

WYRE FOREST DISTRICT COUNCIL

COUNCIL
WEDNESDAY 20TH MAY 2009

**The Wyre Forest District Council (Off-Street Parking Places)
(Consolidation) Order 2009**

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	Economic Success Shared by All
CORPORATE PLAN AIM:	A Vibrant Local Economy
CABINET MEMBER:	Cllr Tracey Onslow
DIRECTOR:	Mike Parker, Director of Planning & Regulatory Services
CONTACT OFFICER:	Mike Parker, Ext. 2500
APPENDICES:	Appendix 1: The Wyre Forest District Council (Off-Street Parking Places) (Consolidation) Order 2009 <i>The appendix has been circulated electronically and a public inspection copy is available on request (see front cover for details)</i>

1. PURPOSE OF REPORT

- 1.1 To agree to the amendment of the Wyre Forest (Off-Street Parking Places) (Consolidation) Order 2007 (Variation No. 3) Order 2008 by the adoption of the Wyre Forest District Council (Off-Street Parking Places) (Consolidation) Order 2009, following the necessary consultation, with a view to implementation with effect from 1st October 2009.

2. RECOMMENDED THAT:

- 2.1 **The draft Wyre Forest District Council (Off-Street Parking Places) (Consolidation) Order 2009 is approved and agreed.**
- 2.2 **The Director of Planning & Regulatory Services in consultation with the Director of Legal and Corporate Services publicise the proposed draft Order and that delegated authority be given to Cabinet to consider any objections/responses from the consultation and agree the adoption of the Order.**

3. BACKGROUND

- 3.1 The current Wyre Forest (Off-Street Parking Places) (Consolidation) Order 2007 (Variation No. 3) Order 2008 came into effect on 30th November 2008.
- 3.2 This Order establishes the designation and use of parking places, the charges and exemptions from charges, the contraventions and penalty charges and other miscellaneous provisions which govern the manner by which the Council operates its public car parks.

- 3.3 The introduction of decriminalisation in Wyre Forest and the change to Civil Parking Enforcement means that enforcement is no longer through the Courts. The collection and enforcement of penalty charge notice fines is carried out by Wychavon District Council on behalf of Wyre Forest and appeals are dealt with by the Traffic Penalty Tribunal who pay particular regard to the Off Street Car Parking Orders as the authority to support the issue and enforcement of penalty charge notices. It is important, therefore that these Orders are kept up to date and remain consistent with the issue of tickets by the Civil Enforcement Officers.
- 3.4 There are a number of amendments required to the Order which now warrant a consolidation of the previous Order and variations to it.

4. SUMMARY OF CHANGES

- 4.1 The full 2009 Order document is included at Appendix 1 to this report and, in brief, the amendments are as follows:
- Inclusion of short stay spaces at Horsefair
 - Power to suspend parking places to match Scheme of Delegation which includes grant of licences if required.
 - Senior Citizen Season Tickets to be aligned with other season tickets for length of stay and no return periods.
 - Payment of penalty charge period to be re-worded to mirror legislation
 - Schedule to be amended as necessary to coincide with stay periods operating at present time within car parks.
- 4.2 In accordance with the provisions of the Road Traffic Regulation Act 1984 and as some of these changes are substantive, a public notice period of six weeks will be required to allow for objections. In order to effect the Order from 1st October, it is requested that power to consider any responses and to adopt the Order be delegated to Cabinet.

5. LEGAL AND POLICY IMPLICATIONS

- 5.1 The Council exercises its powers under the Road Traffic Regulation Act 1984 and Part VI of the Traffic Management Act 2004 in agreeing and administering the Order.

6. RISK MANAGEMENT

- 6.1 There is a significant risk if the Order does not accord with the operation of the car parks as the issue of penalty charge notices will be open to challenge.

7. BACKGROUND PAPERS

- 7.1 Cabinet Report dated 21st February 2008
- 7.2 The Wyre Forest (Off-Street Parking Places) (Consolidation) Order 2007 (Variation No. 3) Order 2008.