

WYRE FOREST DISTRICT COUNCIL

CABINET
21st SEPTEMBER 2010

**Wyre Forest District Council (Off Street Parking Places) (Consolidation) Order 2009
(Variation No. 2) Order 2010**

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	Economic Success Shared by All
CORPORATE PLAN AIM:	District wide regeneration
CABINET MEMBER:	Councillor M J Hart
DIRECTOR:	Director of Planning and Regulatory Services
CONTACT OFFICER:	Mike Parker, Director of Planning & Regulatory Services – Ext. 2500 Mike.parker@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 – Objections to The Order Appendix 2 – Wyre Forest District Council (Off Street Parking Places) (Consolidation) Order 2009 (Variation No. 2) Order 2010 <i>The appendices to this report have 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 consider the consultation responses to the Wyre Forest District Council (Off Street Parking Places) (Consolidation) Order 2009 (Variation No. 2) Order 2010 (The Order) which ended on 20th August 2010 and to authorise the making of The Order to come into effect on 1st October 2010.

2. RECOMMENDATION

That the Cabinet DECIDE:

- 2.1 **To agree and authorise the making of The Order as set out at Appendix 2 to take effect from 1st October 2010 with the amendment that a charge of £4.10 be made for a stay of over two hours at Vale Road and Bridge Street, Stourport-on-Severn instead of the £5.20 originally proposed.**

3. BACKGROUND

- 3.1 At the meeting of 20th July 2010, Cabinet agreed a number of amendments to The Order which it is intended to take effect from 1st October 2010. In brief these are:

- To make a charge for parking in the currently free public car parks at Vale Road, Stourport and The Avenue, Blakedown.
- To make provision for chargeable public car parks in the future on Council land at Bridge Road, Stourport and Worcester Street, Kidderminster.
- To reflect Blue Badge holder dispensations.
- To remove Westbourne Street from The Order and lease spaces directly to occupiers in the vicinity.
- To exempt season ticket holders from the maximum length of stay of 23 hours in a 24 hour period.
- To make provision for 'Other Season Tickets' to allow for events passes to be issued.
- To phase out the Resident Season Tickets by April 2012.
- To allow Restricted Season Tickets at Dog Lane, Gardners' Meadow, Vale Road and The Avenue car parks.
- To enable the purchase of 2 day tickets.
- To increase parking charges in January 2011 to reflect the increase in VAT.

These recommendations were reported and agreed in full by Council at the meeting on 28th July 2010.

4. KEY ISSUES

- 4.1 Consultation on The Order took place between 29th July 2010 and 20th August 2010. A total of 113 responses were received from residents or businesses within Wyre Forest district and two responses from statutory committees (Bewdley Town Council and Churchill & Blakedown Parish Council). A summary of the grounds for objection and the comment on legal validity of the grounds is appended to this report at Appendix 1. The individual responses (with personal information redacted) are available as supporting information to this report upon request.

Four additional letters from residents and a letter from Stourport-on-Severn Town Council were received after the closing date for responses. One of these related to the removal of Westbourne Street, two to the charges at Vale Road and one to parking in Bewdley generally. The Town Council letter referred to specific issues in relation to Stourport. The concerns raised in all these letters were covered by the responses made with the consultation period.

- 4.2 The Local Authorities' Traffic Orders (Procedure) (England & Wales) Regulations 1996 require that "before making an order, the order making authority should consider all objections duly made under regulation 8 and not withdrawn".

All of the objections received, except the late ones, have been properly made in accordance with regulation 8.

- 4.3 Members will need to consider each objection contained within Appendix 1 and the comments in respect of the impact on the validity of The Order.

- 4.4 In order to facilitate the submission of comments from those statutory consultees most affected by the proposals, the Cabinet Member for Housing & Environmental Services and the Director of Planning & Regulatory Services have held informal meetings with representatives of the Town Councils of Bewdley and Stourport-on-Severn and the Parish Council of Churchill & Blakedown. Considering comments made by them, which to a great extent reflect those made by members of the public, the following is a brief synopsis of the issues.
- 4.5 In Bewdley, concern has been expressed about the phasing out of Residents' Season Tickets. At the meeting on 20th July, Cabinet gave detailed consideration to this matter and it remains the case that, as such passes are not available anywhere else in the district, it would be iniquitous to continue them in Bewdley. The alternative of Restricted Season Tickets, which are more widely available and can be used in either Dog Lane or Gardners' Meadow car parks is felt to be fairer for the majority of residents and consistent across the district. The assertion by the Town Council that in fact Bewdley residents within the town centre of Bewdley were being unfairly targeted is strongly refuted as they are being treated no differently than residents living in Stourport or Kidderminster town centres.
- 4.6 In Stourport-on-Severn, the vast majority of matters raised are in respect of the status of Vale Road car park and the mistaken belief that there is a longstanding restrictive covenant preventing the introduction of a charge for using the car park. Such was the frequency of this complaint that the Council posted on its website the documents relating to the title of the land. The conveyance of the land in 1947 from Thomas Vale & Sons Ltd to the Urban District Council of Stourport-on-Severn states that the purpose of the purchase was for the provision of a public car park but no restriction has been entered on the registered title and, in addition, there is nothing to prevent its use as a pay & display car park. There was also a mistaken belief that the land had been either gifted or bequeathed to the Council; the conveyance evidences that £1000 was paid for the land which would have reflected market value in 1947.

In response to the proposed level of charges, the Town Council have suggested that, instead of £5.20 for over 2 hours as proposed (consistent with Raven Street), it would be more appropriate that for those wishing to stay for more than two hours, that a charge of £4.10 be made for over 2 hours (consistent with Severn Meadows and Stourport Sports Centre Car parks).

- 4.7 Given the proposal to reduce the charge at Vale Road to £4.10 (from £5.20) it is also proposed that the charges at Bridge Street are reduced to the same amount for reasons of consistency.
- 4.8 In Blakedown the Parish Council suggest that parking should be available free for the first 3 hours, instead of the first hour as proposed, that it be free on Sundays and Bank Holidays and that spaces be marked out in The Avenue itself. To adopt the first two suggestions would be wholly inconsistent with provision elsewhere in the district where parking charges apply for seven days a week, including Bank Holidays and where no such length of free parking is provided.

With regard to marking out of spaces in The Avenue, this does not form part of the car park nor do the Council own it, and it would be inappropriate for the Council to mark out spaces.

Agenda Item No. 10.1

Some objections have been made by local residents on the basis that they claim rights over some of the spaces and this requires further investigation. The Council contends that by virtue of the car park's inclusion in a Parking Places Order since 1976, consent has been given for the public to use the car park and, therefore, rights cannot be claimed. Evidence to substantiate their claims has been requested of the residents who have made them. It is not anticipated that they will be capable of being substantiated, but, if they were, then the Council would have to designate a small number of the spaces for private use. However, this would not prevent a charge being made for the remainder and, for that reason, there is no need to deviate from the proposals in The Order and, if Cabinet decides to continue, then The Order will be validly made.

- 4.9 As part of the discussions held with Churchill & Blakedown Parish Council, they were offered the opportunity to lease the entire Avenue car park from the Council, thus enabling them to decide locally the management and charging arrangements. They were furnished with all of the potential costs associated with this but, at their August meeting, they decided not to pursue this option.
- 4.10 The advertised charges for Vale Road, Bridge Street, Coronation Gardens and the Avenue will be subject to an increase in January 2011 due to the rise in VAT. The previously agreed price increases for the remaining car parks are to be made by variation order to come into effect on 1st October with further VAT linked increases on 1st January.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no new financial implications arising from this report that have not already been considered in the report to Cabinet of 20th July 2010. The potential reduction in revenue if the Council were to adopt charges at Vale Road as set out above in paragraph 3.7 are not considered to be substantial.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 There are no objections which would prevent the Cabinet continuing to make a valid Wyre Forest District Council (Off Street Parking Places) (Consolidation) Order 2009 (Variation No. 2) Order 2010.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 An Equality & Diversity Screening Assessment has already been carried out and did not highlight any adverse implications.

8. RISK MANAGEMENT

- 8.1 There are no new risk management implications that were not considered in the Cabinet report of 20th July 2010.

9. CONCLUSION

- 9.1 Cabinet has the opportunity to consider duly made objections to The Order which are contained in Appendix 1. There are no objections which prevent Cabinet proceeding to make a valid Order.

10. CONSULTEES

10.1 Director Legal & Corporate Services.

11. BACKGROUND PAPERS

11.1 Cabinet report 20th July 2010

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