

## ABERDEEN CITY COUNCIL

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COMMITTEE	Enterprise, Planning and Infrastructure
DATE	15 March 2011
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Complementary Uses of Existing and Future Park and Ride/Choose Sites
REPORT NUMBER:	EPI/11/024

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### 1. PURPOSE OF REPORT

The purpose of this report is to advise Members of the development of a process for consideration and approval of complementary uses of existing and future Park and Ride/Park and Choose services. The process developed continues to recognise, support and promote the primary function of these assets which is to support the provision of Park and Ride/Park and Choose services.

### 2. RECOMMENDATION(S)

It is recommended that Members:

- a) approve the process developed in this report for the consideration and approval of complementary uses, which has been based on the school lets system; and
- b) refer the report to the Finance and Resources Committee for approval of the charging policy.

### 3. FINANCIAL IMPLICATIONS

There would be no financial implications in the process of determining applications for complementary uses (other than administration costs associated with the processing of invoices) as this will be carried out by utilizing existing professional staff from Asset Management and Operations, Planning and Sustainable Development and Legal Services. One of the objectives in developing such a process has been to ensure that, should individual applications for complementary uses be successful, there would be no additional cost incurred by the Council, and where appropriate, charges will be levied which would be used to offset the revenue costs associated with the management and maintenance of the Park and Ride/Park and Choose sites.

### 4. OTHER IMPLICATIONS

This process has been developed by officers of the Council and has not been subject to wider external consultation, although the draft report was forwarded to Kingswells Community Council as they directly neighbour the only existing

Park and ride site which could currently be subject to an approved policy. Consultation responses have been received from them and these have been incorporated within the report. The school lets process does not involve external consultation on individual applications and it is envisaged that the process developed in this report would also not require external consultation on individual applications.

The use of a Compulsory Purchase Order (CPO) to acquire the land for the Kingswells car park has implications for potential alternative uses and the legal issues regarding this are discussed within the report. No further implications have been identified at this time, however, any further issues identified as part of the ongoing process will take into account all legal, liability, financial, health and safety and property risks associated with the particular usage as required.

## 5. BACKGROUND/MAIN ISSUES

### 1 Introduction

1.1 Reference is made to the meeting of this Committee on 23 February 2010 when Members considered the report entitled 'Complementary Uses of Existing and Future Park and Ride/Choose Sites'. This report advised Members of the opportunities and challenges in increasing the patronage of bus based Park and Ride services at the current and future planned Park and Ride/Park and Choose sites, and the need to maximise their usage and where possible minimise the associated costs to this Council. Members resolved the following:

- Instruct the appropriate officers to develop a draft process for the consideration of Category 1 uses in the first instance, similar if possible to the school lets system. Members are also asked to instruct the appropriate officers to explore and report back on the possibilities associated with Category 2 uses. In assisting in the development of a draft process, Members are also asked to agree a trial 'cycle training' event at Kingswells Park and Ride Site in May 2010 with feedback on this to be included in a future report.

1.2 To summarise, the report identified two distinct categories of complementary uses which would require to be addressed separately, as follows:

1. temporary, ad hoc events which require no permanent set up e.g. promotional, community, special events, training and awareness
2. permanent facilities and/or routine events which would require fixed or invasive set up, or which require lease arrangements

Examples of the types of uses that could be considered under each category are as follows (these are potential uses for illustration purposes only).

#### Category 1

Motorcycle training  
Cycle training  
Driver training  
Shopping deliveries  
Car Boot Sale  
Community/Charity events

#### Category 2

Car wash facilities  
Hot Food Stands/Vans  
Coffee Stalls

1.3 Regardless of the category, there should at the very least be no additional costs to the Council in supporting, facilitating or enabling any agreed complementary uses.

- 1.4 It had been hoped to use the lower car park at Kingswells to undertake cycle training during 2010 and that this event could have been used as a trial for developing a process for category 1 uses. Unfortunately this event did not take place and it has therefore not been possible to judge the impact that such an event would have.
- 1.5 The Park and Ride facility at the Bridge of Don is not in the full control of the Council, therefore, it cannot at this stage be considered for complementary uses. The previous report identified that the Kingswells Park and Ride site is owned and managed by the City Council. It is also pertinent to note that the land for the Kingswells Park and Ride site was the subject of a Compulsory Purchase Order and was procured on the basis of use as a Park and Ride facility. This will continue to be the case as progress is made with partners such as Nestrans and Aberdeenshire Council towards the delivery of the A96 Dyce the A90 (south) Stonehaven Road at Schoolhill Park and Choose facilities.
- 1.6 Should the Bridge of Don facility be relocated at some point in the future and be within the ownership and control of the Council, then any processes put in place would become applicable at that time.

## **2. Legal Issues**

- 2.1 It is recognised that in maximising the use of or value from the assets that we own and control, there may be an opportunity to consider additional complementary uses within those sites within our control, without undermining the primary function of the facility. However, as previously identified, the Kingswells Park and Ride site was the subject of a Compulsory Purchase Order and legal advice was sought on the implication of this factor on the use of the site.
- 2.2 The legal advice given is that the use of a Compulsory Purchase Order (CPO) to acquire the land for the Kingswells car park means that there could not be full and unrestricted use of the site for alternative uses. Any uses would have to have some connection to a local authority function, which may include for example, community uses. Any complementary use that involves commercial or profit making organisations charging to provide a service would not be considered competent given the legal restrictions on the uses which can be made of land acquired under a CPO. Further, the Council should not apply significant charges for uses, although small charges based on the school lets system for which the revenue generated would help cover the running costs of the site would not be unreasonable.
- 2.3 In conclusion the process would have to consider the competency of any use in relation to the CPO restrictions and whether there is some connection to a local authority function.
- 2.4 It is likely that a number of Category 1 uses would provide some sort of community benefit and therefore could be considered to fulfill a Local Authority function. These would include pedal cycle training, charitable events and community organized events. All Category 2 uses on the other hand are more likely to involve commercial organisations and

possible tendering so are very unlikely to be acceptable. It is, however, possible that even Category 1 uses would involve commercial organisations or individuals charging for a service such as motorcycle training or shopping delivery service. In certain circumstances a non profit making organization may make a charge as a means of raising money for a charity or community facilities. Under these circumstances as long as a significant link can be established to a Council function, then the use might be acceptable. Given the various possible types of usage it would seem reasonable to deal with each individual application on a case by case basis and remove the need to categorise each application.

- 2.5 The report identifies a process whereby checks are made to identify whether the use proposed in each application involves a commercial organization or individual charging for a service and whether it is connected with a local authority function. The process would identify suitable uses on a case by case basis taking into account the legal advice given. This will also impact on the provision of future Park and Ride sites for which there is a requirement to obtain the land through a CPO. This is currently being considered for land acquisition for the A96 Dyce Park and Choose site.
- 2.6 It is proposed that applications for uses will be addressed with an appropriately modified system similar to the school lets process. This process will support the efficient and effective consideration of applications should such events be demonstrated to be appropriate. Charges would be applied based on the school lets system to offset the running costs of the site, also bearing in mind that there may be staff required to open and close the facilities. Based on legal advice, any application from a profit making commercial organisation or individual charging for a service would be rejected.

### **3. Procedure for Usage Associated with a Council Function or Policy**

- 3.1 It is clear that there is a potential opportunity to utilise these facilities for complementary uses at existing sites that have a connection to a Council function. The Council's Lets Office manages the letting system for school and educational properties supported by the Facilities Management team to enable the let to open and operate. This system also enables the consideration of a range of uses by other organisations, including other internal council and external partner services, which comply with agreed terms of use. Priority is given to the primary purpose, with other requests fitting in. Various charges are applied. This system of letting is, therefore, considered suitable as a means of managing usage of Park and Ride/Park and Choose sites.
- 3.2 Recent revenue savings decisions for 2010/11 and beyond have seen the removal of staff from the accommodation buildings serving the Park and Ride facilities during the day, although staff have been made available through the Street Cleansing Team to open, close and clean the facilities. At present arrangements for the opening and closing of the site facilities are dealt with by the Councils Public Transport Unit and it is, therefore, considered appropriate that they would deal with

the application process, with the primary decision on complementarity with Transport Strategies lying with the Transportation Team. It should be noted, however, that funding for opening/closing by Street Cleansing Teams may only be available until the end of March 2011.

- 3.3 The letting system for schools has a 'letting application process procedure' that identifies the process in terms of both procedures and Officers' responsibilities at each stage in setting up the let. This has been adapted so that it can be applied to the Park & Ride site usage. Appendix 1 shows a modified application form for use by applicants who require use of a particular Park and Ride site. Appendix 2 shows the proposed procedure that would then be followed in determining if the application is suitable and the subsequent process to be followed, through to acceptance or rejection of the application.
- 3.4 The information provided through the application process will also allow the applicants' requirements to be identified in terms of type of use, area required, number of people involved, requirement for waiting and toilet facilities etc.
- 3.5 Charges would be applied and users invoiced dependant on the type and length of usage and on whether the application was internal or external to the Council. An additional charge would also be applied if the applicant required the waiting area and toilet facilities to be made available. At present this is dealt with by the Street Cleansing Team under instruction from the Public Transport Unit and arrangement would have to be made with them to open and close the facilities. It should be noted that the continuing use of the Street Cleansing Team is subject to available budgets. Confirmation of the need for these facilities can be dealt with through the application process. A charging policy has been developed for consideration and this can be found in Appendix 3.

#### **4 Consultation Response – Kingswells Community Council**

- 4.1 Kingswells Community Council were provided with a copy of the draft report as part of the consultation process for both this report and the report that went before the Enterprise, Planning and Infrastructure Committee in January. A response letter was received from them in which they raised a number of issues of concern regarding potential usage. A subsequent email response was received by them in regard to this report in which they reiterated their concerns regarding potential usage of the site. In summary they were concerned about the detrimental effect that any use may have on the local community, in particular they highlighted potential noise and air pollution levels associated with any additional use of the site. They are also concerned about the charges in relation to potential manning and cleaning of the site. They have requested that any application should be forwarded to them for comment and agreement. A copy of the response letter and the subsequent email response supplied by Kingswells Community Council can be found in Appendix 4.

- 4.3 Lord Provost, Peter Steven expressed the view that he is in agreement with the concerns put forward in the letter from Kingswells Community Council that their view should be taken on board to ensure local support.
- 4.2 Having considered their response, it is the view of officers that this additional step is unnecessary. Given the types of likely usage and the need for a quick response time, it would add unnecessary delay to the process. It is ultimately the decision of the Council as to whether a particular use is approved and it is considered that the process developed is robust enough to identify suitable and complementary uses without any further external consultation.

## **5 Conclusions**

- 5.1 It is a requirement of the Council to work to achieve best value and in this respect we have an opportunity to maximise the use of these sites which could further the delivery of the policies of the Council. The processes for complementary uses have been developed, therefore, so as not to increase the burden of costs on the Council.
- 5.2 Processes for the consideration of applications for complementary uses have been developed that are transparent, equitable and in accordance with all necessary legislations. What has been developed in terms of the process for complementary uses takes into account that these Park and Ride sites are part of a network of local and regional facilities and that the uses do not undermine the primary function of the facility and in fact can be demonstrated to complement the local and regional transport strategies.

## **6. IMPACT**

The Park and Ride/Park and Choose facilities are key elements of the Local, Regional and National Transportation Strategies and as such support all levels of Government policies and objectives relating to economy, environment, safety, social inclusion, accessibility and best value. The Council has committed to the delivery of our Local Transport Strategy and to supporting NESTRANS in the delivery of their Regional Transport Strategy. The Single Outcome Agreement for 2009-12 references the delivery of transport network improvements both directly and indirectly in 14 out of the 15 National Outcomes, thereby reflecting the importance of improving our transport network to all areas of our community.

Vibrant, Dynamic & Forward Looking also recognises the importance of public transport – ‘Work to improve public transport in and to our city’, as well as ensuring we maximise our assets effectively – ‘Adopt an effective asset management system’.

An Equalities & Human Rights Impact Assessment has been undertaken for the development of both the Local and Regional Transport Strategies. At this point it is considered that as Park and Ride Services would be enhanced by

complementary activity at the car park sites by virtue of encouraging greater awareness and patronage, that there would be no detriment to the travelling public. However, should Members agree to the development of a process to consider possible additional complementary activities at the car park sites, a further more specific EHRIA will be undertaken at that time.

## 7. BACKGROUND PAPERS

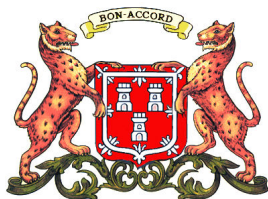
All background papers are referenced within the main body of the report.

## 8. REPORT AUTHOR DETAILS

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Tel. No. (52)3476



## **Appendix 1 – Application Form**



<b>OFFICE USE ONLY</b>	<b>Let ref :</b>	
Date applic received		
Date request e-m to SCT		
Date request returned from SCT		
Date conf e-m/posted		Date unsuccessful letter e-m/posted

## Park & Ride Car Park Hire - Application Form

Please complete the form and return it as soon as possible to:  
(subject to decision on process).

**Please note application on this form does not constitute a definite booking. If your event can be accommodated a booking confirmation will be sent to you by e-mail (or by post if no e-mail details provided).**

<b>Name of organisation/club:</b>	
<b>Name of Site Required:</b>	Kingswells Park and Ride Site

<b>BOOKING Day, Date &amp; Time requested:</b>	
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<b>Purpose/Type of Event:</b>			
<b>Facilities/Area Required:</b> Please note the entrance height restriction barrier which is set at 2.1 metres. Please advise if you require access for vehicles greater than this height.			
<b>Additional Requirements:</b> Please advise if you require access to the waiting area/toilet facilities. Note that there will be an additional charge for access to these facilities.			
<b>Participants</b>	No. of Adults (aged over 15):	No. of under 8's:	No. of 8-15 years:
<b>Will you be charging participants:</b>	<b>YES/NO</b> If yes - please give details as to whether this charge is just to cover costs or whether the event is a commercial venture.		
<b>Will Tuition/Instruction be given:</b> If yes, you <b>MUST</b> submit copies of coaching/teaching qualifications and insurance certificates at time of application.	<b>YES/NO</b> (delete as appropriate)		

<b>Contact Name No.1:</b>	<b>Contact Name No.2:</b>
<b>Address:</b>	<b>Address:</b>
<b>Postcode:</b>	<b>Postcode:</b>
<b>Contact tels:</b>	<b>Contact tels:</b>
<b>Email:</b>	<b>Email:</b>
Should my application be successful and event letting confirmed I agree on behalf of the group that we will abide by the conditions of hire and also make full payment of the event costs immediately on receipt of invoice. Signed..... Print name..... Date.....	

**OFFICE USE ONLY**

<b>Group Allocation</b>	
Standard	
Concession	
Commercial	
Free let	

<b>Council Use</b>	Yes	No
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<b>Insurance details checked</b>	<b>Staff Signature:</b>	
<b>Qualifications checked</b>	<b>Staff signature:</b>	

<b>Additional notes:</b>

## **Appendix 2 – Proposed Procedure**

### **Appendix 3 – Proposed Charging Policy**

In line with the current policy for educational lets, the priority of lets will be based on the following category of user:

- Internal
- External (linked to Council objectives)

The proposal is that the Standard charges are applied in line with the following categories of users:

**Standard Rate (It is proposed that the Standard Rate charge should be £60 per hour, this is in line with the rate for a full size all weather pitch, which is considered appropriate for the likely areas of the car park required)**

Adults – (i.e. groups comprised of adults aged over 15 years)

Commercial Service Provider, i.e. groups or individuals where a charge is made to cover cost, but where the service provided is deemed to be of significant community benefit and in line with the Council's objectives.

The rationale for this proposal is that the City Council could be seen to be supporting the provision of community benefit by allowing access to facilities, without necessarily directly subsidising a profit-making business.

#### **Concession Rate (50% discount on Standard Rate)**

Juniors (i.e. groups comprised of children and young people aged under 16 years)

Students (i.e. groups comprised of people in full-time education)

Senior Citizens (i.e. groups comprised of people aged over 60 years)

Disability groups (i.e. groups comprised of those who are registered disabled) –

Strategic partners (i.e. groups with whom the Council has a formal partnership, e.g. relevant National, Cultural, and Sporting bodies)

Establishment of new organisations which are contributing to the delivery of Council strategies.

#### **Free Lets**

Aberdeen City Council uses of the site.

The majority of the above rates assume that all the participants (though not necessarily the activity leaders, instructors or organisers) are comprised of the particular age group or category of user. However, recognising that organizations are not always homogeneous in their make up, it is proposed that, where more than 50% of the participants fall into one of the discounted/concessionary categories, then they would be eligible for the reduced rate.

**Use of the waiting area and toilet facilities would incur an additional charge of £50 which would be payable by all groups of users. This is based on the current cost of opening/closing and cleaning of the facilities.**

## **Appendix 4 – Kingswells Community Council Responses**

24<sup>th</sup> January 2011

Lord Provost Peter Stephen  
Aberdeen City Council  
Town House  
Broad Street  
Aberdeen  
AB10 1FY

Dear Lord Provost

**Complementary Uses of Existing and Future Park and Ride/Choose Sites  
EP1/11/024**

We have now read the above named paper and wish to note the following comments and the following additions to be inserted into ACC's "Application Form" and "Processing Procedure".

**History**

Our community has had previous experiences with events which have been totally unsuitable for a P&R site - including the Stonehaven Car Club which caused severe annoyance to the community by unacceptable noise levels on a Sunday afternoon and caused unsightly markings to the surface of the car park.

**Implications**

Although, ACC's idea of seeing the P&R as 'an asset' and, perhaps, a source of added revenue, many proposed events may cause ACC hidden costs. (For example, additional litter picking, staffing the opening and closing of the barriers at weekends, extra cleaning of toilet facilities and maintenance or repairing car park surfaces.)

We must be wary that any time the barriers are open; we are susceptible to unwanted vehicles entering the car park.

Our community would object to any event which caused noise, litter or the smell wafting from fast food vans which negatively affected our community.

A planning application is underway for a new development of housing at the "pony field". Any potential noise and air pollution would have a detrimental effect on residents due to the close proximity to the Park and Ride.

ACC should be aware that this is still a public car park, open to vehicles, when these events take place and there may be a risk to children unless very well supervised.

ACC should have the expectation that the Park and Ride site will get busier, in the future, to reduce the amount of cars on the roads. Changing its use could have a detrimental effect on the public perception of the car park. We are also still waiting the next stage of the Development Plan to see whether the proposed commercial development around this site is approved. If it is, the Park and Ride facility usage will, undoubtedly, increase.

### **Community Council Consultation**

Although KCC have been given past assurances by ACC that we will always be kept informed of any requests which come in for alternative usage of the P&R, we note this paper states...

*"The school lets process does not involve external consultation on individual applications and it is envisaged that the process developed in this report would also not require external consultation on individual applications".*

If this proposal does go ahead, KCC insist that in our role as statutory consultees, we must be given the opportunity to scrutinize each and every request for suitability. This must be included in the following...

- "Park & Ride Sites - Lettings application processing procedure". Consultation with relevant Community Councils must be added.
- On the ACC application form, a box for signing stating...

<b><i>"Relevant Community Council consulted and agrees to usage"</i></b>	<b><i>Staff signature</i></b>
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Because of the change of usage, any attempt by ACC to consider a "category 2 - permanent facility" within the car park, would see KCC requesting this to go through formal planning process. Kingswells village lost one million pounds of developer contribution for our community which went, instead, to the P and R facility. Therefore, we should have a continuing say in keeping the P&R as the facility and purpose it was built for - and not used to the detriment of our community.

Yours sincerely

Barrie Buchan (Mrs)  
Chair  
Kingswells Community Council



## **Email Response sent by Kingswells Community Council on 22<sup>nd</sup> February 2011**

Kingswells Community Council (KCC) would like to make the following comments for consideration.

### Section 3

KCC disagree that there will be no financial implications, The P&R does not currently employ any staff and personnel from other council departments will be required to open, clean up and close the venue when an event is held. It is debatable if the letting fee of £60 / hr will cover the costs let alone make a profit.

### Section 4 Other implications

KCC consider the letting of the P&R and schools to be totally different processes. Letting a room in a school is unlikely to affect the community and consequently requires no consultation with a body like KCC. Events at the P&R have already had an effect on the local community. One previous event caused damage to the surface of the carpark and cleanup costs outweighed the fees that would have been charged. KCC would be deeply concerned if events went un-vetted, or the procedure is left unchanged.

The P&R has been secured using height restriction barriers at great cost, to prevent issues and costs associated with Gypsy / Travellers. If illegal access is gained when barriers are raised for an event then the associated costs of eviction and clean up will greatly outweigh any letting fee.

### Application Form

Please add the following:

Is access required to the toilet / waiting area?

Will the event require access by vehicles in excess of 2.1m high (the height of the height restriction barrier)?

Will the event create noise or wear of the surface of the car park?

### Application Acceptance process

The process does not consider whether the height restriction barriers require to be manned or any potential nuisance to the local community or potential damage to the facility. If either is required KCC would suggest the event be rejected.

### Charging policy

This does not reflect the true costs of cleaning and operating a remote site. Everyone involved has travelling costs unlike those of a school let where all costs are absorbed in the normal running costs of the school. Additional costs of manning height restriction barriers is not accounted for in the charging policy.

The fee will not recoup the cost of opening, closing and cleaning toilets.

Thanks  
Ian Cox  
Secretary  
Kingswells Community Council