANPR and CCTV integration with existing back office systems. This will need to be factored into the design process.

**44. Risk 8 – Environmental impact**

There is an impact on the environment from building a multi-storey car park. Key mitigations include provision for electric vehicle charging, potential inclusion of photovoltaics and use of sensitive lighting. The car park is replacing an existing surface level car park and mitigating loss of other spaces within the town centre. The viability work includes ecological assessment and ground condition surveys that are currently underway.

**45. Risk 9 – Stakeholder expectations**

There is a risk of challenge from stakeholders who do not support the building of a multi-storey car park. This will be addressed as part of the planning process. Neighbouring landowners have been advised of the proposal and contact will continue with them throughout the development.

**Risk 10 – Resources to deliver the project**

There is currently insufficient client resource to take the project to the next stage and therefore a suitably qualified and experienced person(s) will need to be engaged at various points during the course of the project in order to meet

the indicative timetable. These costs have been taken in to account when assessing the viability of the project.

## **Consultation Planned or Undertaken**

46. Consultation will take place as relevant to the planning application and during the design phase with key stakeholders such as the Ashford Access Group and neighboring premises owners/occupiers.

## **Other Options Considered**

47. The following options have been considered:

### **Option 1 – Do Nothing (Not recommended)**

The existing car park at Station Road could be retained. While this option saves the cost of building a multi-storey car park, it fails to address the likely closure of the Vicarage Lane car park and future loss of Elwick Road. A reduction in overall parking provision would increase pressure on residential streets and this generates significant complaints from local residents. A loss of parking supply also has significant implications for the town's economic and cultural development.

### **Option 2 - Construct a multi-storey car park of less than 500 spaces (Not recommended)**

The costs are marginally less, however, the necessary income levels would not be achieved by having a car park substantially less than 500 spaces. Loss of Vicarage Lane and Elwick Road means that the multi-storey needs to be at least 283 spaces in order to achieve like-for-like provision.

### **Option 3 – Construct a multi-storey car park on an alternative site (Not recommended)**

Station Road car park was identified as the preferred location for the next multi-storey car park by the council's appointed design consultants. Five potential sites in and around the town centre were examined. Station Road has the advantage of being owned by the council, has sufficient footprint to secure the desired number of parking bays (without the need to exceed five floors), and its location is appropriate for a mix of users e.g. commuters, town centre workers, shoppers and other visitors to the town.

The use of the Victoria Way car park was considered, however, its size, proximity to both the classic railway, the HS1 and potential problems associated with moving underground assets made this site unviable. The site is crossed by a number of large electrical cables starting at the adjacent substation serving the town and possibly the railway.

### **Option 4 – Alternative use of the car park (Not recommended)**

The land could be developed for an alternative use (i.e. not car parking). This has not been addressed as part of this evaluation due to the requirement to provide public parking in line with the strategy identified in para 7.

## **Reasons for Supporting Option Recommended**

48. The option recommended i.e. to progress with the proposed development of Station Road multi-storey car park with a capacity of circa 500 spaces, best addresses current pressures on town centre parking, best fits with the council's parking strategy as outlined within this report, and the selected site performs well against the identified risks.

## **Next Steps in Process**

49. This report seeks authority to commit resources to deliver the car park, giving all necessary delegated authority. An outline planning application will then be made and the necessary procurement steps followed. Reserved matters will be addressed at a further planning committee. Regular updates on the project will come to the Ashford Town Centre Place Making Board.

## **Conclusion**

50. The Council's policy to promote redevelopment in the town centre to bring economic investment, growth and employment opportunities is reliant on the availability of suitably located land and the provision of supporting infrastructure.
51. The proposals in this report support this policy through the potential provision of new infrastructure that will allow land to be available for redevelopment.

## **Portfolio Holder's Views**

52. *Ensuring a supply of modern and safe parking is vital for all who work, visit and commute to and from the town. The proposed multi storey car park is very much a part of our vision for the future. I endorse the desire to build a high quality modern car park that places safety and ease of use for our customer at its heart. I fully support the project moving forward, recognising that there will be a separate planning approval process where it will be possible to consider any officer report and consultation responses before reaching a final view in that regard. I commend the recommendations to the Cabinet.*

### **Cllr Bradford – Community Safety and Wellbeing**

53. *This report addresses the importance of the provision of adequate car parking for the continued economic and social development of Ashford Town. The projected multi storey car park will provide about 500 spaces and is planned to be protected with enhanced fire safety provision. The new car park is needed to accommodate new residents, visitors and businesses to our flourishing and growing town. A multi-storey car park also gives us the flexibility for the planning of any new regeneration. The business plan demonstrates this to be a viable project subject to planning permissions being granted. This is a vital piece in the jigsaw of Ashford's present and future revitalisation and regeneration. I therefore commend the recommendations to the Cabinet.*

### **Cllr Galpin – Corporate Property**

54. *This report sets out the clear objective of preparing the Town for the planned and as yet aspirational developments for the future. This is fully in line with the council's aspiration to make the town more welcoming for both residents and visitors and to help businesses to thrive in the current evolution of town centre economies. Subject to ongoing due diligence by officers and the relevant Portfolio Holders within the contract letting and project management processes, I fully support this proposal.*

**Cllr Shorter – IT and Finance**

## **Contact and Email**

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## Appendix B: Equality Impact Assessment

### Equality Impact Assessment

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1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

#### Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- (a) Eliminate discrimination, harassment and victimisation;

- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

#### Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

#### Due regard

5. Having 'due regard' is about using good equality information and analysis at the

right time as part of decision-making procedures.

6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:

- removing or minimising disadvantages suffered by people due to their protected characteristics.
- taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
- encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.

7. How much regard is 'due' will depend on the circumstances. The greater the potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.

- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

### **Armed Forces Community**

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.

10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:

- Current serving members of the Armed Forces (both Regular and Reserve)
- Former serving members of the Armed Forces (both Regular and Reserve)
- The families of current and former Armed Forces personnel.

### **Case law principles**

11. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty

by justifying a decision after it has been taken.

- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.

- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on “Meeting the Equality Duty in Policy and Decision-Making” (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. *[Equality Duty in decision-making](#)*

<b>Lead officer:</b>	Steve Parish/Jo Fox
<b>Decision maker:</b>	Cabinet
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	Approval in principle to proceed with proposed Multi Storey Car Park, Station Road, Ashford (Bowling Alley Car Park)
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	14 March 2019
<b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	The decision will be to approve the development and construction of a new multi-storey car park on the site currently occupied by the existing surface level car park on Station Road, Ashford. The aim of the proposal is to provide a high quality, commercially viable car parking facility that supports the aspirational and expected growth of the town centre, complementing the steadily rising growth in the local economy and demand for parking.  Due to the close proximity of the alternative parking supply (Vicarage Lane) for existing users of the station road car park any negative impacts on existing users with

	<p>protected characteristics will be minimised, with the completion of the multi-storey car park having a positive impact in terms of increasing the supply and quality of the parking offer at Station Road, including increasing the quantum of dedicated disabled parking spaces.</p> <p>Some users of the existing Vicarage Lane car park with protected characteristics will be impacted negatively by the re-designation of Vicarage Lane as a long stay car park during construction of the new multi-storey car park on the Station Road site due to the increased distance between the lower high street and the alternative short stay provision at Elwick Place, however this impact will be temporary as the project will on completion provide a positive benefit to users overall as described above.</p>
<p><b>Information and research:</b></p> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> </ul>	<p>The income, user profile and season ticket uptake of all ABC car parks including Station Road car park is subject to ongoing monitoring to establish usage trends and future demand.</p> <p>Research into design options and indicative capacity for the proposed multi-storey car park has been carried out and used to inform the proposed decision.</p>
<p><b>Consultation:</b></p> <ul style="list-style-type: none"> <li>• What specific consultation has occurred on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	<p>The construction of a multi-storey car park on the existing Station Road site was included as a potential project during the Ashford Town Centre consultation. Whilst the consultation did not ask specific questions regarding this proposal, accessibility to the town through parking provision was a frequently occurring subject in the consultation, which ran from July to October 2018. Respondents to the consultation suggested that increased parking provision of a better quality than the existing town centre supply was desirable. This consultation provides evidence to support the addition of more and better quality parking provision in the town centre. Full details of the consultation including responses will be reported to Cabinet in March 2019.</p> <p>Detailed consultation will be carried out with relevant organisations once approval in principle has been given by Cabinet and the proposals move into the design stages. Consultation will also take place via the planning process.</p>
<p><b>Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.</b></p> <p>When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for</p>	

young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

<b>Protected characteristic</b>	<b>Relevance to Decision High/Medium/Low/None</b>	<b>Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral</b>
<u>AGE</u> Elderly	Medium	Positive (minor) – increasing supply of parking at existing site
Middle age	Low	Positive (minor) – increasing supply of parking at existing site
Young adult	Low	Positive (minor) – increasing supply of parking at existing site
Children	Low	Neutral
<u>DISABILITY</u> Physical	High	Positive (major) – increasing supply of dedicated disabled parking and quality of parking environment
Mental	High	Positive (major) – increasing supply of dedicated disabled parking and quality of parking environment
Sensory	High	Positive (major) – increasing supply of dedicated disabled parking and quality of parking environment
<u>GENDER RE-ASSIGNMENT</u>	None	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Neutral
<u>PREGNANCY/MATERNITY</u>	Low	Positive (minor) – increasing supply of parking at existing site in close proximity to town centre.
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	None	Neutral
<u>SEX</u>	None	Neutral

Men		
Women	None	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral
<u>ARMED FORCES COMMUNITY</u>	None	Neutral
Regular/Reserve personnel		
Former service personnel	None	Neutral
Service families	None	Neutral

<p><b>Mitigating negative impact:</b></p> <p>Where any negative impact has been identified, outline the measures taken to mitigate against it.</p>	<p>Negative impacts on existing users of the Station Road car park arising from the loss of parking at Station Road during construction will be mitigated through providing alternative long-stay provision at Vicarage Lane.</p> <p>Mitigation of the negative impacts on existing short stay users of the Vicarage Lane car park through re-designation of the car park as long stay during the construction phase of the project will be through the increased availability of parking at the recently opened Elwick Place car park, however due to the increased distance and gradient between the lower high street and Elwick Place, it is recognised that this mitigation may not fully address the impact on users with protected characteristics. A number of disabled parking bays exist on-street within close proximity of the Vicarage Lane car park and off-street in other town centre car parks such as Edinburgh Road.</p>
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**Is the decision relevant to the aims of the equality duty?**

Guidance on the aims can be found in the EHRC's *Essential Guide*, alongside fuller *PSED Technical Guidance*.

Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	N/A
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	N/A

<b>Conclusion:</b>	The proposed project will, on completion, advance equality of opportunity between persons who share a
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<ul style="list-style-type: none"> <li>• Consider how due regard has been had to the equality duty, from start to finish.</li> <li>• There should be no unlawful discrimination arising from the decision (see guidance above ).</li> <li>• Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.</li> <li>• How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li> </ul>	<p>relevant protected characteristics and persons who do not share it by increasing the quantum and quality of both general use and dedicated disabled parking at Station Road.</p> <p>The decision will not give rise to unlawful discrimination.</p> <p>Mitigation measures have been identified for the construction phase of the project to address negative impacts on groups with protected characteristics.</p> <p>Ongoing monitoring for the project will be carried out via the Programme Management Group and Ashford Strategic Delivery Board.</p>
<p><b>EIA completion date:</b></p>	<p>28/02/19</p>

## Appendix C: Council on and off-street provision

### Off-street bays

Car Park	Number of spaces
Henwood	61
Flour Mills	79
Civic Centre & Stour Centre	483
Dover Place	180
Station Road	108
Vicarage Lane	178 ( <i>including 16 bays added w/b 11 February 2019</i> )
Edinburgh Road	289
Elwick Road	105
Elwick Place	282
Victoria Way	104
<b>TOTAL</b>	<b>1869</b>

### On-street bays

On-street information	Number of spaces
No. of controlled parking zones (A,B,D,E,G)	5
No. of on-street parking bays (pay and display) <b>Zone B</b>	148
No. of limited period free bays (Zones D,E & G)  <i>N.B. Not including A as there are only two bays which are for Zone A permit holders only</i>	Zone D- 248 Zone E- 393 Zone G- 23 <b>TOTAL- 664</b>
No. of disabled persons' bays	59
No. of loading bays	3

**Appendix D: Examples of car park facade treatments and interiors**



