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**Report for: Cabinet**

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Date of Meeting:	2 December 2025
<b>Subject:</b>	<b>Mid Devon Off Street Parking Places Order</b>
Cabinet Member:	Cllr John Downes - Cabinet Member for Governance, Finance and Risk
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 St Georges Court, Tiverton <b>Appendix 2</b> – Plan of Wellbrook Green, Tiverton

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

For Cabinet to consider the recommendation from the Economy and Assets PDG that it amends the Mid Devon (Off Street Parking Places) Order 2016 (the “OSPPO”) as set out in this report.

**Recommendation(s):**

**That Cabinet, after carefully considering the contents of this report, makes the following recommendations: -**

- 1. On being satisfied that the statutory grounds for amending and varying the OSPPO are met, as detailed in the Report, to allow and authorise the Operations Manager for Street Scene to commence statutory consultation for the following proposed amendments to the OSPPO:**
  - To incorporate within the OSPPO parking restrictions, as defined in the report within the area known as ‘St Georges Court’, in Tiverton. This includes entering into a Service Level Agreement with Tiverton Town Council (TTC) to incorporate 3 permit bays currently owned by them into the OSPPO to enable enforcement**

by Mid Devon District Council (“the Council”) in respect of these bays.

- To amend the OSPPO to incorporate 18 spaces within the area known as ‘Wellbrook Green’ in Tiverton for the purpose of resident only parking.
2. That Delegated Authority be granted to the Director of Legal, HR & Governance (Monitoring Officer) to draft the order amending the above OSPPO including making the necessary required minor amendments 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 then 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 in February 2025 to incorporate relevant changes and has not been amended since that date.
- 1.2 The OSPPO is a legal document that allows the 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 and 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 OSPPO 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. This would mean 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 the finalisation of building works to the new flats and housing within St Georges Court, concerns have been raised by residents, the elected ward member and TTC regarding parking issues in the vicinity. The issues raised include concerns regarding access, egress and general expeditious movement of vehicles.
- 1.6 Implementation of restrictions as highlighted within Appendix 1 are deemed appropriate to alleviate the concerns highlighted for this area. A variation of the OSPPO enables the Council to take appropriate enforcement action against vehicles contravening these restrictions.
- 1.7 TTC have indicated ongoing problems related to 3 permit parking bays owned by them. TTC have approached the Council regarding incorporation of these bays into the OSPPO, thus enabling enforcement by the Council's Parking Services team. If agreed, the Council will undertake enforcement of these bays and any payments received from enforcement will be kept by the Council.
- 1.8 Following ward member and resident concerns, it is proposed to create 18 resident permit parking spaces at the area known as 'Wellbrook Green', Tiverton (Appendix 2). This follows issues with non-residents utilising the parking area, thus preventing residents from parking.
- 1.9 Consideration towards those displaced, especially parents that utilise the area to drop off and collect children from the nearby primary school have been undertaken. Informal consultation with the Highways Authority (Devon County Council) for potential risk has been conducted. It is considered reasonable for there to be an exemption of the restriction between the hours of 08.15-09.00 and 15:00-15:45 Monday to Friday. This offsets any potential risk to parents or children being displaced from the area by the restriction.

## **2.0 Reasons for recommendations**

- 2.1 In order to undertake the appropriate enforcement action within areas highlighted in this report, the OSPPO requires amendment to incorporate the restrictions as proposed in the suggested locations.
- 2.2 To satisfy the statutory requirements, a public consultation must be held in respect of the recommendations contained within this report.
- 2.3 The recommendations for public consultation enable the Council to update the OSPPO to accurately reflect changes that have occurred since its last amendment in 2025.

## **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 the necessary minor amendments that are required 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 Council's parking service and is a legal requirement 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 that the recommendations contained within this report will have any such impact. However, the service is aware of the need to have regard to the Public Sector Equality Duty in exercising the Council's statutory duties.

### **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 Council's 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:** 12.11.25

**Statutory Officer:** Maria de Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 12.11.25

**Chief Officer:** Stephen Walford

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

**Date:** 12.11.25

**Performance and risk:** Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 30/10/2025

**Cabinet member notified:** (yes)

#### **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