



Community & Regeneration Scrutiny Committee

Briefing Paper

Agenda Item No. 7
Appendix 1

Report of: Mike Parker, Director of Planning &
Regulatory Services Directorate
Date: 7th January 2010
Open

Bewdley Residents' Season Tickets for use on Wyre Forest District Council Car Parks

1. Summary

1.1 To advise Members of the matters surrounding the issue of car park season tickets to residents of Bewdley and the limitations in the use of the tickets set out in the Wyre Forest District Council (Off Street Parking Places) (Consolidation) Order 2009 ("The Order").

2. Background

2.1 Council agreed The Order at its meeting on May 2009, although this was only the latest version, such Orders having been in existence since at least 1975.

2.2 The 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.

2.3 Car park charges are set as part of the budget process by Council in February and come into effect on 1st October thereafter.

2.4 The Order also enables the Council to offer for sale season tickets in the form of Full Season tickets, Restricted Season tickets, Senior Citizens' Season tickets and Residents' Season tickets. The latter are for use by Bewdley Town Centre residents only and are valid on Dog Lane and Gardners Meadow in Bewdley.

3. Key Issues

3.1 In allowing customers to use the Council's car parks, the Council effectively grants a licence to the owner of the vehicle to park their car in any of the parking spaces. In granting such a licence, the Council only allows vehicles to park for a maximum period of 23 hours in any 24 hour

period. The reason for this is that, otherwise, if vehicles were allowed to park in the same space for longer periods, the vehicle owner may be able to claim exclusive occupation of the same space and thereby create a leasehold interest. If such an interest is inadvertently created, the Council would then have to take action to recover possession of the space which could be time consuming and costly.

- 3.2 This provision is set out in Paragraph 8 of The Order with specific details of length of stay contained within The Schedule (Part 1) of The Order.
- 3.3 In the 2008/09 financial year, the Council sold 61 six month Residents' Season tickets and 84 twelve month ones. So far this financial year, the Council has sold 30 six month tickets and 40 twelve month tickets. Obviously, an increasing number of Residents' Season Tickets puts pressure on the number of spaces available for visitors and non-resident pass holders.
- 3.4 Some concern has been expressed about the expectations of Residents' Season ticket holders and compatibility with the provision that parking is limited to 23 hours in any 24 on the car parks for which the tickets are applicable.

Although it is understood that the introduction of the Residents' Season tickets for residents of Bewdley was in recognition of the difficulties for some homeowners in accessing on street parking facilities, exacerbated by the introduction of the flood relief works to Severnside North and South, it appears that residents may be misinterpreting the use of the tickets as compensation for parking deficiencies at their properties. Copies of the Traffic Regulation Orders are attached as appendices for information.

- 3.5 In the autumn of 2009 this matter was exposed by the Council's Civil Enforcement Officers who began ticketing offences for vehicles overstaying the 23 hour period. Much criticism was levelled at the time that the Council had chosen to deliberately target Residents' Season Ticket holders for this offence which had, hitherto, not been pursued.

However, it must be remembered first that the Council has only been enforcing under its Civil Enforcement team for the last couple of years, so offences prior to that probably went unnoticed. Secondly, the offences only came to light after changes to the way the Civil Enforcement Team operated which gave continuity to officers on consecutive days in the same car parks and thus enabled them to observe the offences.

- 3.6 Although the provision has always been in The Order covering the maximum period of stay, residents felt that there was insufficient clarity on the season ticket itself or in the Agreement form that they signed when the ticket was issued, for them to have been properly aware of the limitations on maximum stay.

- 3.7 This point was accepted by the Council's administration and hence the call for this scrutiny exercise. In the meantime, all Penalty Contravention Notices (PCN's) issued for the 23 hour overstay have been rescinded and any fines paid have been refunded.
- 3.8 A review of the Season Ticket Agreement Form and of the wording on the tickets themselves is already underway and, since 1st October 2009 as new charges have come into effect and new signs erected at the Council's car parks, the maximum period of stay has been made clear on the signs.

4. Options

- 4.1 There are two principal matters that Committee need to address in scrutinising this matter:
- i. The function of the maximum period of stay
 - ii. The function of Residents' Season Tickets
- 4.2 There is a maximum period of stay applicable to all of the Council's car parks. Short and Medium stay car parks are limited to 1 or 3 hours respectively with no return within 2 hours, but all others are limited to no more than 23 hours in any 24 hour period. The reasons for having a maximum stay period are set out in paragraph 3.1 above. It is suggested that Members retain the maximum stay periods or suggest an appropriate alternative which achieves the same ends (it should be noted that any proposed changes would require Council approval to The Order itself before they could become effective).
- 4.3 In considering the function of the Residents' Season Tickets, Members may wish to consider the following:
- When issuing the season tickets, the Hub use guidance issued in 2001 which includes the following streets:
 - Load Street
 - High Street
 - Lower Park
 - Lax Lane
 - Welch Gate
 - Dowles Road leading to Dog Lane
 - Severnside North
 - Severnside South(Details attached at Appendix 2).
 - At present there are 186 chargeable spaces on Dog Lane car park and 111 chargeable spaces on Gardners Meadow car park which are in high demand by shoppers and visitors, yet a considerable number of the spaces

could be occupied by vehicles with Residents' Season Tickets.

- A Residents' Season Ticket is currently £125 per annum or £65 for 6 months; the average income per space for a space in Dog Lane is £578 and for Gardners Meadow is £344.
- The maximum stay restriction of no more than 23 hours in a 24 hour period applies to both Dog Lane and Gardners Meadow car parks and is applicable to all season ticket holders, including Residents' Season Tickets.

4.4 There are a number of options open to Members in considering Bewdley Residents' Season tickets, which are not necessarily mutually exclusive:

- i. Do nothing – the issue of Residents' Season tickets remains as it is now (they would still be subject to enforcement against the 23 hour overstay).
- ii. Withdraw the Residents' Season Tickets altogether – although this would reduce the revenue for the Council, it would be compensated for, to some degree, by increased spaces for pay & display customers.
- iii. Retain the issue of Residents' Season Tickets but further limit their availability – a further restriction on the number of streets for which they are available and/or limiting the issue to only one ticket per household.
- iv. Increase the charge made – increasing the cost of a Residents' Season ticket to better reflect the lost revenue to the Council than if the space were available to a pay & display customer.
- v. Introduce holiday passes – one of the concerns expressed by a number of existing Residents' Season Ticket holder in the light of the maximum stay limitations has been around holidays and whether vehicles could be left. By introducing a chargeable holiday pass for Residents' Season Ticket Holders, this problem could be overcome.

5. Consultation

5.1 N/A.

6. Related Decisions

6.1 Council 25th February 2009 – agreed new charges and changes to 2009 Order.

6.2 Cabinet 22nd September 2009 – confirmed new Order

7. Relevant Council Policies/Strategies

N/A

8. Implications

8.1 Resources: Withdrawal of Residents' Season Tickets would reduce the revenue income to the Council for their sale but this could be compensated for in more turnover of the Council's pay & display car park spaces which would increase revenue

8.2 Equalities: N/A

8.3 Partnership working: N/A

8.4 Human Rights: N/A

8.5 E-Government: N/A

8.6 Best Value: N/A

9. Equality Impact Needs Assessment

9.1 Screening Assessment conclusion that impact would be neither positive nor negative as access to the car parks would still be available on a pay and display basis.

10. Wards affected

10.1 Bewdley & Arley

11. Appendices

11.1 Appendix 1.1 – Traffic Regulation Orders applicable to Bewdley

Appendix 1.2 – Hub Guidance for the issue of Bewdley Residents' Season tickets

12. Background Papers

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

Officer Contact Details:

Mike Parker
Director of Planning & Regulatory Services Directorate
01562 732500
mike.parker@wyreforestdc.gov.uk