

# Individual Decision

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The attached report will be taken as Individual Portfolio Member Decision on:

**Wednesday, 20th November, 2019**

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<b>Ref:</b>	<b>Title</b>	<b>Portfolio Member(s)</b>	<b>Page No.</b>
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## Individual Executive Member Decision

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### Kennet Leisure Centre's Car Park Management Plan

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<b>Committee considering report:</b>	Individual Executive Member Decision
<b>Date ID to be signed:</b>	21 November 2019
<b>Portfolio Member:</b>	Councillor Rick Jones
<b>Date Portfolio Member agreed report:</b>	06 November 2019
<b>Forward Plan Ref:</b>	ID3853

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#### 1. Purpose of the Report

- 1.1 To inform the Executive Member for Public Health and Community Well Being of the responses received during the statutory consultation on the introduction of a car park management plan at the Kennet Leisure Centre.

#### 2. Recommendation(s)

- 2.1 That the Executive Member for Public Health and Community Well Being approves the proposals as set out in Section 9 of this report

#### 3. Implications

- 3.1 **Financial:** The remarking of the car park, purchase and installation of signage and ticket machines will be covered from existing budgets.
- 3.2 **Policy:** The consultation was in accordance with the Council's consultation procedure
- 3.3 **Personnel:** None arising from this report.
- 3.4 **Legal:** Sealing of the Traffic Regulation Order would be undertaken by Legal Services
- 3.5 **Risk Management:** Without the introduction of a Car Park Management plan any contractor managing the centre is at risk of losing members and this increases the risk of loss of income claims against West Berkshire Council.
- 3.6 **Property:** None arising from this report
- 3.7 **Other:** N/A

## 4. Consultation Responses

### Members:

**Leader of Council:** Councillor Lynne Doherty – at this point no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

**Overview & Scrutiny Management Commission Chairman:** Councillor Alan Law - at this point no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

**Ward Members:** Member for Thatcham Colthrop and Crookham – Councillor Steve Ardagh-Walter - at this point no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

**Opposition Spokesperson:** Councillor Erik Pattenden - at this point no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

**Local Stakeholders:** The issue of the car park and implementation of a management plan, following a request from Councillor Lee Dillon, was discussed and agreed by the Joint Advisory Committee on March 13<sup>th</sup> 2018.

2017 User survey showed only 69% of users were satisfied with Car park arrangements at the centre compared to approximately 92% at other similar facilities with the contract.

**Officers Consulted:** Martyn Baker

**Trade Union:** N/a

## 5. Other options considered

5.1 The introduction of pay and display parking at the site – this would have provided issues for the contractor in terms of refunding leisure centre users. The option was discussed by the Kennet Leisure centre Joint Advisory Committee on March 13<sup>th</sup> 2018 and the pay and display option was set aside in favour of two hours free parking.

## 6. Introduction/Background

6.1 Kennet Leisure Centre was established in 1982 as a sports hall and gym, at this stage 31 car parking spaces were associated with the centre – during school day time term dates 3 places were allocated to the centre and 28 to the school.

6.2 In 1996 the swimming pool was added to the centre and the car park expanded. 28 spaces were protected for the school during day time term hours and the remainder were for patrons of the leisure centre. At this point no car park order was sought to allow for the enforcement of the car park, including the marked disabled bays.

6.3 The school painted double yellow lines on the access road but these currently are not enforceable.

- 6.4 By 2011 it was becoming apparent that there was an increased amount of non-leisure centre patrons using the leisure centre car park which was beginning to impact on the level of attendances, especially day time attendances, at the leisure centre. This particularly impacted on activities targeted towards older people or supporting the Activity for Health Programme.
- 6.5 In 2011 the school applied for planning permission for extra 33 car parking spaces, and with the Council for an extra 15 spaces with the leisure centre. Permission was granted for these with conditions attached – in relation to the leisure centre a car park management Plan was required to ensure spaces allocated to the leisure centre were available for patrons use. The cost of the extra spaces for the leisure centre proved prohibitive and was not pursued. The school did not pursue the extra spaces they had permission for.
- 6.6 In 2014 West Berkshire Council consulted the members of the Joint Advisory Committee (JAC) – from Thatcham Town Council and Kennet School – no response was received from Thatcham Town Council Members, the Head of Kennet School made it clear that although he felt strongly that the extra traffic using the car park was not related to the school any move to enforce the car park would lead to the school erecting barriers to their car park areas – the centre or Council had no objection to this.
- 6.7 At a meeting of the Joint Advisory Committee on November 14th 2017 the issue of Car parking was raised. Councillor Lee Dillon requested that the proposed car park management Plan should be brought back to the next meeting of the JAC where members would be able help to help with the plan and the process.
- 6.8 The plan was discussed again at the meeting of March 13th 2018 – where it was approved by those present with the change that instead of pay and display with refunds for patrons, two hours free parking should be introduced. This period being suitable for the vast majority of patrons attending the leisure centre. The plan is attached as appendix C
- 6.9 Between 2014 and 2017 the car parking position and impact continued to be monitored –and the following was seen:
- (1) Kennet Leisure centre – although a popular centre has the highest level of attrition amongst members of all seven sites in the West Berkshire contract – including those at other school sites. The most commonly cited reason for leaving is the difficulty associated with parking.
  - (2) Kennet Leisure centre regularly receives complaints from patrons of all categories in relation to car parking – day time complaints primarily from older people who have been advised to undertake physical activity from the GP or Health professional and are thus unable to undertake the activity.
  - (3) Complaints received by West Berkshire Council have included older people having to carry teenage disabled youngsters from nearby roads to the centre because disabled parking was not available and disabled users having to abandon any thoughts of visiting the centre as parking is often not available.

- (4) Recently a PCSO patrolling Thatcham approached the centre management with concerns that cars parking on the access road were creating a risk to people on the site as there was not clear access available, also there were concerns about emergency vehicles and delivery vehicles being able to access the site.
- (5) In 2017 West Berkshire Council carried out its biennial Leisure Centre User Survey – the result and comparison re the percentage of respondents who were at least satisfied with Car Parking was as follows:

Across Contract	Kennet LC	Northcroft LC	Hungerford/Willink LC's (Combined)
87.2%	69.0%	92.5%	91.8%

Almost one third of patrons at Kennet Leisure centre were dissatisfied with parking at the site

6.10 The statutory consultation and advertisement of the agreed proposal for a car park management plan was undertaken between 26 June and 25 July 2019

## **7. Supporting Information**

7.1 At the end of the statutory consultation period 4 responses had been received, including comments from Thatcham Town Council. Analysis of the comments and objections, together with officer comment is as follows:

- (1) Pay-By-Phone only is discriminatory. Not every user of the centre will have the ability to access App technology for payment

### **Officer Comment**

The aim of the management plan, is to allow centre patrons the ability to access the leisure centre, especially those who are older or less mobile for whom walking to the centre may not be a solution.

The £1 fee (for the third hour) or £10 daily charge are most likely to be used by non-centre patrons – for 99.9% of users the two hours free parking is more than adequate for them to attend their session and return to their vehicle as the Kennet LC does not have a café facility or meeting rooms.

If it was to be an issue for centre patrons then a secondary system of tickets could be made available at the centre reception – people obtaining a ticket would have to demonstrate they were going to use the leisure centre.

- (2) How will the proposed charges impact Sporting Events at the centre? Will there be special arrangements for visiting clubs and/or officials etc?

### **Officers Response**

The current car park issues mean that no parking would be available for any visiting teams or officials therefore sports events cannot take place (The school utilise a playground area for their events/matches.

The proposal only applies during the periods where problems exist therefore will not be in place after 5:30pm therefore for example the badminton club will not be impacted upon by the plan.

- (3) It is understood that 28 places will be allocated to Kennet Academy during term time. How will the proposed charges impact teaching staff in excess of 28?

**Officers response**

The school, through the Joint Use Agreements have only ever had access to 28 spaces. In discussion with the previous head the view was expressed that it was only a handful of school staff who were parking over the 28 spaces and this was only because leisure centre patrons had parked in school spaces. Given the previous heads standing in the community this has to be believed therefore the plan should not have any impact on teaching staff.

It should also be noted that in 2011 the school applied for and obtained planning permission for an additional 33 car parking spaces on their own land. This was not pursued – reason not known.

- (4) Are the proposed changes to deter commuters parking for free and walking to the train station?

**Officers response**

There is no evidence to suggest that commuters are the cause of the problem, feedback from JAC representatives have indicated that the issue is associated with Kennet school and possibly Francis Bailey School– this being based on the fact that during school holiday periods the car park is predominantly free of parked cars outside of centre staff and users.

- (5) Deep concern that vehicles will be displaced into residential areas and the impact of this

**Officers response**

The potential impact, and possible solutions depend primarily on where the issue arises – if it is the schools growth then it needs to be remembered the school applied for and obtained planning permission for an additional 33 spaces within their own boundary.

As an Academy it is independent of the Council it is their responsibility to provide for their staff, the plan honours the 28 spaces as outlined in the Joint Use Agreement therefore the school is not disadvantaged from their entitlement.

If the issue is commuters, the Council does not provide free parking at any other site so the plan will be in line with other car parking arrangements.

- (6) What has been the response from Kennet Academy?

**Officer response**

The plan was initially discussed with the school in 2014 – the head outlined that the school would put up barriers to stop anyone not school related from parking in school areas (the leisure centre lies outside of the school area).

The school obtained planning permission for an extra 33 spaces on their property in 2011 – this was never pursued.

- (7) With West Berkshire Council (and Thatcham Town Council) having recently declared a Climate Emergency, will the funding generated from these proposed car parking charges be used in Thatcham to promote Green Transport, reduce vehicle use, improve cycle facilities, increased electric car charging points and infrastructure support?

**Officer response**

The management plan is not, and never has been about raising revenue through car parking charges. A similar scheme is operational at Northcroft Leisure Centre with a free period and then a daily charge if people wished to pay it (centre staff receive a permit). Northcroft's throughput is approximately twice that of Kennet LC and they have over 50% more members – the income raised in 2018/19 through the car park management plan was £1,355

- (8) The school should not be given 28 places in the car park and should be forced to have a sustainable transport policy similar to Vodafone

**Officer Response**

The site of the Kennet Leisure Centre belonged to Berkshire County Council and was provided for community use under a Joint Use Agreement. Within the Joint Use Agreement the school are allocated 28 spaces between the hours of 7:30am and 5:30pm Monday to Friday during term time. The Joint Use Agreement runs until 2044.

In comparing with Vodafone it should be remembered that Vodafone provide a bus service from Newbury Town Centre for its employees it is not known whether such a move for Kennet Academy would be a legal use of their funding or whether it would be affordable.

- (9) A senior teaching assistant objects as they have used the car park free and if they had to pay it would make it unaffordable for them to continue.

**Officer response**

The school have always had access to 28 car parking spaces at the leisure centre, the remainder are for the use of leisure centre patrons, and it is up to the school how they allocate their allocation. The previous head had always maintained that it was only a handful of school related personnel who parked over this and that was only because leisure centre customers parked in the school area.



The school did obtain planning permission for a further 33 spaces within their own boundaries in 2011. This was never pursued.

## 8. Options for Consideration

### 8.1 Option 1

The provision of pay and display parking for all, leisure centre customers would receive a refund of two hours parking. This option would have provided issues for the current management operator and when discussed with the members of the Joint Advisory Committee it was considered a potential barrier.

### 8.2 Option 2

To provide two hours free parking at the leisure centre no return within 4 hours. A ticket would be required to be obtained. This option was the preferred option by members of the Joint Advisory Committee.

## 9. Proposals

- (1) That the proposed Management plan as advertised and as outlined in Appendix C be implemented
- 9.2 That the respondents to the statutory consultation be informed accordingly

## 10. Conclusion

- 10.1 Car parking at the Kennet Leisure Centre has been an issue for a number of years with the problems gradually worsening. At a time when we are trying to encourage more elderly residents to participate in physical activity to enable them to maintain independent living they have increased issues with being able to access the centre during the day. The proposed plan is an attempt to address the issue. The impact will be monitored and reviewed in line with any re-procurement of the leisure contract to commence in 2022.

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### Background Papers:

Proposed Car Park Management Plan, Minute of discussion at JAC (Dated 13-3-2018).

Responses received during statutory consultation.

Yes: X      No:

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### Wards affected:

Thatcham Colthrop and Crookham

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### Strategic Priorities Supported:

The proposals contained in this report will help to achieve the following Council Strategy priority(ies):

- X **PC1: Ensure our vulnerable children and adults achieve better outcomes**
- X **PC2: Support everyone to reach their full potential**
- OFB1: Support businesses to start, develop and thrive in West Berkshire**

- 
- GP1: Develop local infrastructure to support and grow the local economy**
  - GP2: Maintain a green district**
  - SIT1: Ensure sustainable services through innovation and partnerships**

The proposals contained in this report will help to achieve the above Council Strategy priorities by enabling customers who research shows are most likely to access a leisure centre during the day, namely the elderly, disabled and other concessionary users. This will allow them to participate in organised Physical Activity and gain from the health benefits such participation will allow.

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**Officer details:**

Name: Jim Sweeting  
Job Title: Sport and Leisure Manager  
Tel No: 01635 519251  
E-mail Address: [jim.sweeting@westberks.gov.uk](mailto:jim.sweeting@westberks.gov.uk)

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## **11. Executive Summary**

- 11.1 The Kennet Leisure Centre has operated since 1982 (from 1996 in its current form), as part of the Joint Use Agreement the car park associated with the centre has a total of 74 spaces, 28 of which are designated for school use from 07:30 to 17:30 Monday to Friday term times. Other spaces and other times the car park is for Leisure Centre users.
- 11.2 At no time was any enforcement order sort for the leisure centre car park with the result that the car park is regularly fully occupied even at times when usage of the centre is minimal. This has led to loss of memberships for the centre and operator and a restriction on potential day time programmes aimed at older people and those who are eligible to access the Activity for Health programme (GP referrals).
- 11.3 The car park management plan is an attempt to improve access to the leisure centre – particularly for older residents, disabled residents and those eligible to access GP referral programmes who are most likely to use the centre during the day time.
- 11.4 At the end of the statutory consultation period a total of 4 responses had been received. Responses to the consultation, together with officer comments are detailed in section 7 of the report.

## **12. Conclusion**

- 12.1 The responses to the consultation have been carefully considered, however it is recommended that the proposed car park management plan for Kennet Leisure Centre be implemented.

## **13. Appendices**

- 13.1 Appendix A – Data Protection Impact Assessment
- 13.2 Appendix B – Equalities Impact Assessment
- 13.3 Appendix C – Proposed Car park management Plan for Kennet Leisure Centre.

## Appendix A

### Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

Directorate:	Economy and Environment
Service:	Public Protection and Culture
Team:	Sport and Leisure
Lead Officer:	Jim Sweeting
Title of Project/System:	Kennet Leisure Centre – Car Park Management Plan
Date of Assessment:	06-11-2019

**Do you need to do a Data Protection Impact Assessment (DPIA)?**

	Yes	No
<p><b>Will you be processing SENSITIVE or “special category” personal data?</b></p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	<b>X</b>
<p><b>Will you be processing data on a large scale?</b></p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<b>X</b>
<p><b>Will your project or system have a “social media” dimension?</b></p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<b>X</b>
<p><b>Will any decisions be automated?</b></p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<b>X</b>
<p><b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b></p>		<b>X</b>
<p><b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b></p>	<b>X</b>	
<p><b>Will you be using any novel, or technologically advanced systems or processes?</b></p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<b>X</b>

**If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.**

## Impact Assessment

### What is it you're planning to do?

Explain the problem, need, issue or deficiency your project will address, and what kind of data processing it will involve. You may wish to include project plans or flowcharts.

Consider:

- What do you want to achieve?
- What is the intended effect on individuals?
- What are the benefits of the processing for your service, and the organisation more broadly?

Following increased abuse of the Car park associated with the Kennet Leisure Centre by non-leisure Centre users during day time, the aim is to introduce a Car Park Management Plan. (outlined in full in Appendix C)

The proposed plan is as follows:

- Patrons will be able to access the car park for free (for a period of two hours) by obtaining a ticket on arrival.
- A third hour can be paid for on arrival (initially payment will be by phone but tickets will be considered if this proves to be an issue to users)
- With respect to The Kennet Academy, 28 allotted spaces exist – permits will be issued for these spaces (we are in discussion with West Berkshire Council's Parking Service as to whether this should be paper based or on line).
- Centre staff will be allocated permits (again discussions taking place with Parking whether this is paper based or on line).
- Disabled bays will be enforced as will the double yellow lines on the access road.

Enforcement will be carried out by the Council's Civil Enforcement Team.

The aim is to improve access to the centre, especially for those people who are most likely to use it during the day, who are disproportionately elderly, disabled, concessionary users and/or those accessing GP referral programmes.

By putting in place measures to try and improve access to physical activity, people identified as some of the more vulnerable residents of the district can enjoy the health benefits associated in participation in physical activity.

### Describe the nature of the processing.

Consider:

- How will you collect, use, store and delete data?
- What is the source of the data?
- Will you be sharing data with anyone?
- What types of processing identified as likely high risk are involved?

You might find it useful to refer to a flow diagram or another way of describing data flows.

The leisure centre, the contractor and their staff will not be engaged in the obtaining or

processing of data relating to the car park.

The processes followed will be aligned with those currently used by the Council's Parking team with all other car parking facilities across the district.

Any payments made by phone will require registration to the Council's service provider (currently Pay Point) and will follow the current systems and process agreed and operational for such transactions.

If an online permit system is operated then people will sign up for a permit as currently required for other car park sites.

Civil enforcement officers will need to be able to compare number plates on site with those registered for permits and to those who have made a payment by phone. This process will be the same as that operated at all other car park sites and will not involve any additional staff being able to access data.

**Describe the scope of the processing.**

Consider:

- What is the nature of the data, and does it include sensitive "special category" or criminal offence data?
- How much data will you be collecting and using? How often? How long will you keep it? Have you reviewed/arranged an entry in the corporate records retention schedule?
- How many individuals are affected?

Payment by phone will require data to be collected to allow such transactions to occur, e.g. card details, individual details to confirm payments and car registration details and will be matched to registration numbers provided.

Permits will be associated with car registration numbers.

Any fixed penalties will be made out and placed on vehicles at the time of the offence being identified.

The Civil Enforcement and legal teams will follow the protocols already used in the Council to obtain contact details should the fixed penalty notice be ignored.

The amount of data will depend on how many permits the school wishes to issue – although only 28 spaces are allocated at any given point in time. If all staff were to be registered data suggests about 150 staff would be registered.

Centre staff with permits will be approx. 20 to 25.

The vast majority of users will not require the extra hours parking therefore will obtain free parking through obtaining a ticket on site. It is envisaged that fewer than 50 people may register to pay by phone over the course of a year and some of these will already be registered for the service using other car parks within the district.

The data will be managed and kept by the Car parks team and their service providers and will follow the protocols which are in place with the provision of car parks across the district by the Council.

**Describe the context of the processing.**

Consider:

- How much control will people have over their data?
- Would they expect you to use their data in this way?
- Do they include children or other vulnerable groups?
- Are there prior concerns over this type of processing or security flaws?
- Is it novel in any way?
- What is the current state of technology in this area?
- Are there any current issues of public concern that you should factor in?
- Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

The data will only be used by the Civil Enforcement team, or service providers for Car parks, for the payment of any fees applicable to the car park and for civil enforcement officers to check if a car registration number has a payment or permit associated with it for that given time period.

The process is that which is used at all other car parking facilities and sites within the district therefore is something which residents will be used to engaging with.

Car Parks have been operating these systems for some time and as no differences are associated with the plan it is considered that it is a practical option.

The plan will become part of any approved code of conduct the Council already signs up to with the provision of car parks across the district.

**Do you intend to consult with affected stakeholders? If not why not?**

Consider/explain:

- When and how you will seek individuals' views – or justify why it's not appropriate to do so.
- Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

A user survey is carried out every two years and car parking at this site has been highlighted as a major factor preventing residents accessing activity offered, significantly more than other similar sites. The 2017 survey provided the following details:

Across Contract	Kennet LC	Northcroft LC	Hungerford/Willink LC's (Combined)
87.2%	69.0%	92.5%	91.8%

Details of results from 2017 survey can be found at

[https://citizen.westberks.gov.uk/media/45166/Sports-and-Leisure-User-Survey-Summary-Report-2017/pdf/2017\\_User\\_Survey\\_Report\\_v3.0.pdf?m=636531780381970000](https://citizen.westberks.gov.uk/media/45166/Sports-and-Leisure-User-Survey-Summary-Report-2017/pdf/2017_User_Survey_Report_v3.0.pdf?m=636531780381970000)

The scheme was discussed with partner organisations and signed off by the Joint Advisory Committee on march 13<sup>th</sup> 2018.

The plan utilizes systems and process which are firmly embedded with the Councils daily management of Car parks across the district.



**Describe compliance and proportionality measures.**

Consider:

- What is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome?
- How will you prevent function creep (using the data for more than the original purpose)?
- What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

To ensure that Car parking on the site is in line with the approved Management plan and appropriate fees are paid. The processing allows for enforcement to be carried out in line with other car parks within the district.

The use of the data will be managed by the Car parks/civil enforcement teams and their service suppliers. Data will not be available to the leisure centre, the leisure contractor or their staff.

**Risk Assessment**

Identify, list and classify risks.

#	Include associated compliance and corporate risks as necessary  <i>The Data Protection Principles are reproduced in Appendix A – you may wish to refer to these when identifying risks</i>	Likelihood of harm	Severity of harm	Overall risk
1	Risk assessment as per Car parks risk assessment for other sites.	<i>Remote, possible or probable</i>	<i>Minimal, significant or severe</i>	<i>Low, medium or high</i>
2				
3				
4				
5				
6				

<b>Risk Mitigation</b>		
Risk #	Options to reduce or eliminate risk (Possible or Probable Risks only)	Effect on risk
1	Mitigations as per other Car park sites across the district.	<i>Eliminated, reduced or accepted</i>

## Approvals

This assessment must be approved before the project proceeds to implementation stage.

	Signed	Date
Data Protection Officer	James Gore	11-11-2019
DPO advice/actions:	<p>From consideration of this proposal, the processing involved is neither new or different to that which is already in place across other car parks controlled by the council. This proposal takes the form of an extension of the scope of existing practices which have already been in place for some time.</p> <p>As such, I don't believe that this represents a particular risk to the rights and or freedoms of data subjects.</p> <p>In terms of a legal basis for processing, this is covered under the statutory duties and powers with respect to enforcement conferred to the council under Part 6 of the Traffic Management Act 2004. This therefore meets the conditions set out in article 6(b) of the GDPR and Part 8 of the DPA 2018.</p> <p>There is no suggestion that additional "special category" data as defined by Article 9 of the GDPR will be processed as a result of this proposal. Clearly "blue badge" holders are already covered by separate conditions relating to the awarding and registration which includes privacy notices for the relevant processing.</p> <p>What will be required will be equivalent (clear) signage of the type that is already in situ in other council-controlled car parks. These already include information pertinent to data protection. This will cover the requirement to be transparent and accountable in processing personal data.</p> <p>Risks – and possible mitigation – are not particularly salient in this case as there are no additional considerations beyond those which already exist in other car parks. As the process will be managed by the Parking Service, these will already be considered as part of their normal operation.</p>	
Head of Service  <i>Signature by Head of Service indicates acceptance of DPO advice unless expressly overruled with reasons</i>	Paul Anstey	12-11-2019
This DPIA and completion of actions arising from it will be the responsibility of (insert name of responsible officer in service)	Jim Sweeting	

Once approved, this document should be sent to [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

## Appendix A

### The Data Protection Principles (from the General Data Protection Regulations)

1. Personal data shall be:
  1. processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');
  2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with [Article 89\(1\)](#), not be considered to be incompatible with the initial purposes ('purpose limitation');
  3. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
  4. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
  5. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with [Article 89\(1\)](#) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation');
  6. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

## Appendix B

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of 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, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	To agree the implementation of a car park management plan for Kennet Leisure Centre
<b>Summary of relevant legislation:</b>	n/a
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Jim Sweeting
<b>Date of assessment:</b>	26-10-2019

Is this a:		Is this:	
Policy	No	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	No
Function	Yes	Is changing	No
Service	No		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To put in place a Car Park Management Plan for the Kennet Leisure Centre.
<b>Objectives:</b>	To improve access to the leisure centre for users and potential users.
<b>Outcomes:</b>	Improved access for customers to the leisure centre.
<b>Benefits:</b>	That potential users of the leisure centre can access programmes especially during day time hours when users are most likely to be older residents, disabled residents and those who are eligible to access GP referral programmes.

<b>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b>		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	Better access to the centre	Feedback from users,

	for older residents who will be able to access targeted programmes and help them with independent living.	especially older users in relation to their ability to access the centre during day time opening hours.
Disability	Disabled places will have enforcement which will allow these places to be available to blue badge holders.	Feedback from people with a disability who have complained to the centre about their inability to access disabled bays.
Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
<b>Further Comments relating to the item:</b>		
Currently older people, people with a disability and those eligible to access GP referral programmes are affected negatively due to current car parking position – the plan will improve access to these groups and help towards them gaining health benefits from participation in physical activity.		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<b>Please provide an explanation for your answer: The car park management plan is aimed at improving access to older residents, disabled residents and those eligible to access GP referral programmes.</b>	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
<b>Please provide an explanation for your answer: The car park management plan is aimed at improving access to older residents, disabled residents and those eligible to access GP referral programmes.</b>	
<b>The 28 spaces which the school have access to are protected in the plan.</b>	

**If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.**

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: J Sweeting

Date: 26-10-2019.

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Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.



Kennet Leisure Centre

Proposed Car Park Management Plan

**Background**

Kennet Leisure Centre currently has 80 parking spaces of which 5 have been marked specifically for disabled use (although no formal car parking order is in place at the site). The allocation of these has developed as follows:

Kennet Sports Centre was established in 1982 through a partnership between the then Berkshire County Council, Newbury District Council and Thatcham Town Council. The facilities at that stage were a sports hall and changing accommodation.

In 1987 additional facilities were developed – namely two squash courts, a foyer, multi gym, physiotherapy room, solarium, stores and car parking. In addition the flood lit courts on site were included in the definition of the Sports Centre.

An Agreement dated October 24<sup>th</sup> 1994 between The County Council of the Royal County of Berkshire, Newbury District Council and Thatcham Town Council included reference to car parking arrangements which stated users of the Sports Centre would have priority, save that during term time from the hours of 7:00am to 5:30pm the car parking would be restricted to 3 spaces immediately adjoining the reception entrance.

This was updated by a further agreement on October 25<sup>th</sup> 1994 between The County Council of the Royal County of Berkshire, Newbury District Council and Thatcham Town Council with the specific mention that the school would have exclusive use of 28 of the thirty one car parking spaces available at all times during school hours (Mon to Fri 7:00am to 5:30pm during term time).

At this point in time community access to the centre was only outside of the school term hours.

In 1995 the final part of Kennet Sports Centre development was completed with the construction of the swimming pool and dance studio plus extra car parking spaces. The Agreement between (The County Council of the Royal County of Berkshire, Newbury District Council and Thatcham Town Council ) stated that car parking areas constructed as part of the new facilities shall be for the use of the sports centre and the new facilities. The district council shall have priority for parking in those areas subject to the right of the School to use the parking places reserved for it under the second agreement (dated October 25<sup>th</sup> 1994).

With the opening of the new swimming pool the name of the centre changed to Kennet Leisure Centre. The new facilities and the additional car parking spaces meant that for the first time the leisure centre was open to the community during school term time hours.

A Customer satisfaction survey held in 2014 showed an almost doubling in the proportion of people who found the quality of car parking to be Very Poor from 11.4% to 20.9% of respondents compared to the previous survey in 2011. This plus the regular number of

complaints about Car Parking triggered a review of car parking arrangements. The most recent survey found that 18.3% of respondents found car parking on site very poor.

In 2011 the school applied for planning permission for three additional car parking areas – one of which was attached to the leisure centre. Permission was granted with a condition for the leisure centre segment that a car park management plan was put in place to ensure priority use was given to centre users. The planned works never materialised as budget was not available to cover the costs (the leisure centre segment alone was over £60,000). The planning permission has now expired.

## **Proposal**

Following a review of customer surveys and ongoing complaints parking issues have been highlighted therefore a proposal to improve the management of car parking at the Leisure Centre has been developed as follows:

1. As part of the Academy agreement signed in 2011 the leisure centre falls outside of the land which forms the Kennet Academy. However it was agreed to honour the arrangements as set out in previous agreements in terms of access to the site.

Therefore in accordance with the Agreement dated October 25<sup>th</sup> 1994 Kennet Academy will be provided with 28 parking spaces which will be clearly marked out towards the rear of the site. These places will be for permit use only between the hours of 7:00am and 5:30pm during publicised Kennet Academy term time periods.

Kennet Academy will be supplied with sufficient, clearly identifiable, permits for this and anyone who is caught parking in the area without the correct permit during the defined hours – whether Academy linked, a centre user or other will be liable to a fixed penalty fine.

2. As part of the parking order which will be drawn up the five current disabled places will be made enforceable and anyone who is caught parking in these spaces without a blue badge will be liable to a fixed penalty fine.
3. The remainder of the car park, as per the 1994 agreement, will be for leisure centre customers and the process will either be:

Up to two hours free car parking, no return permitted for a period of up to 4 hours. Customers will be required to obtain and display a car parking ticket for the parking period

And

Leisure centre staff will be provided with a permit (visibly different to those for the Academy) which will allow parking on site during their shift.

A parking metre(s) will be located within the leisure centre customer identified parking area towards the entrance to the centre. Vehicles not displaying a valid car parking ticket or a leisure centre staff permit will be liable to a fixed penalty fine.

4. The double yellow lines on the access road were initially provided by the school but no parking order was ever made to make them enforceable. The proposal is to

include the access road in the parking order for the site to make the double yellow lines enforceable. The purpose of this is to provide unhindered access to the site for both school and leisure centre traffic – including emergency vehicles should these be required to attend.

Kennet Academy will retain right of access across the site to be able to access the Academy grounds.

The proposed management plan does not address the two pinch points during the school day, namely morning drop off of pupils and afternoon collection of pupils where parents will often park down the centre of the current car park whilst waiting for their child(ren). Although inconvenient these tend to be short lived and measures to disperse this away from the site would increase the traffic on the surrounding roads where further parking restrictions are already in place.

When a car parking management plan was first discussed in 2014 Kennet Academy indicated that any measures to restrict current car parking practise will result in barriers being put up to school areas and these would no longer be available to leisure centre customers outside of school term hours.

Parking Enforcement Officers, who currently enforce the on street car parking restrictions in the area, will add the Kennet Leisure Centre Car Park to their patrols. They will not be required to go onto school property unless to report anything to the school reception.

The aim is also to return the marked area directly in front of the leisure centre offices to a drop off/pick up zone, with the aim of trying to improve the flow of the traffic onto the site with particular reference to the drop off and collection times.

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