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**Off Street Parking Order**

Relevant Portfolio Holder	Councillor Fleming
Portfolio Holder Consulted	Yes
Relevant Head of Service	Joint report of Head of Environmental and Housing Property Services and the Head of Legal, Democratic and Property Services
Report Author	Ryan Keyte Job Title: Litigation Solicitor Contact <span style="float: right;">email:</span> <a href="mailto:ryan.keyte@bromsgroveandredditch.gov.uk">ryan.keyte@bromsgroveandredditch.gov.uk</a> Contact Tel: ext 3100
Wards Affected	
Ward Councillor(s) consulted	
Relevant Strategic Purpose(s)	
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

**1. RECOMMENDATIONS**

**The Executive Committee RESOLVE that:-**

- 1) The Executive note the Council’s ability to manage and control its off-street parking environment in the form of implementing this Order.**
  
- 2) authority be delegated to the Head of Environmental and Housing Property Services and the Head of Legal, Democratic and Property Services to take all necessary steps to finalise the draft Order, schedules and car park plans and then publish, consult upon, make and implement an Off Street Parking Order in terms similar to the draft “Redditch Borough Council (Off Street Parking Places) Order 2023” (“the Order”) attached at Appendix 1; and**  
  
**subject to the necessary Order being made**
  
- 3) authority be delegated to the Head of Environmental and Housing Property Services and Head of Legal, Democratic and Property Services to issue any passes or season tickets in accordance with the Order.**

**2. BACKGROUND**

- 2.1 The proposal to implement the Redditch Borough Council (Off Street Parking Places) Order 2009 came before the Executive on the 22<sup>nd</sup> July 2009, the draft Order was finalised and consulted upon, however due to an omission the Order was never implemented, there is therefore no current Off-Street Parking Order in place for Redditch Borough Council.

**3. OPERATIONAL ISSUES**

- 3.1 Since the previous report came before the Executive, the decision to charge for use of the car parks has been reversed, although it remains a possibility for the future. The number of car parks to which the Order applies has been expanded, the way that passes/permits are issued has been extended and the uses of the car parks, especially the Town Hall Car Park needed to be amended as well to comply with current and proposed projects. The opportunity was therefore taken to review the previous draft Order in detail and bring it up to date with the Council's requirements.
- 3.2 Currently the Council is unable to enforce any rules and conditions in respect of its off-street parking places as it does not have an off-street parking order in place. By implementing this order the Council will be able to control the use and enforce any rules or conditions in respect of its off-street parking and in the event of failure to comply with them, it would then have the power to issue Penalty Charges Notices (PCNs) in respect of any such failures.
- 3.3 The Order will allow PCNs to be issued for various breaches in accordance with appropriate statutes, but the following are none exhaustive examples of what the Council would be able to issue PCNs for in accordance with the Order;
- Parking in a permit bay without clearly displaying a valid permit,
  - Parking beyond the bay markings,
  - Parking in a disabled persons parking space without clearly displaying a valid disabled persons badge and
  - Parked causing an obstruction.
- 3.4 A list of the car parks and any specific rules that apply to them is included within the Order at schedule 1, upon implementation, the following car parks will be included Market Traders Car Park – Silver Street, Wellington Street Car Park, Numbers 17 to 31 Evesham Road Parking Area, Town Hall Car Park and Trescott Road Car Park.
- 3.5 Some of the key points to the Order are

- It allows the Council to set out the rules and conditions of using the Council's off-street parking,
- Allow the Council to issue PCNs for any breaches of those rules and conditions, some examples are highlighted in paragraph 3.3 above,
- Implement the current use and methods of permits, but also be flexible to allow for changes and allow for permit only parking bays,
- Schedule 2 sets out the more detailed rules around staff permits and
- Schedule 3 sets out the more detailed rules around any other permits.

3.6 While there is currently no intention to charge for the use of any of the car parks, the Order has been drafted to be robust and if the decision was taken in the future to charge, then only the schedule would need to be amended, which procedurally would be simpler.

3.7 The Order has been "future proofed" in other ways as well, providing rules in relation to such things as electrical charging bays, restrictions on types of vehicles and usage (such as drop off bays), which while not required now have been included to provide flexibility and make minor changes in the future simpler.

#### **4. FINANCIAL IMPLICATIONS**

4.1 There is the potential for an element of revenue to be generated from breach by the public of the parking regulations brought into force by the Order. Any such breaches will be enforced by the Penalty Charge Notice and other enforcement procedures by the Council's parking enforcement service.

#### **5. LEGAL IMPLICATIONS**

5.1 Section 32 of the Road Traffic Regulation Act 1984 enables Local Authorities to provide off street parking places and the means of access to and egress from them for the purpose of relieving or preventing congestion of traffic.

5.2 An Order for the off-road parking is only required if the Local Authority proposes to regulate the use of the car park in question and access or egress is onto a road.

5.3 The procedure for making the Order is contained in the Local

Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the Regulations"). The Regulations require that a consultation process is conducted with the County Council as the Highway Authority, the Commissioner for the Local Police, the Freight Transport and Road Haulage Association and such other organisations as the Council see fit. If an objection is received it may have to be resolved by the Secretary of State.

- 5.4 The Regulations require publication of a "notice of proposals" in a local newspaper in a prescribed form. The notice must give an address for objections in writing. If an objection raises certain statutory criteria (i.e. adverse effect on public services) it may cause a public inquiry to be necessary.
- 5.5 Once an Order is made, that fact must be advertised. The Order can become final 6 weeks after the final advert if no procedural objections have been received.

**6. OTHER - IMPLICATIONS**

**Relevant Strategic Purpose**

- 6.1 The report supports work in respect of tackling climate change (see below).

**Climate Change Implications**

- 6.2 The Council is planning for the installation of electric vehicle charging point in car parks; this Order will enable for the management of cars using charging bays which is essential to facilitate residents transition towards electric vehicles as per the Councils Ultra Low Vehicle Strategy.
- 6.3 The Order will also improve local air quality and reduce tailpipe emissions by restricting idling engines within council car parks.

**Equalities and Diversity Implications**

- 6.4 There are no Equalities and Diversity Implications.

**7. RISK MANAGEMENT**

- 7.1 The Council currently does not have an Off-Street Parking Order in place and therefore is unable to regulate the use of them, implementing the Order will give the Council the ability to regulate the use of the car parks contained within the Order.

**Executive Committee**  
2023

21<sup>st</sup> March

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**Executive Committee**  
**2023**

**21<sup>st</sup> March**

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**8. APPENDICES and BACKGROUND PAPERS**

Appendix 1 – Off Street Parking Places Order 2023

**9. REPORT SIGN OFF**

<b>Department</b>	<b>Name and Job Title</b>	<b>Date</b>
Portfolio Holder	Councillor Fleming Portfolio Holder for Environmental Services	1 <sup>st</sup> March 2022
Lead Director / Head of Service	Guy Revans Head of Environmental and Housing Property Services and Claire Felton Head of Legal, Democratic and Property Services	28 <sup>th</sup> February 2023
Financial Services	Peter Carpenter, Interim Section 151 Officer	
Legal Services	Claire Felton Head of Legal, Democratic and Property Services	28 <sup>th</sup> February 2023
Climate Change Team (if climate change implications apply)	Anna Wardell-Hill	28 <sup>th</sup> February 2023