

**Report for: Cabinet**

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Date of Meeting:	4 February 2025
<b>Subject:</b>	<b>Mid Devon Off Street Parking Places Order</b>
Cabinet Member:	Cllr James Buczkowski- Cabinet Member for Finance
Responsible Officer:	Luke Howard, Environment and Enforcement Manager  Matthew Page, Head of People, Performance and Waste
Exempt:	N/A
Wards Affected:	All
Enclosures:	<b>Appendix 1</b> – Plan of The Orchard, Halberton <b>Appendix 2</b> – Plan of Carpenter Close, Tiverton

**Section 1 – Summary and Recommendation(s)**

To amend the Mid Devon (Off Street Parking Places) Order 2016 (the “OSPPO”) as set out in this report.

**Recommendation(s):**

**That the Cabinet, after considering this report, makes the following resolutions:-**

- 1. On being satisfied that the statutory grounds for amending and varying the OSPPO are met, as detailed in the Report, to authorise Officers to commence statutory consultation for the following proposed amendments to the OSPPO:**
  - To incorporate as appropriate references to up to date legislative regulations including The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022. The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022.**

- To incorporate within the OSPPO, 5 parking spaces known as 'The Orchard' in Halberton for the purpose of permit only parking.
- To amend the OSPPO to incorporate the access roads within Carpenter Close, Tiverton to be subject to a restriction in the OSPPO of no parking
- For the OSPPO to include new provisions relating to electric vehicles and electric vehicle parking bays. The OSPPO will provide that only electric vehicles can park in an electric vehicle parking bay in order to recharge using the electric charging point provided the electric vehicle meets the following definition of an electric vehicle “ *“Electric Vehicle” means an Electric Vehicle or plugin hybrid a Vehicle that is powered entirely or partially by electricity and is capable of being recharged from an Electric Charging Point or external electric power source. The Electric Vehicle must be licensed as private or private/light goods and not exceeding 2500kg in weight or 2 metres in height.”*”
- The wording of the OSPPO to be amended to allow for electronic payment of parking fees along the lines of using the definition below :-

*“ “Electronic Payment” means a cashless parking payment method of charges for use in a Parking Place where facilities at that Parking Place allow payment by telephone or electronic means, allowing Vehicles of such classes, in such positions, on such days, during such hours and for such period as are specified at each Parking Place and specified in the Schedule of Parking Places to be parked for the period of time for which Electronic Payment has been made. A transaction fee (convenience charge) may be incurred in addition to the scale of current charges as specified on site and specified in the Schedule , for the use of this Electronic Payment method.”*

2. Delegated Authority to be granted to the Director of Legal, HR & Governance (Monitoring Officer) to draft the order amending the OSPPO above including making such minor amendments as believe to go out to consultation.
3. In the event that there are no material objections to the proposed amendments and variations as determined by the Operations Manager for Street Scene and Open Spaces, in consultation with the Cabinet Member for Service Delivery and Continuous Improvement, to grant delegated authority to the Director of Legal, HR & Governance

**(Monitoring Officer) to make the order amending the OSPPO as recommended in the Report.**

## **Section 2 – Report**

### **1.0 Introduction**

- 1.1 The OSPPO was created in 2016. It was amended on 10 February 2020 to incorporate relevant changes and has not been amended since that date.
- 1.2 The OSPPO is a legal document for Mid Devon District Council to exercise its powers under Section 32, 35 and part IV of the schedule of the Road Traffic Regulation Act 1984 (RTRA 1984). Recent legislative regulation changes also include The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022. The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022.
- 1.3 The OSPPO provides the legal framework for the Council to undertake parking services. These include but are not limited to, pay and display parking, permits and enforcement. The order also defines schedules of parking and prohibits certain activities within car parks and classes of vehicle.
- 1.4 Failure to comply with the regulations and schedules set out within the OSPPO may result in a penalty charge notice being issued to a vehicle. For which a charge of £50 or £70 is payable depending on the contravention committed, discounted by 50% if paid within 14 days of the contravention.
- 1.5 Following a Cabinet report submitted on 12 November 2024 by the S151 and Deputy Chief Executive it was agreed that 5 spaces at the location known as The Orchard, Halberton be established for the purpose of permit parking. It is considered the new arrangements will mitigate some of the parking challenges in that area. A copy of the plan for this land is at Appendix 1 of this report.
- 1.6 At the last amendment of this OSPPO in February 2020, the access roads for access and egress into Carpenters Close, Tiverton were not included within the order. Following several issues of vehicles utilising parking on these access roads, it is requested these be included on the plan to prevent vehicles from parking at this location with the exception of emergency vehicles. A copy of the plan for this land is at Appendix 2 of this report

## **2.0 Reasons for recommendations**

- 2.1 In order to incorporate the agreed recommendations of the Cabinet decision made on 12 November 2024, the OSPPO requires inclusion of the location known as The Orchard, Halberton.
- 2.2 To satisfy the statutory requirements, a public consultation must be held in respect of the recommendations contained within this report and the recommendations previously agreed by this Cabinet on 12 November 2024.
- 2.3 Wording and regulation changes recommended reflect legislative change and inclusion of definitions in relation to Electric Vehicles and their respective bays.
- 2.4 The recommendations for public consultation enable the Council to update the OSPPO to accurately reflect changes that have occurred since its last amendment in 2020.

## **3.0 Conclusion**

- 3.1 The Council is obliged to consult with the public on proposed amendments in the OSPPO as per RTRA 1984 guidance.
- 3.3 The Council must publish the text of the proposed order varying the OSPPO, and publicise the proposal within each car park location and within the local press. It is proposed that Delegated Authority be granted to the Director of Legal, HR & Governance (Monitoring Officer) to draft the text including making such minor amendments as they think to go out to consultation.

## **Financial Implications**

Whilst a consequence of enforcement may be issuance of a Penalty Charge Notice (PCN), income generation is not a reason for the proposed amendments of the OSPPO.

## **Legal Implications**

The OSPPO is designed to accurately reflect the Councils parking service and is a legal require that allows the Council to provide such services.

## **Risk Assessment**

The Council is at risk of not being able to enforce parking contraventions within new locations and in respect of electric vehicle parking, which could result in reputational damage for not taking appropriate action against offenders.

## **Impact on Climate Change**

An OSPPO is designed to provide parking for motor vehicles away from the public highway. This in turn allows the expeditious movement of traffic on public highways, thus reducing emissions from vehicles driving around seeking a space. The recommendations also actively look to encourage electric vehicles to utilise the Council car parks for purposes of charging, further working towards the Council aims of net zero.

## **Equalities Impact Assessment**

It is not perceived the recommendations contained within this report will have any such impact.

## **Relationship to Corporate Plan**

The Parking Service is a frontline service, which works throughout the District ensuring Mid Devon communities have appropriate parking for their needs. The service operates to encourage turnover of space and allow greater footfall and fairness for all wishing to utilise the Councils car parks.

## **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

**Date:** 27 January 2025

**Statutory Officer:** Maria de Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 27 January 2025

**Chief Officer:** Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

**Date:** 25 January 2025

**Performance and risk:**

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:**

**Cabinet member notified:** (yes/no)

## **Section 4 - Contact Details and Background Papers**

**Contact:** Luke Howard, Environment and Enforcement Manager

Email: lhoward@middevon.gov.uk

Telephone: 01884 255255

**Background papers:** None