

WYRE FOREST DISTRICT COUNCIL

CABINET
27th OCTOBER 2009

Car Park Management Agreement – Horsefair Triangle, Kidderminster

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	Economic Success Shared by All
CORPORATE PLAN AIM:	A Vibrant Local Economy
CABINET MEMBER:	Councillor Tracey Onslow
DIRECTOR:	Director of Planning and Regulatory Services
CONTACT OFFICER:	Mike Parker, Director of Planning and Regulatory Services Ext. 2500 Mike.parker@wyreforestdc.gov.uk
APPENDICES:	None

1. PURPOSE OF REPORT

To agree to enter into a Car Park Management Agreement with Community Housing Group to enable the Council to enforce the limited stay car parking spaces created within the Horsefair Triangle.

2. RECOMMENDATION

The Cabinet is asked to DECIDE:

- 2.1 To give delegated authority to the Director of Legal and Corporate Services in consultation with the Director of Planning and Regulatory Services to enter into a Car Park Management Agreement with the Community Housing Group to enable the Council to enforce the provisions of the Wyre Forest District Council (Off Street Parking Places) (Consolidation) Order 2009 in respect of the car parking within the area known as the Horsefair Triangle.**

3. BACKGROUND

- 3.1 The landscaping of the Horsefair Triangle forms part of the implementation of the planning permission which saw the development of the new affordable units at the corner of Horsefair and Broad Street which have been built by Wyre Forest Community Housing Group. As part of the landscape proposals, it has been agreed that five parking spaces are to be reinstated off Horsefair to act as short stay spaces to serve the local businesses.**

- 3.2 The Wyre Forest District Council (Off Street Parking Places) (Consolidation) Order 2009 was approved by Cabinet on 22nd September 2009 and contains within it the provision for the Horsefair Triangle car parking spaces to be free for a period not exceeding 20 minutes with no return within 2 hours.
- 3.3 The land comprising the Horsefair Triangle, including the five parking spaces is within the ownership of the Wyre Forest Community Housing Group and that would, therefore, prevent the Council from enforcing the use of the spaces without there being an agreement in place with the Community Housing Group for the Council to fulfil this role.

4. PROPOSAL

- 4.1 It is therefore proposed that the Council enter a Management Agreement with the Community Housing Group to enable the Council to monitor and enforce the use of the spaces in accordance with the Off Street Parking Places Order. This arrangement would be similar to the one in existence that enables the Council to manage the Weavers' Wharf car park. The Agreement would be for an initial term of two years with the possibility of renewing for a further ten years. The Agreement would be kept under review and the right for the Council to terminate early would be built in the event that either the Council ceases to carry out civil enforcement functions or that the land is required for development purposes.
- 4.2 It has been agreed with the Community Housing Group that neither party would seek financial gain from each other under such an agreement, i.e. the Council would not seek to be reimbursed by the Company for its management, nor would the Community Housing Group seek to retain income received from the issue of Penalty Contravention Notices.

5. LEGAL AND POLICY IMPLICATIONS

- 5.1 The arrangement would be fully documented in a legal agreement.

6. FINANCIAL IMPLICATIONS

- 6.1 The Council would absorb the cost of monitoring and enforcing the car parking spaces as part of its routine civil enforcement operations and would retain any income received from the issue of Penalty Contravention Notices in line with the car parks owned by the Council.

7. RISK MANAGEMENT

- 7.1 Without the preparation of a Management Agreement, it would not be possible for the Council to enforce the provisions of the Off Street Parking Places Order, unless the land is transferred into the Council's ownership. However, both the Council and Community Housing Group consider the Management Agreement the most appropriate and effective means to ensure that these car parking places can be monitored to ensure that they serve their purpose within the Horsefair local community.

8. CONCLUSION

- 8.1 It is therefore proposed that, in order to allow the management of the car parking spaces by the Council, a Management Agreement be entered into with Community Housing Group to achieve this.

9. BACKGROUND PAPERS

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