

**WYRE FOREST DISTRICT COUNCIL**

**COUNCIL MEETING**  
**WEDNESDAY 18<sup>TH</sup> JULY 2007**

**Off-Street Car Parking Consolidation Order**

<b>AN OPEN ITEM</b>	
<b>COMMUNITY STRATEGY THEME:</b>	A Better Environment
<b>CORPORATE PLAN THEME:</b>	Enabling Community Wellbeing
<b>CORPORATE PLAN KEY PRIORITY:</b>	Decriminalisation of On-Street Parking
<b>CABINET MEMBER:</b>	Councillor Marcus Hart
<b>HEAD OF SERVICE:</b>	Head of Cultural, Leisure & Commercial Services
<b>CONTACT OFFICER:</b>	Andrew Dickens – 01562 732900
<b>APPENDICES:</b>	None

**1.0 PURPOSE OF REPORT**

- 1.1 To consider consolidation of the existing Car Park Places Order for off-street parking within the Special Parking Area to be created as a result of the introduction of decriminalised parking enforcement.

**2.0 RECOMMENDATIONS**

**The Council is asked to DECIDE:**

- 2.1 **The current Car Park Places Order for the management of the Council's off-street car parks be consolidated as a result of the Special Parking Area created for the decriminalisation of parking.**
- 2.2 **The Head of Cultural, Leisure and Commercial Services and the Head of Legal and Democratic Services be authorised to advertise and complete the Car Park Places Consolidation Order to take effect from 17<sup>th</sup> September 2007.**
- 2.3 **The Head of Cultural, Leisure and Commercial Services, in consultation with the Head of Legal and Democratic Services and the Cabinet Member for Property and Operational Services be authorised to consider and deal with any matters arising as part of the preparation and consultation regarding the proposed Consolidation Order.**
- 2.4 **The Schedule to the Order reflects the Council's decisions that have resulted in changes to the boundaries or locations of car parks and the Council's agreed car park charging policy.**
- 2.5 **The Head of Cultural, Leisure and Commercial Services be given delegated authority to implement and manage the parking places in accordance with the Consolidation Order and Special Parking Area Order within the boundaries of Wyre Forest and in doing so, to appoint and to authorise employees to issue parking charge notices for contravention of the orders, in accordance with Council policy.**

**3.0 BACKGROUND**

- 3.1 The Council resolved at its meeting on 28<sup>th</sup> February 2007, to undertake the decriminalisation of parking within the boundaries of Wyre Forest. Agreements have been entered into with Worcestershire County Council as Highways Authority and Wychavon District Council as Service Administrators, to implement this resolution with effect from 17<sup>th</sup> September 2007.
- 3.2 Application has been made to the Secretary of State for a Special Parking Area and Permitted Parking Area Order which will authorise the decriminalisation of parking enforcement (DPE) within Wyre Forest from that date.
- 3.3 As part of the process it is intended to harmonise the management of the on and off-street parking facilities by the Council exercising its powers under Section 32, 35 (1) and (3) and Section 35A(3) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the 1984 Act”) and under the Road Traffic Act 1991 as amended. The Consolidation Order will ensure the effective enforcement of offences for both on and off-street parking.
- 3.4 The Council has already adopted parking charge notice levels of £60.00 per parking offence, discounted to £30.00 for payment received within 14 days and incremented to £90.00 for payment after the issue of a charge certificate and these levels of charges will be reflected in both Orders.
- 3.5 The Consolidation Order will cover all of the existing car parks managed and/or owned by the Council and will reflect previous Council decisions to dispose, acquire or vary the boundaries of car parks and will implement the schedule of charges approved by the Council on 28<sup>th</sup> February 2007.

**4.0 FINANCIAL IMPLICATIONS**

- 4.1 The financial implications of this Policy was set out in a report to Cabinet on 21<sup>st</sup> December 2006 and was adopted by the Council at their meeting on 28<sup>th</sup> February 2007 and is covered in the approved budget.

**5.0 LEGAL AND POLICY IMPLICATIONS**

- 5.1 The Council has powers under Sections 32, 35(1) and (3) and Section 35A(3) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the 1984 Act”) and under the Road Traffic Act 1991 as amended (whether generally or in relation to the area of the Council) (“the 1991 Act”) and of all other enabling powers, with the consent of the Worcestershire County Council in accordance with Section 39(3) of the 1984 Act and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act to make a Consolidation Order to harmonise off-street parking and on-street parking offences within the District.
- 5.2 This will require the current Wyre Forest District Council (Off-Street Parking Places) (1) Order 2003 to be revoked from midnight on 16<sup>th</sup> September 2007.

**6.0 RISK MANAGEMENT**

- 6.1 There are no significant risk management issues relating to the proposals in this report however, if the Consolidation Order is not implemented and parking offences harmonised between on and off-street parking there is a possibility of confusion and incorrect charge notices being issues.

**CONSULTEES**

Worcestershire County Council  
West Mercia Police  
Wychavon District Council  
Cabinet Member for Property and Operational Services

**BACKGROUND PAPERS**

Cabinet Report – 28<sup>th</sup> July 2005  
Cabinet Report – 22<sup>nd</sup> December 2005  
Cabinet Report – 28<sup>th</sup> September 2006  
Cabinet Report – 21<sup>st</sup> December 2006  
Council Resolution – 28<sup>th</sup> February 2007  
Special Parking Area Order Application – May 2007