



## **Business Overview and Scrutiny Committee – Special Meeting – Call-in**

**Date:** Tuesday, 18 July 2017

**Time:** 4.00 pm

**Venue:** Committee Room 1 - Wallasey Town Hall

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### **AGENDA**

- 1. APOLOGIES FOR ABSENCE**
- 2. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP**

Members are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Members are reminded that they should also declare whether they are subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

- 3. CALL-IN OF CABINET MINUTE 10 - CAR PARKING CHARGES TRAFFIC REGULATION ORDER - CONSIDERATION OF FURTHER REPRESENTATIONS (Pages 1 - 36)**

Attached to the agenda are:

- Call-in procedure (Page 1)
- Call-in form (Pages 3 – 4)
- Cabinet report of 19 June, 2017 (Pages 5 – 31)
- Cabinet minute 10 (Pages 33 – 35)

**4. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR (PART 1)**

**5. EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PRESS AND PUBLIC**

The public may be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information.

RECOMMENDED – That in accordance with section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part 1 of Schedule 12A (as amended) to that Act. The public interest test has been applied and favours exclusion.

**6. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR (PART 2)**

## **CALL IN PROCEDURE**

### **Chair's opening remarks (5 minutes)**

The Chair will open the special Committee meeting convened to consider the Call-In and set out the procedure as follows:

### **Explanation of the call in by the lead signatory (5 minutes)**

The Chair will invite the lead signatory to set out the reasons for the Call-In. Members of the Committee will be invited to ask the lead signatory questions.

### **Overview and explanation of the decision taken by the relevant Cabinet Member (5 minutes)**

The Chair will invite the Cabinet Member to explain the reasons for the decision. Members of the Committee will be invited to ask the Cabinet Member questions.

### **Evidence from call in witnesses**

The Chair will invite the following witnesses to come forward. Witnesses may read out a written statement (not to exceed 5 minutes) if they wish, prior to questions from Members of the Committee. (Running order of witnesses – List of witnesses to be confirmed)

### **Evidence from decision-taker's witnesses**

The Chair will invite the following witnesses to come forward. Witnesses may read out a written statement if they wish (not to exceed 5 minutes), prior to questions from Members of the Committee. (Running order of witnesses – List of witnesses to be confirmed)

### **Summary of the lead signatory (5 minutes)**

The Chair will invite the lead signatory to summarise the key points of evidence given in support of their case.

### **Summary of the decision-taker (5 minutes)**

The Chair will invite the decision-taker to summarise the key points of evidence given in support of the initial decision.

### **Committee Debate**

The Chair will invite comments, observations and discussion from members of the Committee.

### **Committee Decision**

The Committee having considered the evidence and debate may:-

- Refer the decision back to the Cabinet Member setting out in writing the nature of its concerns.
- Refer the matter to the Council. Such a referral should only be made where the Overview and Scrutiny believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.
- Uphold the decision - If the Overview and Scrutiny Committee agrees with the initial decision the relevant Senior Officer may implement it without delay.

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# Metropolitan Borough of Wirral

## CALL-IN

### Decision of Cabinet to be called in:

Date of meeting:	Monday 19 <sup>th</sup> June 2017
Minute number:	10
Subject:	Car Parking Charges Traffic Regulation Order – Consideration of further representations

The signatories wish to call-in the following decisions by Cabinet:

(2) approves the increase in car parking tariffs at all Council operated car parks, where charges already apply, by 20p;

(3) approves the introduction of car parking charges in country parks with charges of 50p for 1 hour, £1 for 2 hours and £2 all day in Arrowe Country Park, Royden Country Park, Eastham Country Park and Thurstaston Country Park.

(4) approves the introduction of a household membership scheme for the use of country parks in (3) at a cost of £50 per annum

Reasons for Call-in:

Whilst we note and welcome the considerable changes since the original proposals for car parking income generation were put forward in December 2016 which proposed:

- a 50p tariff increase at all Council operated car parks
- the introduction of a flat rate tariff of £4 per day at the country parks
- the introduction of parking charges at New Brighton and other shopping centres

We still believe that ANY increase in car parking tariffs will have a damaging effect for Wirral's shopping centres and the introduction of car parking charges in our parks will do untold damage to the small businesses associated with them.

We are also concerned that the introduction of car parking charges at Wirral's parks is incompatible with the Council's Public Health responsibilities and the following Pledges from the Wirral Plan:

Older people live well  
Thriving small businesses

Greater job opportunities in Wirral  
Vibrant tourism economy  
Leisure and cultural opportunities for all  
Wirral residents live healthier lives

Accordingly, we consider it appropriate that the Cabinet decision be reviewed as insufficient weight has been attached to the non-compatibility of these charges with the Wirral Plan Pledges and the serious concerns raised by local businesses and users of the parks.

**Called in by Councillors:**

Tom Anderson  
Bruce Berry  
Chris Blakeley  
Eddie Boulton  
David Burgess-Joyce  
Wendy Clements  
David Elderton  
Gerry Ellis  
Jeff Green  
John Hale  
Paul Hayes  
Andrew Hodson  
Kathy Hodson  
Ian Lewis  
Tracey Pilgrim  
Cherry Povall  
Lesley Rennie  
Les Rowlands  
Adam Sykes  
Geoffrey Watt  
Steve Williams



**COUNCILLOR  
STUART WHITTINGHAM**

**CABINET**  
**19 JUNE 2017**

**CAR PARKING CHARGES TRAFFIC  
REGULATION ORDER - CONSIDERATION  
OF FURTHER REPRESENTATIONS**

**Councillor Stuart Whittingham said:**

*“These proposals have been put forward as part of the plan to help us achieve £45 million in savings without cutting back on the services which people most rely on.*

*A key area of concern has been the possible impact on the local residents and businesses that rely on the use of our parks on a daily basis and we are looking to introduce a household membership scheme that will equate to a cost of £1 a week in response to this.*

*It is important that we properly consider these further representations received and I would like to thank everyone for their comments, however I am satisfied that all important points have been taken into account and the Council should now press ahead with implementing these proposals as quickly as possible.”*

**REPORT SUMMARY**

This report considers representations submitted against the modified Traffic Regulation Order consulted upon in respect of the following proposed car parking charges budget savings options:

- Increase car parking tariffs at all council operated car parks by 20p
- Introduce car parking charges in country parks with charges of 50p for 1 hour, £1 for 2 hours and £2 all day in Arrowe Country Park, Royden Country Park, Eastham Country Park and Thurstaston Country Park

The report recommends approval of a revised set of proposals taking into account the representations received to the modified published proposals.

The Wirral Plan 2020 pledge relevant to this report, and to the parking service area, is Pledge Thirteen: Transport and Technology Infrastructure fit for the future, and the proposal supports the Transport Strategy priority to keep traffic moving safely and efficiently.

This matter affects all wards within the Borough and is a Key Decision included on the Council's Forward Plan.

## **RECOMMENDATION/S**

Cabinet is requested to:

- i. Note the report and the objections received to the modified charges and published Traffic Regulation Order consultation;
- ii. Approve the increase in car parking tariffs at all Council operated car parks, where charges already apply, by 20p;
- iii. Approve the introduction of car parking charges in country parks with charges of 50p for 1 hour, £1 for 2 hours and £2 all day in Arrowe Country Park, Royden Country Park, Eastham Country Park and Thurstaston Country Park;
- iv. Approve the introduction of a household membership scheme for the use of the country parks in (iii) at a cost of £50 per annum;
- v. Approve and confirm the draft Traffic Regulation Order appended to this report giving effect to (ii) to (iv) above.



## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 These proposals are part of the Medium Term Financial Strategy approved by the Council in March 2017 which has the key purpose of ensuring the financial sustainability of the Council and the continued funding of high quality transport related services.
- 1.2 Under the Traffic Orders Procedure Regulations there is an important requirement to give notice to persons affected of any modifications to the proposed Traffic Regulation Order that was subject to initial statutory consultation. There is also a requirement to give due consideration to any further representations received during this final stage of the process before the Order is made and implemented, hence this requires a further Executive Decision by the Council.
- 1.3 The annual membership scheme involving the issue of permits on a household basis for the use of the country park car parks will significantly reduce the cost and increase the convenience for regular users of these sites.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 The initial TRO proposals which formed the basis of the assumptions in the Financial Strategy report to Cabinet in December 2016 and subsequent formal consultation in January 2017 were rejected because of their potential adverse impact on local traders and the local economy.
- 2.2 If the proposals in this report are not implemented then this will result in a deficit in the Council's approved financial plan for 2017/18 of £370,000 which would need to be covered by compensatory savings or income from other service areas.

### **3.0 BACKGROUND INFORMATION**

- 3.1 In order to implement car parking charges the Council has undertaken consultation as part of the required Traffic Regulation Order (TRO) process.
- 3.2 With a high number of objections (30,000 plus signature petitions and over 700 individual objections) to the original proposals and the need to resolve the budget implications without delay, the consideration of the objections to the TRO was undertaken directly by the Leader of the Council.
- 3.3 After consideration of the objections, in a Strong Leader Decision Report of 20<sup>th</sup> February 2017 the Leader resolved that:
  - Car parking tariffs at all Council operated car parks, where charges already apply, be increased by 20p (reduced from the original 50p increase); and

- Car parking charges be introduced in country parks with charges of 50p for 1 hour, £1 for 2 hours and £2 all day in Arrowe County Park, Royden Park, Eastham Country Park and Thurstaston Country Park (reduced from the original flat rate fee of £4)

3.4 This decision was called-in and a special meeting of the Business Overview and Scrutiny Committee was held on Monday, 13th March 2017 [Minute 60 refers].

3.5 After considering representations from a number of witnesses and debating the matter in detail, the Committee upheld the decision taken by the Leader of the Council in respect of the car parking charges budget savings options – Traffic Regulation Orders. It is also important to note that this matter was debated at an Extraordinary Council meeting dedicated to this matter on 6<sup>th</sup> March 2017 [Minute 119 refers].

3.6 Once this decision was confirmed, officers proceeded with publishing the amended proposals via a Modification Order in accordance with the statutory process.

#### **4.0 RESPONSE TO PUBLICATION OF MODIFIED ORDER AND OFFICER COMMENTS**

4.1 Even though the proposals have been reduced from those originally consulted on back in January 2017, there is still an important requirement of the statutory process to give notice to inform persons affected of the modifications and give due consideration to any further representations received.

4.2 Notices were erected at the sites and a public notice was also formally advertised in the local press on 8<sup>th</sup> March 2017. During this formal notice period the following further representations have been received:

- i. 141 individual representations (via letter or email) to all of the modified car parking charges budget proposals.
- ii. 16 of the individual representations included specific traffic management concerns. The general concern is of the traffic impact in other areas, displaced parking in to adjacent roads, traffic congestion, blocked access, dangerous parking, road safety concerns, conflict and inconvenience with residents.

4.3 On detailed assessment, officers are satisfied that there are no fundamentally different or new points being raised that have not already been considered hence it is recommended that authority is given to implement these proposals without further delay. All representations have been made available to members of the Cabinet in advance of the meeting.

#### **5.0 ANNUAL MEMBERSHIP SCHEME**

5.1 During this process a key area of concern has been in relation to the local residents and corresponding businesses that rely on the very regular use of

our country park sites. In response it is proposed that a household based annual membership scheme is developed which will enable all persons in a household to park at any of the country park sites for a fee of £50 per annum or around £1 per week.

- 5.2 It is hoped that this initiative will largely address the concerns of the local businesses that rely on the use of our country parks and these proposals will be carefully monitored following implementation. In addition it is proposed that a cashless parking system (also known as 'Phone to Park') is introduced to enhance user convenience at country park sites.

## **6.0 FINANCIAL IMPLICATIONS**

- 6.1 The Capital Programme includes £80,000 to pay for the supply and installation of Pay and Display equipment including the implementation of a cashless parking system subject to approval of the scheme.

- 6.2 These proposals are predicted to bring increased income to the Council of £370,000 p.a. which has been included in the Council budget for 2017/18 approved in March 2017.

## **7.0 LEGAL IMPLICATIONS**

- 7.1 These proposals are being implemented in accordance with the process set out in the Traffic Order Procedure Regulations 1996.

- 7.2 The management of traffic is a statutory duty for the Council.

## **8.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

- 8.1 Existing staff resources would be utilised in the progression and implementation of these proposals.

## **9.0 RELEVANT RISKS**

- 9.1 Increasing charges at existing locations may result in customers being lost to private car parking operations and a reduction in parking visits.

- 9.2 Introducing charges at country parks may result in reduced visitor numbers to the country parks affecting the economy of the visitor centres and cafes. The proposals may impact on the numbers of people who join the parks friends and volunteer groups.

- 9.3 Not implementing these revised proposals will require alternative budget savings proposals to be identified to offset the loss of predicted income included in the Council's approved budget for 2017/18.

## 10.0 ENGAGEMENT/CONSULTATION

10.1 The legal requirement to give notice to inform persons affected of the modified/ reduced charges has been followed. Notices were erected at the sites and a public notice was also formally advertised in the local press on 8 March 2017. Members have been aware of the proposals and the modifications made via the initial advertisement/ consultation then the executive decision and call-in processes.

## 11.0 EQUALITY IMPLICATIONS

Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review is attached – <http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-regeneration-envir>

### REPORT AUTHOR: *Mark Smith*

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## APPENDICES

Draft Traffic Regulation Order

## REFERENCE MATERIAL

Information from the petitioners/objectors has been used in the preparation of this report, and is held by the report author.

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Call-in	13 March 2017
Extraordinary Council	6 March 2017
Strong Leader Decision Report	20 February 2017
Business Overview and Scrutiny Committee	24 January 2017
Cabinet – Medium Term Financial Strategy and Council Budget 2017/2018	8 December 2016

**METROPOLITAN BOROUGH OF WIRRAL  
(OFF-STREET PAY AND DISPLAY PARKING PLACES) ORDER, 2015  
Amendment No. 1 2017**

The Council of the Metropolitan Borough of Wirral (hereinafter called 'the Council') in exercise of its powers under Sections 32(1)(a) & 35 of the Road Traffic Regulation Act, 1984 (as amended), (hereinafter called 'the 1984 Act') and all of the other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act, hereby makes the following Order:-

**TITLE AND COMMENCEMENT**

This Order may be cited as 'Metropolitan Borough of Wirral (Off-street Pay and Display Parking Places) Order, 2015, and shall come into operation on the 6<sup>th</sup> day of April 2015.

The Interpretation Act 1978 applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

**REVOCATIONS ETC**

The Orders specified in Schedule 1 to this Order are hereby revoked to the extent specified therein, but in all other respects the said Orders shall continue to have full force and effect.

**DEFINITIONS**

'the 1984 Act' means the Road Traffic Regulation Act 1984 as amended.

'the 2004 Act' means the Traffic Management Act 2004.

'disabled person's badge' has the same meaning as the Disabled Person's (Badges for Motor Vehicles)(England) Regulations 2000.

'disabled person's vehicle' means a vehicle lawfully displaying a disabled person's badge.

'driver' in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place.

'goods vehicle' means motor vehicle constructed or adapted solely for use for the conveyance of goods or burdens the unladen weight of which does not exceed 1525kg.

'motor car' has the same meaning as in Section 136 of the 1984 Act.

'motor cycle' has the same meaning as in Section 136 of the 1984 Act.

'notice to owner' means a notice issued to the owner of a vehicle pursuant to regulation 19 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

'owner' in relation to a vehicle, means the person by whom such vehicle is kept and used and in relation to a vehicle, which is the subject of a hiring agreement or hire-purchase agreement, includes the person entitled to possession of the vehicle;

'civil enforcement officer' undertaking parking enforcement means a person authorised by or on behalf of the Council under Section 76 of the 2004 Act to supervise and enforce the restrictions imposed by this Order:

'parking bay' means any part of the parking place, delineated by lines or other means, for the leaving of a vehicle.

'parking place' means the parking place specified in Column 1 of the Schedule 2;

'electric/plugged in vehicle' means any vehicle using electric motors for propulsion which requires plugging in to charge batteries

'electric vehicle parking bay' means a Parking Bay for Electric/Plugged in Vehicles

'parking disc' means a disc issued by a local authority and capable of showing the quarter hour period during which a period of waiting begins.

'parking ticket' means a ticket issued by a ticket machine.

'penalty charge' means a penalty charge relating to a parking contravention in accordance with regulation 4 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

'penalty charge notice' has the meaning given by regulation 8(1) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

'permit Holder' is the owner of a vehicle who has a permit issued by the Council for the use of a parking place which is for the use of that vehicle only so identified on the duly authorised permit.

'permitted motor vehicle' means a passenger vehicle, a dual purpose vehicle, a goods vehicle not exceeding a maximum unladen weight of 1525kg, a motorcycle or a vehicle displaying a Disabled Person's Badge.

'relevant position' means:-

- (a) in the case of a disabled person's badge –
  - (i) where a vehicle is fitted with a dashboard or fascia, the badge is exhibited on the dashboard or fascia , or
  - (ii) where a vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle.

so that the front of the badge is clearly legible from the outside of the vehicle; and

- (b) in the case of a parking disc -
  - (i) the disc is exhibited on the dashboard or fascia of the vehicle; or
  - (ii) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle.

So that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle.

'scale' being the appropriate Rate of Payment shown in the Tables in Schedule 3 as specified in Column 6 of schedule 2 in relation to the parking place indicated in Column 1 of Schedule 2.

'the payment' means the appropriate payment to be paid by the driver of a vehicle using the parking place, in accordance with Article 20, and as specified in Schedule 3 and Column 6 of Schedule 2.

'ticket machine' means an apparatus of a type and design approved by the Secretary of State for Transport for the purpose of this Order being apparatus designed to issue parking tickets indicating the rate of payment and the date and time at which the charge was paid.

'Cashless Parking' means methods of payment of the purchase of parking time by the use of a credit or debit card or other means of secure authorised payment made by telephone or internet to facilitate a cashless and ticketless transaction

'third party provider' means the contractor authorised by the Council to accept payment of the parking charge made by Cashless Parking on its behalf and to keep a record of that parking charge and the vehicle, parking place and parking period in respect of which that payment has been made

## **PART I - PARKING PLACES (OFF STREET)**

In this Section of Part I of this Order, the expressions 'Parking Place' and 'Parking Space' refer only to those areas of land authorised under Article 1 of Part I of this Order.

1. The area of land specified in the Column 1 of Schedule 2 of this order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicle and on such days and during such hours and on making such payment and conditions as are specified in relation to the area in this Order and in Schedule 2.
2. The driver of a vehicle shall, unless the vehicle is displaying a valid parking permit issued by the Council or is being used all as provided for in Articles 15 and 18, be required to make the appropriate payment to permit the vehicle to wait in a parking place during the days and times detailed in Column 3 and Column 4 of Schedule 2.
3. The driver of a vehicle using the parking place in accordance with Article 2 shall make the appropriate payment in accordance with Schedule 3 and Column 6 of Schedule 2.
4. The driver of a vehicle shall not cause or permit the vehicle to wait in the parking place unless it is of a specified class of vehicle described in Column 7 of Schedule 2.
5. No person shall use a vehicle whilst it is in the parking place in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services or use the vehicle in any way whatsoever to direct members of the public to any place or building or display and form of advertisement whatsoever without prior arrangement with and the permission of the Council in writing.
6. No driver of a vehicle shall cause or permit the vehicle to wait in a position other than in a marked parking bay or specified position in the parking place.
7. No person shall, except with the permission of any person duly authorised by the Council in that behalf, drive any vehicle in the parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.
8. All vehicles shall be driven in a reasonable manner with due care and consideration for the safety of other users of the parking places.



9. No person shall, in a parking place, use any threatening, abusive or insulting language, gesture or behaviour with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
10. No person shall use any part of a parking place or any vehicle left in a parking place for:
  - a) sleeping or camping purposes; or
  - b) eating or cooking purposes.
  - c) The purposes of servicing, washing, cleaning, constructing, maintaining or repairing any vehicle or part thereof other than is reasonably necessary to enable that person to depart from the parking space.
11. In a parking place no person shall:
  - a) Erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council, nor
  - b) Light or cause or permit to be lit any fire.
12. No person shall use any parking place in an improper and disorderly manner, particularly for the use of ball games or any other activity that is likely to cause annoyance and nuisance to other users of the parking place or residents of premises in the neighbourhood.
13. Where by Notice at a Parking Place, a Parking Place is described as available for vehicles of a specified class or vehicles to be left in a specified location, no person shall cause or permit a vehicle to wait in that Parking Place or in any Parking Bay within the Parking Place;
  - (i) Unless it is of the specified class;
  - (ii) In a position other than that specified
- 13(a) The Council may reserve in any of the Parking Places affected by this Order a number of Pay and Display Electric/Plugged in Vehicle Parking Bays for Electric/Plugged in Vehicles. An Electric/Plugged in Vehicle may only be left in an Electric/Plugged in Vehicles Parking Bay reserved for such vehicles during the period take to charge the vehicles battery from the Electric/Plugged in Vehicle Parking Post.

- 13(b) The Council may install and maintain in proper working order Electric Vehicle Charging Posts as it thinks fit in the vicinity of an Electric Vehicle Parking Bay.
- 13(c) No person shall except with the permission of or under the direction of a person duly authorised by the Council cause or permit any vehicle to park during the prescribed hours on the prescribed days in any of the Electric/Plugged in Vehicle parking Bays unless the vehicle is an Electric/Plugged in Vehicle and is parked for the purpose set out in Clause 8(a) above.
- 13(d) Where signs are erected, or surface marking laid, for the purposes of indicating entrance(s) to or exit(s) from a parking place; or specifying the direction in which vehicles are to proceed, a person shall not drive or cause any vehicle to be driven:
- (i) So that it enters the Parking Place otherwise than by an entrance, or leaves the Parking Place otherwise than by the exit
  - (ii) In a direction other than that specified
  - (iii) In a manner or at a speed so as to cause danger to any person in the Parking Place
- 13(e) the driver of a vehicle shall not leave that vehicle in any areas of the Parking Place that have hatched markings and/or are indicated as restricted areas within the Parking Place
- 13(f) the driver of a vehicle shall not obstruct any entrances to or egress from the Parking Place or obstruct any other vehicle within the Parking Place
14. Notwithstanding the provisions of this Order the Council may, by notice displayed at or near the parking place, close the parking place or part thereof for any period of time and no driver of any vehicle shall cause or permit the use of such a parking place or part thereof when it is so closed.
15. If at any time in a parking bay or bays there is displayed a notice that a particular bay or bays is or are reserved for the leaving of pedal cycles, solo motor cycles or vehicles specified in Articles 19 and 20 hereof no person shall leave a vehicle in any such parking bay or bays other than for the purposes so specified. Motorcycles with a sidecar attached will be treated as a private motor car.
16. When a vehicle is accompanied by a trailer, the trailer must be parked in a parking bay and a payment must be paid for the trailer equivalent to the amount payable in respect of the vehicle. Both tickets must be displayed in the vehicle bearing the registration mark of such trailer.

17. The Council may enter into contracts for :
- a) the issue of an annual or seasonal parking permit at full or reduced seasonal rates or,
  - b) for specific uses at designated locations at payments to be agreed and published to include for the continued free use of parking bays for staff and councillors of the Council displaying a valid permit issued by the Council.
18. No driver shall cause or permit a vehicle to be parked in a parking bay marked for use by vehicles displaying a disabled persons badge unless the vehicle:
- a) is carrying a disabled person who is in possession of a disabled persons badge in accordance with Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 which must be displayed on the vehicle in accordance with Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and
  - b) is displaying a Parking badge on the vehicle in accordance with the Regulations referred to in 18(a) above.
19. ALLOCATED PERMIT PARKING BAYS
- a) No driver shall cause or permit a vehicle to be parked in a Parking Bay marked for permit holders unless the vehicle is displaying a current and valid parking permit.
  - b) A Permit Holder will be subject to the provisions of this Order whilst parked in the parking place.

20. AMOUNT AND METHOD OF PAYMENT and DISPLAY OF TICKETS

Except for vehicles referred to in Articles 15, 18, and 19 of this Order the driver of a vehicle using a pay and display Parking Place, or any Parking Bay within the Parking Place, shall upon parking the vehicle in the Parking Place and prior to leaving the Parking Place, pay the appropriate charge (if any) for parking as laid down for that Parking Place the rate of payment for a vehicle left in the parking place will be that specified in Schedule 3 and Column 6 of Schedule 2.

The rate of payment as referred to in Article 20 are payable as follows:

- (i) **Purchase of a Pay and Display Ticket by coin:**

Obtaining a Pay and Display Ticket from a ticket machine as proof of arrival and expiration of parking time in respect of free parking or purchased time via coin payment.

- (ii) **Purchase of parking time by phone or internet application:**  
Purchase of parking time by phone or internet application via a credit/debit card payment (Cashless Parking) An Additional administrative charge is levied payable to the third party provider in respect of the convenience fee. Further optional fees may be levied if customers wish to receive a text reminder of expiry of parking time or to re-new their parking time.
- (iii) **Parking Permit – Physical and/or virtual:**  
Issued by Wirral Borough Council which is obtained or purchased in accordance with a public/staff parking contract. Methods of payment received via cheque, invoice, credit/debit card, direct debit, standing order or salary deduction/salary sacrifice in respect of Council Staff.

## 21. PENALTY CHARGE NOTICE

- a) If a vehicle is left in the parking place specified in Schedule 2:
  - i. where no parking payment ticket is purchased or exhibited on the vehicle in accordance with Article 20 of this Order; or
  - ii. for longer than the period of which payment was made, or
  - iii. the vehicle is parked outside a marked parking bay, or
  - iv. the vehicle is parked in contravention of Articles 13, 14, 15, 18, and 19; or
  - v. the driver of the vehicle does not use the parking place for its proper purposes in contravention of Articles 4, 5, 6, 7, 8, 9, 10, 11, and 12, or
  - vi. where the vehicle is not displaying a current and valid Wirral Borough Council Car Parking Permit:

An additional amount (hereinafter referred to as 'the Penalty Charge') shall be payable in the manner described in the 'Penalty Charge Notice'.

- b) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by the Schedule to The Civil Enforcement of Parking

Contraventions (England) General Regulations 2007 may be served in accordance with regulation 9 or 10 of the above regulations by a Civil Enforcement Officer undertaking parking enforcement duties.

## 22. VEHICLES IN A PARKING PLACE

- a) Where any vehicle is standing in a parking place in contravention of any of the provisions of this Order a civil enforcement officer undertaking parking enforcement or other person authorised in the behalf by the Council may alter or cause to be altered the position of the vehicle and he may remove the vehicle from the parking place or cause it to be removed and where it is so removed shall provide for its safe custody and may make such removal and storage charge as is necessary.
- b) Any person removing or altering the position of a vehicle by virtue of the provisions of paragraph (a) of this Article may do so, after a notice has been attached to the vehicle in accordance with Article 21, by towing or driving the vehicle or in such other manner as he thinks reasonably necessary and may take such measures in relation to that vehicle as he may think reasonably necessary to enable him to remove it or alter its position as the case may be.
- c) The Council shall not be responsible for any loss or damage to the vehicle or to anything contained therein or attached hereto arising from or in consequence of the exercise of the powers contained in this Article.
- d) The Council shall not be responsible for any loss or damage to vehicles, persons or property arising from the use of a parking bay.

23. In the case of an emergency any civil enforcement officer undertaking parking enforcement or other person duly authorised by the Council, a Police constable or an officer in the emergency services in uniform may move or cause to be moved vehicles left in the parking place to any place he thinks fit.

## GENERAL

24. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

Dated the ??th day of ???? 2017

THE SEAL OF METROPOLITAN BOROUGH  
OF WIRRAL

Was hereunto affixed in the  
Presence of:-

**Schedule 1            Revocations**

Metropolitan Borough of Wirral, (Off-street Pay and Display Parking Places)  
Order, 2015.

## Schedule 2 – Off Street Parking Places

Item No.	Col. 1 Location of Parking Place	Col. 2 Controlled Hours	Col. 3 Day	Col. 4 Time	Col. 5 Maximum Period of Waiting	Col. 6 Rate of Payment	Col. 7 Classes of Motor Vehicles
<b>LISCARD</b>							
1	Liscard Crescent car park. Plot of land bounded by Liscard Crescent, Monk road, Wilton Street and Westminster Road	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – F, of Schedule 3	(i) Motor Cars (ii) Motor Cycles  (iii) Goods vehicle  (iv) Disabled persons vehicles
2	Liscard Village car park. Plot of land bounded by Liscard Crescent, Newell Road and Liscard Village.	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – F, of Schedule 3	(i) Motor Cars (ii) Motor Cycles  (iii) Goods vehicle  (iv) Disabled persons vehicles
3	Seaview Road car park. Plot of land bounded by Egerton Grove, Liscard Village and Seaview Road.	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – F, of Schedule 3	(i) Motor Cars (ii) Motor Cycles  (iii) Goods vehicle  (iv) Disabled persons vehicles

HESWALL



## Schedule 2 – Off Street Parking Places

Item No.	Col. 1 Location of Parking Place	Col. 2 Controlled Hours	Col. 3 Day	Col. 4 Time	Col. 5 Maximum Period of Waiting	Col. 6 Rate of Payment	Col. 7 Classes of Motor Vehicles
4	Pye Road car park. Plot of land bounded by Pye Road and May Road	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – F, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
5	Mount Avenue car park. Plot of land bounded by Mount Avenue and Heswall Hall	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – F, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
6	Puddy Dale car park. Plot of land bounded by service road at rear of buildings on Telegraph Road and Puddy Dale playing fields.	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – F, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles

## Schedule 2 – Off Street Parking Places

Item No.	Col. 1 Location of Parking Place	Col. 2 Controlled Hours	Col. 3 Day	Col. 4 Time	Col. 5 Maximum Period of Waiting	Col. 6 Rate of Payment	Col. 7 Classes of Motor Vehicles
7	Rocky Lane car park. Plot of land bounded by Telegraph Road and Rocky Lane	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – F, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
8	Upper Mount Avenue car park. Plot of land south end of Mount Avenue	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – G, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
<b>WEST KIRBY</b>							
9	Dee Lane car park. Plot of land bounded by Dee Lane on its northerly side and South Parade on its westerly side.	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – F, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles

## Schedule 2 – Off Street Parking Places

Item No.	Col. 1 Location of Parking Place	Col. 2 Controlled Hours	Col. 3 Day	Col. 4 Time	Col. 5 Maximum Period of Waiting	Col. 6 Rate of Payment	Col. 7 Classes of Motor Vehicles
10	Concourse Car Park – Plot of land bounded by Orrysdale Rd and the Fire Station	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying a valid parking ticket	Table – F, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
<b>BIRKENHEAD</b>							
11	Atherton Street car park. Plot of land bounded by the south side of Claughton Road and the west side of Exmouth Street	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – A, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
12	Barton Street car park. Plot of land between Windsor Street and Barton Road and to the rear of 32-42 Oxtan Road	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – B, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles

## Schedule 2 – Off Street Parking Places

Item No.	Col. 1 Location of Parking Place	Col. 2 Controlled Hours	Col. 3 Day	Col. 4 Time	Col. 5 Maximum Period of Waiting	Col. 6 Rate of Payment	Col. 7 Classes of Motor Vehicles
13	Cook Street car park. Rectangular plot of land on the easterly side of Cook Street to the rear of 5-11 Oxtan Road	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – B, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
14	Europa Square car park – rectangular plot of land bounded by Conway Street, Claughton Road and located west of Claughton Road bus station	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – A, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
15	Exmouth Street car park. Plot of land bounded by the north side of Claughton Road and the east side of Exmouth Street	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – A, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles

## Schedule 2 – Off Street Parking Places

Item No.	Col. 1 Location of Parking Place	Col. 2 Controlled Hours	Col. 3 Day	Col. 4 Time	Col. 5 Maximum Period of Waiting	Col. 6 Rate of Payment	Col. 7 Classes of Motor Vehicles
16	Oliver Street 1 car park. Plot of land bounded by Oliver Street, St John Street and the Service road at the rear of the premises on the western side of Milton Pavement	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – A, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
17	Quarrybank Street car park. Rectangular plot of land bounded by Quarrybank Street, Borough Road and No's 31-53 Oxtan Road	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – D, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
18	Wilbraham Street car park. Plot of land between Borough Road East and Wilbraham Street	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – A, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
19	Duncan Street car park. Plot of land bounded by Duncan Street, Hamilton Street, Albion Street and Camperdown Street	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – C, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles

## Schedule 2 – Off Street Parking Places

Item No.	Col. 1 Location of Parking Place	Col. 2 Controlled Hours	Col. 3 Day	Col. 4 Time	Col. 5 Maximum Period of Waiting	Col. 6 Rate of Payment	Col. 7 Classes of Motor Vehicles
20	Elgin Way car park. Plot of land bounded by Elgin Way, Argyle Street, Sandford Street and Sidney Street	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – G, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
21	Hinson Street car park. Plot of land bounded by William Street, Henry Street and Hinson Street.	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – C, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
22	Woodside Approach car park. Plot of land bounded by Woodside bus station on its northern side	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – C, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
23	Price Street car park. Plot of land on the southerly side of Price Street bounded by Europa Boulevard and Conway Park railway station.	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – E, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles

## Schedule 2 – Off Street Parking Places

Item No.	Col. 1 Location of Parking Place	Col. 2 Controlled Hours	Col. 3 Day	Col. 4 Time	Col. 5 Maximum Period of Waiting	Col. 6 Rate of Payment	Col. 7 Classes of Motor Vehicles
24	Europa Pools car park. Surrounding Europa Pools Leisure Complex, Conway St, Birkenhead and including all access and service roads	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – A, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
25	Hamilton Building car park. Plot of land on the southern side of Conway Street bounded on its easterly side by Hemingford Street, including the access road from Conway Street	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – A, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
26	Wirral Country Park car parks. Plots of land on the southern side and northern side of Station Road, Thurstaston in the vicinity of the visitor centre accessed from Station Road.	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – H, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles

## Schedule 2 – Off Street Parking Places

Item No.	Col. 1 Location of Parking Place	Col. 2 Controlled Hours	Col. 3 Day	Col. 4 Time	Col. 5 Maximum Period of Waiting	Col. 6 Rate of Payment	Col. 7 Classes of Motor Vehicles
27	Royden Country Park car parking areas, including the access road and all roads within the country park area and the plots of land used for car parking within the Royden Country Park boundary. Accessed from Hill Bark Road.	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – H, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
28	Arrowe Country Park car parking areas, including the access road and all roads within the country park area and the plots of land used for car parking accessed from Arrowe Park Road and Arrowe Brook Road.	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – H, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles
29	Eastham Country Park car parking areas, including the access road and all roads within the country park area accessed from Ferry Road.	All days	Mon – Sun inclusive	8.00am – 6.30pm	24 hours if displaying approved parking ticket	Table – H, of Schedule 3	(i) Motor Cars (ii) Motor Cycles (iii) Goods vehicle (iv) Disabled persons vehicles



### Schedule 3 - Rate of Payment

<b>Table – A</b>	<b>Table – B</b>	<b>Table – C</b>	<b>Table – D</b>	<b>Table – E</b>	<b>Table – F</b>	<b>Table – G</b>	<b>Table – H</b>
Up to	Up to ½ hr £0.70	Up to	Up to ½ hr £0.70	Up to	Up to	Up to	
1hr £1.20	1hr £1.20	1hr £1.20	1hr £1.20	1hr £1.20	1hr £0.90	1hr £1.20	1hr £0.50
2hrs £1.80	2hrs £1.80			2hrs £1.80	2hrs £1.10		2hrs £1.00
3hrs £2.30	3hrs £2.30			3hrs £2.30	3hrs £1.40		
4hrs £3.50	4hrs £3.50				4hrs £2.30		
5hrs £4.30	5hrs £4.30				5hrs £3.50		
All Day £4.70	All Day £4.70	All Day £4.70	All Day £2.20	All Day £3.20	All Day £4.70	All Day £2.20	All Day £2.00
Annual Permit £600.00	Annual Permit £600.00	Annual Permit £600.00	Annual Permit £600.00	Annual Permit £600.00	Annual Permit £600.00	Annual Permit £600.00	Annual Permit £50.00

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## MINUTE EXTRACT

### CABINET

19 JUNE 2017

#### 10 CAR PARKING CHARGES TRAFFIC REGULATION ORDER - CONSIDERATION OF FURTHER REPRESENTATIONS



**Councillor Stuart Whittingham, Cabinet Member – Highways and Transport, said:**

“These proposals have been put forward as part of the plan to help us achieve £45 million in savings without cutting back on the services which people most rely on.

A key area of concern has been the possible impact on the local residents and businesses that rely on the use of our parks on a daily basis and we are looking to introduce a household membership scheme that will equate to a cost of £1 a week in response to this.

It is important that we properly consider these further representations received and I would like to thank everyone for their comments, however I am satisfied that all important points have been taken into account and the Council should now press ahead with implementing these proposals as quickly as possible.”

Councillor Stuart Whittingham introduced a report which considered representations submitted against the modified Traffic Regulation Order consulted upon in respect of the following proposed car parking charges budget savings options:

- Increase car parking tariffs at all Council operated car parks by 20p; and
- Introduce car parking charges in country parks with charges of 50p for 1 hour, £1 for 2 hours and £2 all day in Arrowse Country Park, Royden Country Park, Eastham Country Park and Thurstaston Country Park.

The report recommended approval of a revised set of proposals taking into account the representations received to the modified published proposals.

The Cabinet noted that the Wirral Plan 2020 pledge relevant to this report, and to the parking service area, was Pledge Thirteen: Transport and Technology Infrastructure fit for the future, and the proposal supported the Transport Strategy priority to keep traffic moving safely and efficiently.

Councillor Whittingham referred to the Government’s austerity measures which had meant tough decisions like these ones having to be taken. He informed that Council

Services, as well as other Public Services e.g. Police and Fire, NHS, were being cut to the bone.

Councillor Whittingham drew attention to the fact that even though the proposals had been reduced from those originally consulted on back in January 2017, there was still an important requirement of the statutory process to give notice to inform persons affected of the modifications and to give due consideration to any further representations received.

Notices had been erected at the sites and a public notice had formally advertised this in the local press on 8 March 2017. During this formal notice period the following further representations have been received:

- 141 individual representations (via letter or email) to all of the modified car parking charges budget proposals; and
- 16 of the individual representations included specific traffic management concerns. The general concern was of the traffic impact in other areas, displaced parking in to adjacent roads, traffic congestion, blocked access, dangerous parking, road safety concerns, conflict and inconvenience with residents.

On detailed assessment, officers were satisfied that there were no fundamentally different or new points being raised that had not already been considered hence it was recommended that authority be given to implement these proposals without further delay. All representations had been made available to Members of the Cabinet in advance of the meeting.

This matter affected all wards in the borough and was a Key Decision included on the Council's Forward Plan.

Councillor Phil Davies informed that by its actions, Central Government had slashed the Council's budget. If its austerity policies were reversed the Cabinet would reverse its decisions on car parking charges. Until then, Members had difficult decisions to make. The Government could listen or plough on with its disruptive policies. The Cabinet had listened to the representations made by local businesses, local Groups etc. The funding that would be generated from car parking charges would be reinvested. The challenge was what are the alternative savings, if not these ones? Sadly, the Cabinet must continue with this car parking charges policy but it had taken on board the further representations it had received.

**RESOLVED: That Cabinet:**

- (1) notes the report and the objections received to the modified charges and published Traffic Regulation Order consultation;**
- (2) approves the increase in car parking tariffs at all Council operated car parks, where charges already apply, by 20p;**

- (3) approves the introduction of car parking charges in country parks with charges of 50p for 1 hour, £1 for 2 hours and £2 all day in Arrowe Country Park, Royden Country Park, Eastham Country Park and Thurstaston Country Park;**
- (4) approves the introduction of a household membership scheme for the use of country parks in (3) at a cost of £50 per annum; and**
- (5) approves and confirms the draft Traffic Regulation Order appended to the report giving effect to (1) to (4) above.**

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