



Community & Regeneration Scrutiny Committee

Briefing Paper

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Open

Parking Review Panel

1. Summary

- 1.1 This report outlines the findings of the Parking Review Panel, and asks the Committee to consider making recommendations to Cabinet.

2. Background

- 2.1 At the 7th January 2010 meeting of the Community and Regeneration Scrutiny Committee, Members agreed to establish a Scrutiny Review Panel to investigate issues raised by residents of Bewdley in relation to Penalty Charge Notices (PCNs) which had been issued to vehicles which were parked for longer than 23 hours in one day.
- 2.2 Members were advised that these PCNs had been issued in accordance with the 23 Hour Maximum Stay Rule, as per the Council's Off Street Parking Places Consolidation Order 2009 (The Order). This rule applied across the whole of the Council's car parks, but was specifically problematic in Bewdley.
- 2.3 From the outset Members felt that it was important to consult with the stakeholders who were most affected by this situation. Accordingly, Bewdley Town Council were contacted to request the collation of public contributions of evidence, which were then put before the Review Panel for Members' consideration. In addition to this, the Town Council assisted in the formation of a Bewdley Residents' Parking Consultative Panel consisting of five concerned residents and owners of businesses, who were invited to an evening meeting of the Review Panel which was held on the 31st March 2010.

3. Key Issues

3.1 23 Hour Rule and Residents' Parking Passes

In considering the situation, Members divided the issue into two parts:

- I. The 23 Hour Maximum Stay Rule.
- II. The Provision of Residents Parking Passes.

3.11 The 23 Hour Rule

- 3.12 Members heard how multiple PCNs had been issued in accordance with The Order. Specifically, the PCNs were in accordance with the 23 Hour Maximum Stay Rule for Off Street Car Parks, which was said to have been in place since the mid 1970's.
- 3.13 Further questioning revealed that this rule had not been regularly enforced until late 2009. This was said to be due to a change in shift patterns of Civil Enforcement Officers, as where these Officers would previously have been rotated across different car parks each day in accordance with established practice, a reduction in staffing levels had meant that the same Officers had begun to patrol the same Car Parks on consecutive days. Consequently, Officers became aware of vehicles which had stayed in one space for longer than 23 hours, and used photographs of car tyre valve positions in order to prove that cars had remained stationary, and subsequently issued PCNs.

3.2 Explanation of the 23 Hour Rule

- 3.21 Members were advised that the 23 Hour Rule was intended to provide legal protection against claims to leasehold interests in, or, ownership of car park spaces.
- 3.22 This was based upon a legal concern that uninterrupted paid or unpaid parking (depending on the car park in question) over a long period of time could be judged by a court to construe either a leasehold interest, (rather than a mere licence), or a freehold interest by way of adverse possession, which could subsequently lead to claims of long term rights to park or to ownership of spaces.
- 3.23 Members were informed that the 23 Hour Maximum Stay Rule provided clear protection against claims to leasehold interest and ownership, and that this method was simple to enforce and implement. The rule also meant that Officers were easily able to take action against nuisance use of car parks, and ensured a turnover of spaces.

3.3 Survey of Authorities

- 3.31 In order to evaluate the necessity, merits and disadvantages of the 23 Hour Rule, the Review Panel wrote to numerous authorities across the District, the Midlands, and further afield, in order to establish their positions in relation to maximum stay provisions, residents' parking, and legal protection.
- 3.32 The responses to the survey were inconclusive. However, two issues became clear; whilst many Councils maintained a 23 Hour Maximum

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Stay Rule, the responses did not necessarily support the rigid enforcement of a 23 Hour Rule in relation to residents' parking.

3.4 Bewdley Residents' Evidence

3.41 The Bewdley Residents' Consultative Panel aired a number of concerns to the Review Panel, which centred around claims that the rule was unfair to Residents of Bewdley, that Bewdley was a special case due to its layout, history and tourism, and that adherence to the rule was impractical. These concerns were echoed by a considerable number of letters and emails which were submitted for the Review Panel's consideration.

3.42 A particular concern expressed was that residents might be unable to move their car due to temporary illnesses or inconveniences, which under the existing enforcement of the 23 Hour Rule, might lead to the issuing of a PCN.

3.5 Consideration of Recommendations

3.51 23 Hour Rule

Having considered the evidence, Members felt that the 23 Hour Rule could remain in place subject to a relaxation in respect of Residents' Parking Passes, Full, and Restricted Season Tickets.

3.52 The suggested relaxation is to replace the 23 hour maximum stay period with a maximum uninterrupted stay of two months, after which enforcement action could be taken. This maximum stay would apply only to Residents' Parking Passes, Full and Restricted Season Tickets, and **not** Pay and Display Parking or other Season Tickets.

3.53 Members felt that this relaxation would retain the benefits of the rule in terms of enforcement and legal protection, whilst alleviating the practical concerns associated with a 23 hour maximum stay for Residents' Parking Pass holders.

3.6 Residents' Parking Passes

Members felt that Residents' Parking Passes should continue to be provided, and suggested that they should be made available in other car parks across the District, where on-street residents' parking was problematic, and therefore recommended that the Director of Planning and Regulatory Services look into the feasibility of a wider roll out of the scheme as part of the 2011 to 2014 budget setting process.

3.61 Restrictions

Members voiced concerns that the unrestricted sale of Residents' Parking Passes could lead to unsustainable levels of demand, which

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might occupy a significant proportion of car parking spaces. Members therefore suggested that Residents' Parking Passes be restricted to one per household, with additional Restricted and Full Season Tickets remaining available to those with multiple vehicles.

- 3.62 Members felt that Residents' Parking Passes should be specifically for those lacking off street parking, and therefore recommended that the Director of Parking and Regulatory Services should look into providing fair geographical restrictions on the availability of Residents' Season Tickets.

3.7 Pay and Display Parking

Members recommended that the 23 Hour Rule should remain in place for pay and display users, but suggested two changes which they felt would alleviate the bulk of problems for users.

3.71 i. Roll Over of Payment

Members suggested that Pay and Display Payment Machines should be altered to allow the roll over of payment. A concern raised by the Residents' of Bewdley was that it was not currently possible to park overnight and stay beyond 8:00am the following day using a pay and display ticket.

- 3.72 Members suggested that by allowing the roll over of payment, a visitor to Bewdley could pay for three hours stay at 5pm, and then their payment would roll over past the free parking hours of 6:30pm to 8:00am, and they could then enjoy the remainder of their paid parking time the following morning. This would prevent visitors from having to necessarily move their car before 8:00am in the morning.

3.8 ii. Weekend Parking

Members suggested that the 23 Hour Rule could potentially be relaxed in so far that it might apply from Monday to Friday for Pay and Display Parking. It was suggested that Pay and Display Payment Machines could potentially be altered to allow weekend tickets, which would allow visitors to pay to park from Friday to Sunday without interruption.

- 3.81 Consequently, Members recommended that the Director of Parking and Regulatory Services investigate the feasibility of making amendments to the Pay and Display Payment Machines to allow both roll over of payment and weekend tickets.

3.9 Additional Parking

Members considered that a Park and Ride Scheme could be established to alleviate strain on car parks in Bewdley during busy periods, and suggested that Bewdley High School might wish to

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consider operating such a scheme during busy periods, which it was felt could be a profitable venture.

4. Options

To recommend to Cabinet:

- 4.1 The maximum stay period of 23 hours in any 24 hour period to remain applicable across the Council's Car Parks, but 24/7 parking be allowed for Full, Restricted, and Residents' Parking Passes, with no uninterrupted stay in one space for longer than two months.**
- 4.2 To continue to provide Residents' Parking Passes in Bewdley, and limit them to one per household.**
- 4.3 The Director of Planning and Regulatory Services draw up a set of restrictions governing the eligibility of Residents' Parking Passes, and the decision on this be taken at management level.**
- 4.4 The Director of Planning and Regulatory Services should look at where Residents' Parking Passes might be introduced across the District as part of the budgetary process for the 2011 to 2014 budget.**
- 4.5 The price of Residents' Parking Passes as set out in the 2010-2013 budget should remain unchanged.**
- 4.6 The Director of Planning and Regulatory Services to examine the possibility of both the overnight roll over of Pay and Display payment, and also weekend tickets, as part of the October 2010 software update to the Pay and Display Ticket Machines.**
- 4.7 The Director of Planning and Regulatory Services to estimate the cost of providing Residents' Parking Passes as part of the budgetary process for the 2011 to 2014 budget.**
- 4.8 A letter be sent to Bewdley High School asking whether they would consider setting up a Park and Ride Service using the school car park during peak holiday periods.**

5. Consultation

- 5.1 Bewdley Town Council were invited to form a Bewdley Residents' Parking Consultative Panel which then reported directly to a meeting of the Review Panel.**
- 5.2 Written submissions of evidence were encouraged, and a significant number of letters and emails from members of the public were presented to the Review Panel.**

6. Related Decisions

- 6.1 Not applicable.
- 6.2 Not applicable.

7. Relevant Council Policies/Strategies

- 7.1 2011 to 2014 Financial Strategy

8. Implications

- 8.1 Resources: There are no significant resource implications of the recommendations.

9. Equality Impact Needs Assessment

- 9.1 Not applicable.

10. Wards affected

- 10.1 District Wide but predominantly Bewdley.

11. Appendices

- 11.1 None.

12. Background Papers

- 12.1 Letters and emails submitted to the Review Panel.
- 12.2 Off Street Parking Places Consolidation Order 2009.

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