

AGENDA



For a meeting of the
COUNCIL
to be held on
THURSDAY, 13 SEPTEMBER 2012
at
2.00 PM
in the
COUNCIL CHAMBER, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM
Beverly Agass, Chief Executive

Members of the Council are invited to attend the above meeting to consider the items of business listed below.

For those Councillors who wish to attend, prayers will be held in the Council Chamber at 1:55pm before the commencement of the meeting. Please be seated by 1:50pm.

1. PUBLIC OPEN FORUM

The public open forum will commence at **2.00 p.m.** and the following formal business of the Council will commence at **2.30 p.m.** or whenever the public open forum ends, if earlier.

2. APOLOGIES FOR ABSENCE

3. DISCLOSURE OF INTERESTS

Members are asked to disclose any interests in matters for consideration at the meeting.

4. MINUTES OF THE MEETING HELD ON 12 JULY 2012

(Enclosure)

5. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

(Enclosure)

6. BOUNDARY COMMISSION - BOUNDARY REVIEW

The Council will receive a presentation from the Boundary Commission for England.

7. GRAVITY FIELDS FESTIVAL

The Economic Development and Investment Service Manager will give a presentation on arrangements for the Gravity Fields Festival.

8. CIVIL PARKING ENFORCEMENT - OFF-STREET PARKING PLACES ORDER

Report number PD003 by Grow the Economy – Economic Development Portfolio Holder. **(Enclosure)**

9. QUESTIONS WITHOUT DISCUSSION

To note the list of questions asked under Council procedure rule 11.1 as circulated at the start of the meeting and their reference to the relevant Policy Development Group.

10. NOTICES OF MOTION GIVEN UNDER COUNCIL PROCEDURE RULE 12:

1) From Councillor Phil Dilks

This motion seeks to improve the openness, accountability and efficiency of the Council and assist elected Members in carrying out their responsibilities in representing local residents.

Council notes that a Public Open Forum of up to 30-minutes is set aside at the start of each Council meeting for any resident of the District to question the administration, subject to written notification no later than 72-hours prior to the meeting.

The resident may reasonably expect to receive an answer at the meeting as well as a reply to a supplementary question.

Questions from Councillors are also required to be submitted within a similar time-frame, but are then treated very differently to questions from residents.

All questions from councillors are currently referred to *'the relevant Policy Development Group'* irrespective of who they are directed to, delaying a reply for several weeks or even months.

In contrast, a councillor could expect a quicker formal reply by lodging a request under the Freedom of Information Act.

Council resolves to tackle this issue by tasking its Constitutional Committee to consider appropriate amendments to the Rules of Procedure to be voted on at the next Annual Meeting of the Council, thus ensuring that in seeking information, councillors are not more disadvantaged than the residents they are elected to represent.

2) From Councillor Phil Dilks

This Council resolves that each SKDC Committee and Policy Development Group be invited to provide a short report on its work over the previous year to be presented to the Annual Meeting of the Council.

The deadline for notices of motion for the meeting on Thursday 18 October 2012 will be 2pm on Friday 5 October 2012.

MINUTES

COUNCIL

THURSDAY, 12 JULY 2012

2.00 PM



PRESENT

Councillor Mrs Rosemary Kaberry-Brown Chairman

Councillor Bob Adams
Councillor Mark Ashberry
Councillor Ray Auger
Councillor Harrish Bisnauthsing
Councillor Pam Bosworth
Councillor Teri Bryant
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor George Chivers
Councillor Michael Cook
Councillor Kelham Cooke
Councillor Paul Cosham
Councillor Nick Craft
Councillor Alan Davidson
Councillor Breda Griffin
Councillor Reginald Howard
Councillor Vic Kerr
Councillor Jock Kerr
Councillor Michael King
Councillor Charmaine Morgan
Councillor David Nalson
Councillor Mrs. Linda Neal
Councillor John Nicholson
Councillor Alan Parkin

Councillor Helen Powell
Councillor Nick Robins
Councillor Bob Russell
Councillor Bob Sampson
Councillor Susan Sandall
Councillor Bob Sandall
Councillor Ian Selby
Councillor Rob Shorrocks
Councillor Mrs Judy Smith
Councillor John Smith
Councillor Peter Stephens
Councillor Judy Stevens
Councillor Ian Stokes
Councillor Adam Stokes
Councillor Brenda A Sumner
Councillor Mrs Jean Taylor
Councillor Mike Taylor
Councillor Jeff Thompson
Councillor Frank Turner
Councillor Bruce Wells
Councillor Martin Wilkins
Councillor Rosemary H Woolley
Councillor Raymond Wootten

OFFICERS

Chief Executive (Beverly Agass)
Strategic Directors (Daren Turner, Tracey Blackwell)
Head of Legal and Democratic Services (Lucy Youles)
Principal Democracy Officer (Jo Toomey)

20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bevan, Broughton, Miss Channell, Dilks, Higgs, Rowlands, Scott, Woods and Wren.

The chairman reported that Councillor Higgs was recovering well from recent surgery. The Chief Executive was asked to write to him with the best wishes of the Council.

21. DISCLOSURE OF INTERESTS

Councillor Morgan disclosed an interest in agenda item 10 (Notices of Motion given under Council Procedure Rule 12 – first notice of motion) as the new fundraiser for Grantham Foodbank.

During the meeting Councillor Bryant disclosed an interest in agenda item 10 (first notice of motion) because of the work he undertook for, and the contributions he made to, local voluntary organisations.

22. MINUTES OF THE MEETING HELD ON 3 MAY 2012

It was proposed and seconded that the minutes from the meeting held on 3 May 2012 be agreed as a correct record subject to the following amendment:

- Page 3, minute number 3, final paragraph: change “a notice without motion...” to “this notice without motion”

This was put to the vote and carried.

23. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

The Council noted the Chairman’s engagements.

The Chairman expressed a vote of thanks to the Council’s officers and volunteers who helped with the Olympic torch relay on the three days it came into South Kesteven. Councillors watched a short film which showed the journey of the torch through the district. Councillors showed their congratulation and appreciation with a round of applause.

An estimated 85,000 people watched the torch pass through South Kesteven and took part in community events. A representative from one of the official Olympic sponsors had particularly noted the effort made in the district. As the event in Bourne was early in the morning, it was intended to be low-key however there was strong public support.

An Olympic themed cultural tour travelled to over 70 schools in the district, with a torch designed as part of a children’s competition.

A special presentation was made to officers who played key roles in co-

ordinating the Olympic torch relay in South Kesteven: Paul Stokes, Susie McCahon, Geoff O'Neill, Carol Drury, Pat Swinton, Phil Jordan and Mark Jones. Councillors once again showed their appreciation with a round of applause.

24. LOCAL GOVERNMENT BOUNDARY COMMISSION ELECTORAL REVIEW OF SOUTH KESTEVEN DISTRICT

Decision:

- 1. That the Council establishes a working group of Members to work with officers to develop proposals for the submission to the Local Government Boundary Commission for England relating to council size and revised warding arrangements***
- 2. That membership of the working group be five members***
- 3. To reflect the overall composition of the Council, that the working group consist of three members of the Conservative Group, one member of the Independent Group and one member of the Labour Group***
- 4. To appoint Councillors Bob Adams, Adam Stokes, Kelham Cooke, Alan Davidson and Reg Howard to the working group***

The Governance and Communication Portfolio Holder moved the recommendations in report number LDS071 on the Local Government Boundary Commission Electoral Review of South Kesteven, which was then seconded. He explained that a review was required, and that the Boundary Commission considered South Kesteven a priority as 13 of the district's 34 Wards had an electoral imbalance (either 10% more or fewer electors than the average of 1820).

The review would take place in two stages. The first stage would see the submission of a proposal on council size to the Boundary Commission. The second stage was a more detailed review of warding arrangements. All proposals needed the approval of Council before their submission to the Boundary Commission. All proposals had to be well-reasoned and based on evidence.

A working group was required to carry out detailed work on the proposals and make recommendations to Council. It was proposed that the working group consist of five members and be politically balanced (three Conservative, one Independent and one Labour Councillors).

The Conservative Group working party nominations were Councillor Bob Adams, Councillor Adam Stokes and Councillor Kelham Cooke. The Labour group nominated Councillor Alan Davidson as its representative and Councillor Reg Howard was proposed as the Independent Group's representative.

The recommendations as proposed and seconded were put to the vote and carried unanimously.

25. MEMBERS' CODE OF CONDUCT

Decision:

- 1. The Council adopts the draft Members' Code of Conduct attached as Appendix A to report number LDS072.**
- 2. The Council adopts arrangements to deal with complaints made about District Councillors set out in Appendix B to report number LDS072 and considers arrangements for dealing with complaints about parish and town councillors.**
- 3. That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Members' Code of Conduct by district, town and parish councillors, with authority to delegate the function of dealing with the complaints relating to parish and town councillors to the relevant town or parish council where appropriate.**
- 4. The Council approves the appointment of Mr Fred Mann as the Independent Person and the Venerable Tim Barker as the reserve.**
- 5. That the Monitoring Officer be given delegated authority, after consultation with the Independent Person or reserve, to determine whether a complaint merits formal investigation and to arrange such investigation.**
- 6. That the Council disband the Standards Committee and delegate to the Review Board (see Constitution page 82) the authority to receive reports on investigation carried out into alleged failure to comply with the Members' Code of Conduct, to consider whether a complaint should be investigated as required by the Monitoring Officer, determine the outcome of investigations and report findings to Council as and when required by the Review Board.**
- 7. That the Monitoring Officer be instructed to seek resolution of complaints without formal investigation wherever practicable, and that the Monitoring Officer be given discretion to refer decisions on investigation to the Review Board where it is inappropriate for the Monitoring Officer to take the decision.**
- 8. Where an investigation finds no evidence of failure to comply with the Members' Code of Conduct, the Monitoring Officer is instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant, to the Member concerned and to the Independent Person.**
- 9. Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person is authorised to seek local resolution in appropriate cases with a summary report for information to the Council. Where such local resolution is not appropriate or not possible, the Monitoring Officer is to report the investigation findings to the Review Board for local hearing and determination.**
- 10. That the Council delegate to the Review Board such of its powers as can be delegated to take decisions in respect of a member who**

is found on hearing to have failed to comply with the Code of Conduct, such actions to include:

- Reporting its findings to Council [or the Town or Parish Council] for information.***
- Recommending to the Member's Group leader (or in the case of ungrouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.***
- Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities.***
- Instructing the Monitoring Officer to [or recommend that the Town or Parish Council] arrange training for the member.***
- Recommending to Council that the Member be removed [or recommend to the Town or Parish Council that the Member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Town or Parish Council].***
- Withdrawing [or recommend to the Town or Parish Council that it withdraws] facilities provided to the Member by the Council, such as a computer, website and/or email and internet access.***
- Excluding [or recommend that the Town or Parish Council exclude] the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee or sub-Committee meetings.***

11. That the Council adopt a Council Procedure Rule requiring Members to leave the room of any meeting which they attend where they have registered a disclosable pecuniary interest and/or have disclosed an interest in accordance with the Members' Code of Conduct in any item of business at that meeting. The proposed procedure rule will equate to the current code of conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of the business in which he/she has an interest, except where they are permitted to remain as a result of the grant of a dispensation.

12. That the Monitoring Officer be granted delegated authority to consider and determine applications for dispensations in accordance with the legislation relating to dispensations to allow Members to participate and vote in any decision where they have an interest. In the event that the Monitoring Officer is unable to determine such an application for dispensation, the Monitoring Officer is authorised to refer that application to the Review Board for consideration and determination.

13. The Council approves appropriate amendments to the Constitution to enable the approved provisions to be documented in the

Constitution.

In proposing the recommendations in report number LDS072 on the Members' Code of Conduct and Interests, the Governance and Communication Portfolio Holder amended recommendation 1.2 and 1.3, changing "parish and town councils" to "parish and town councillors". This was seconded.

The need to adopt a new Members' Code of Conduct was a requirement of the Localism Act. The proposed code of conduct had been considered by the Standards Committee and the Engagement Policy Development Group before its presentation to Council. It had three key parts: the code of conduct, the complaints procedure and requirement to appoint an Independent Person, and registration and disclosure of interests.

The Portfolio Holder stated the proposed Code of Conduct was based on the seven Nolan Principles for Public Life and explained changes in respect of registration and disclosure of interests. New arrangements were also required for dealing with complaints and the Council was required by the Localism Act to appoint an Independent Person. Applications were received from Mr Fred Mann who was nominated as the Independent Person and the Venerable Tim Barker who was nominated as the reserve. Their appointments were proposed for one year.

A vote of thanks was expressed to the former Standards Committee Chairman, Mr Chris Holtom CBE and Mr. Fred Mann as the former Vice-Chairman, for their many years of service. Councillors who had been involved with the Standards Committee commended Mr Holtom and Mr Mann on the way they led the process, the support they provided and their discretion and helpfulness. Councillors expressed their appreciation with a round of applause.

The Chairman conducted separate votes on each of the recommendations in the report to allow Councillors to propose any amendments.

Recommendation 1.1 was put to the vote and carried.

An amendment was proposed to recommendation 1.2:

"the adoption of arrangements to deal with complaints made about District Councillors set out in Appendix B and consider arrangements for dealing with complaints about parish and town councillors. However, it is not considered fair or just to require a member to have to seek a Judicial Review in order to appeal a decision given the high costs associated with this procedure. It is therefore recommended that an alternative independent appeals mechanism is identified."

This was seconded.

Councillors speaking in favour of the amendment argued that judicial review was prohibitively expensive and that any appeals mechanism should be

accessible to all in accordance with the principles for natural justice.

In speaking against the motion, Councillors highlighted the cost of creating an independent appeals panel for council taxpayers. It was further suggested that there was an opportunity for informal resolution by calling together interested parties and the Independent Person, as described in recommendation 1.9, which should reduce the need for appeal.

The Monitoring Officer explained that under the previous system there had been provision for review of a decision at the assessment phase only. After the Committee had determined a hearing following an investigation, the only method of recourse was Judicial Review. The Local Government Ombudsman could provide a complaint mechanism in instances where there was considered to be maladministration by the Council.

The amendment was put to the vote and lost. The recommendation as originally moved was put to the vote and carried.

Recommendation 1.3 (as amended by the Portfolio Holder), was put to the vote and carried.

Recommendation 1.4, appointing Mr Fred Mann as the Council's Independent Person and the Venerable Tim Barker as reserve, was put to the vote and carried.

Recommendation 1.5 was put to the vote and carried.

An amendment was proposed to recommendation 1.6, which was seconded:

Instead of using the Council's existing appeals panel, a new panel should be created comprising members drawn from each of the political party or groups to a maximum of one person per party or group.

The proposed scheme included the Council's appeal panel (any three members from the Licensing Committee and Resources PDG) as per page 82 of the Council's Constitution.

Councillors speaking in support of the motion stated that under the previous arrangements, the Standards Committee comprised one member from each political group, which they considered more reasonable and fair than the proposed panel. They also felt involving representatives from all political groups would increase the independence of the panel.

The amendment was put to the vote and lost. The recommendation as originally moved was put to the vote and carried.

15:35-15:55 The meeting adjourned

Recommendation 1.7 was put to the vote and carried.

Recommendation 1.8 was put to the vote and carried.

Recommendation 1.9 was put to the vote and carried.

Recommendation 1.10 was put to the vote and carried.

An amendment was proposed to recommendation 1.11, which was seconded. The amendment would replace the proposal for a Councillor to leave the room during discussion of an item in which they have an interest as defined by the Members' Code of Conduct with:

“Members may not take part in the discussion or vote if they have a disclosable pecuniary interest. There is no statutory requirement for members to leave a meeting if they disclose an interest. However, they should leave their place in the meeting.

It will be up to the discretion of the Member to decide whether it is appropriate to adjourn to the public area or whether it is appropriate to leave the room.

The decision of the Member should be recorded in the minutes.”

Councillors debated the amendment. Those speaking in favour of the amendment considered that Councillors should have the same rights as members of the public, who could be present during meetings when decisions were taken that had an impact on them. They also argued that Councillors should be permitted to listen to the debate and hear the decision, particularly when they are representing the electors in their Ward. This would allow Councillors to understand the reasoning behind any decision.

Those who spoke against the amendment suggested that the presence of an interested Councillor at a meeting could be seen to influence a decision or affect the openness of debate. Supporters of the amendment disagreed with this. Councillors also referred to perceptions of members of the public in respect of influence and bias within decision-making.

The Monitoring Officer explained that there would still be an opportunity for the granting of dispensations where 50% of councillors would be prevented from participating in a meeting because of interests.

The amendment was put to the vote and lost. The recommendation as originally moved was put to the vote and carried.

Recommendation 1.12 was put to the vote and carried.

Recommendations 1.13 was put to the vote and carried.

26. REPRESENTATIVES ON OUTSIDE BODIES

Decision:

The Council appoints Councillor Mrs Brenda Sumner as its second representative on the Local Government Association Urban Commission.

Report number LDS073 recommended that the Council appoint a representative to the Local Government Association Urban Commission. As agreed at the annual meeting of the Council 3 May 2013, Councillor Mrs Cartwright remained one of the Council's representatives on the body and held the voting rights.

Three nominations were proposed and seconded: Councillor Mrs Brenda Sumner, Councillor Alan Davidson and Councillor Harrish Bisnauthsing. Following a vote, Councillor Mrs Sumner was appointed as the Council's second representative on the Local Government Association Urban Commission.

27. QUESTIONS WITHOUT DISCUSSION

One question without discussion had been received and referred to the relevant Policy Development Group.

Question

To: Councillor Linda Neal, Leader of the Council

From: Councillor Rob Shorrocks

Do you think it appropriate that as Leader of the Council a PDG has to provide an answer about your own work and engagements and on reflection do you think you can provide further information on your work and engagements since the last full council meeting and have this published on the SKDC website for clear and public and access?

Could a response to the question be provided to me by email?

Referred to the Engagement Policy Development Group.

28. NOTICES OF MOTION GIVEN UNDER COUNCIL PROCEDURE RULE 12:

Decision:

That the Council rejects the motion:

It is proposed that South Kesteven District Council creates a Voluntary Sector Fund specifically for the use of voluntary sector organisations,

across the District, which are providing vital facilities to vulnerable residents.

The combination of high unemployment, cuts in welfare benefits and rising household costs is leading to an increase in the level of people in need of assistance from the Voluntary Sector to access the most basic life essentials.

Councillor Morgan proposed the motion:

“It is proposed that South Kesteven District Council creates a **Voluntary Sector Fund** specifically for the use of voluntary sector organisations, across the District, which are providing vital facilities to vulnerable residents.

The combination of high unemployment, cuts in welfare benefits and rising household costs is leading to an increase in the level of people in need of assistance from the Voluntary Sector to access the most basic life essentials”

The motion was seconded.

In proposing the motion, Councillor Morgan stated that voluntary organisations in the district that provided services for the most vulnerable residents were facing increased demand and finding it difficult to access funding. Attracting funding for existing projects was difficult and there was a lot of competition. A lot of initiatives were church-led or reliant on voluntary contributions from individuals. Similar concerns were echoed by other Councillors who spoke in favour of the amendment.

Referring to the draft Financial Outturn, she proposed that a fund be created from within the reserve which was set aside for unforeseen events.

During debate on the motion, Councillors highlighted national economic conditions, levels of unemployment, the number of part-time workers and the number of families living in poverty.

Members also considered future funding arrangements for the authority; further reductions in funding were expected over the next four-years.

The Council’s Budget included funding for the Lincolnshire Community Voluntary Service, which supported voluntary sector organisations and the Citizen’s Advice Bureau, from which individuals could seek support.

Some Councillors expressed concern that the proposed level of funding and its duration were not included in the motion. Several Councillors suggested that the support provided by voluntary sector organisations should be provided by the government, and funding for the services should not be the responsibility of a district council.

The Section 151 Officer stated that the 2012/13 budget had been agreed and

would require reports to Cabinet and Council by which point the budget cycle for 2013/14 would be underway. He suggested that if the motion was successful, provision for such a fund could be built into this.

There was a request for a recorded vote. However, failing to receive the support of ten Members as per Council Procedure rule 16.4, the request was refused. The proposal was put to the vote and lost.

Councillors Selby, Morgan, Shorrocks, Davidson, Powell, Ashberry and Wells requested that their votes for the motion be recorded. Councillor Peter Stephens requested that his vote against the motion be recorded.

Councillor Morgan withdrew her second notice of motion. The notices of motion submitted by Councillor Dilks were dismissed because he was not present at the meeting.

Decision:

That the Council rejects the motion:

- 1. "The council will, through its neighbourhood groups, consult widely with existing and would-be tenants and others on government proposals for secure tenancies, rents and housing benefit"***
- 2. Seek the views and experience of private sector tenants, and provide support and advice in the face of high rents and housing benefit cuts.***
- 3. Provide a briefing for landlords on the impact of housing benefit changes and work with them to develop affordable pricing strategies***
- 4. Not replace existing or future secure tenancies with fixed term tenancies for existing and future tenants***
- 5. Ensure that proposed business plans for borrowing and investment in housing include a full equality and economic impact assessment on the impact of future rent policy and that full consultation is undertaken with tenants, neighbourhood groups and councillors.***
- 6. Ensure that the Housing Business Plan is discussed and approved by a full meeting of council."***

Councillor Shorrocks proposed the motion:

- 1. The council will, through its neighbourhood groups, consult widely with existing and would-be tenants and others on government proposals for secure tenancies, rents and housing benefit***

2. Seek the views and experience of private sector tenants, and provide support and advice in the face of high rents and housing benefit cuts.
3. Provide a briefing for landlords on the impact of housing benefit changes and work with them to develop affordable pricing strategies
4. Not replace existing or future secure tenancies with fixed term tenancies for existing and future tenants
5. Ensure that proposed business plans for borrowing and investment in housing include a full equality and economic impact assessment on the impact of future rent policy and that full consultation is undertaken with tenants, neighbourhood groups and councillors.
6. Ensure that the Housing Business Plan is discussed and approved by a full meeting of council.

The motion was seconded.

In proposing the motion, Councillor Shorrocks referred to £18bn in benefit cuts that had been proposed by the government, which would particularly affect young people under the age of 25 and families with children with disabilities. He suggested that reducing benefits for young people could increase the number of homelessness applications made to the Council. He also highlighted a potential national impact, which could see people migrating to the district from more areas where the cost of living was greater. Consequently, the motion called for a full impact assessment that would constitute part of the Housing business plan.

Councillor Shorrocks also highlighted legislation that would give the Council the power to change the tenure of its tenancies. He asked the Council to protect secure tenancies. The motion also indicated the importance of consultation with tenants and landlords about changes to benefits and the potential impact of those changes. The Councillor seconding the motion highlighted a potential risk: that private sector rents would increase because of demand created by high house prices.

The Portfolio Holder for Good Housing highlighted work that the Council was doing, which he considered addressed the points raised in the motion. Work included reviewing strategies around housing including the management, maintenance and investment in the Council's housing stock as a result of the re-financing of the Housing Revenue Account (HRA). This would include consultation with key stakeholders including tenants. The Council was also preparing for the impact of welfare reform on council and private sector tenants and subsequent consultation. Councillors would have the opportunity to get involved with this policy development through the Council's policy development groups.

It was proposed and seconded that, in accordance with Council Procedure Rule 13(x), that the question be now put. This proposal was put to the vote and carried.

The proposed notice of motion was put to the vote and lost.

29. CLOSE OF MEETING

The meeting was closed at 17:24.

Agenda Item 5

Councillor Mrs Rosemary Kaberry-Brown Civic Events – 08/07/12 to 02/09/12

Date	Ref	Organisation and Event	Location	Chauf
July				
8.7.12	RKB039	Service of Dedication – Lincolnshire CC + Lincs Youth Orchestra from 3pm	Lincoln Cathedral	Yes
15.7.12	RKB038 VC013	Dedication Service of War Memorial (short service – at memorial not in church)	St Wulfram’s Churchyard	No
15.7.12	RKB017	NKDC Civic Service	All Saints Church - Branston	Yes
17.7.12	RKB045	Cultural Tour Reception (Olympic Tour)	Guildhall, Grantham	
18.7.12	VC011	Congregation of the Conferment of Degrees Bishop Grosseteste University	Lincoln Cathedral Lincoln	/
21.7.12	VC014	Lincolnshire Mystery Plays	Medieval Bishop’s Palace	No
22.7.12	RKB030	At Home The High Sheriff of Lincolnshire	Knaith Hall Nr Gainsborough	Yes
31.7.12	RKB048	Olympic Torch Reception	Guildhall, Grantham	
August				
3.8.12	VC012	Grantham Civic Society Blue Plaque unveiling – Charles Dickens	George Centre, next to Ask, Grantham	No
3.8.12	RKB047	Official Unveiling – Aviation Display Grantham Museum	Grantham Museum	
8.8.12	RKB043	Coffee Morning Chairman’s own	Staff Rest Area SKDC	
26.8.12	RKB042 VC0013	British Model Flying Association - Championships	RAF Barkston, Grantham	
September				
2.9.12	RKB040	WLDC Civic Service	Gate Burton	Yes

**Councillor Mrs Rosemary Kaberry-Brown
Civic Events – 08/07/12 to 02/09/12**

REPORT TO COUNCIL

REPORT OF: Portfolio Holder For Grow The Economy - Economic Development

REPORT NO: PD003

DATE: 13 September 2012

TITLE:	CIVIL PARKING ENFORCEMENT – PARKING PLACES ORDER 2012	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	STATUTORY ORDER	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Mrs Frances Cartwright: Grow the Economy – Economic Development Portfolio Holder	
CONTACT OFFICER:	Neil Cucksey Head of Property Development n.cucksey@southkesteven.gov.uk telephone number 01476 406	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below See paragraph 7	Full impact assessment Required:
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Report to Council - AFM0132 - 21.1.2010, Report to Cabinet AFM0126 – 4.1.2010, and Report to Cabinet PD02 - 21.5.2012	

1. RECOMMENDATIONS

It is recommended that Council adopts the South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012, as attached at Appendix 1 of report number PD003 to commence on a date to be determined by the Secretary of State for Transport on the approval of the application by Lincolnshire County Council for Civil Parking Enforcement powers for Lincolnshire. Such an Order will be adopted to replace the South Kesteven District Council (Off-Street Parking Places) Order 2009 and the South Kesteven District Council (Off-Street Parking Places) (Pay and Display) Order 2010.

2. PURPOSE OF THE REPORT

The purpose of the report is to seek adoption of the South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012, having consulted with the statutory bodies and public in readiness for the introduction of civil parking enforcement throughout the county of Lincolnshire.

3. DETAILS OF REPORT

At the Cabinet meeting on 21 May 2012, Cabinet agreed to approve the Draft South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012 (the Parking Order) as attached to report PD002 for consultation with the statutory bodies and the public in accordance with Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996

On 21 January 2010 Council approved that:

- 1 Civil Parking Enforcement is undertaken within the administrative boundary of South Kesteven District Council through partnership with the other seven authorities covering on and off street enforcement.
- 2 Authorisation is given for Lincolnshire County Council's application to the Department for Transport for Civil Parking Enforcement on behalf of the authority.
- 3 South Kesteven District Council resolves to join 'The Joint Committee of England and Wales for the civil enforcement of parking and Traffic Regulations outside London' in accordance with the requirements of the Traffic Penalty Tribunal. This requires a member nomination and substitute nomination at an appropriate time
- 4 The level of differential penalty charge as stated in Statutory Instrument 2007 No.3487, Road Traffic, England will be adopted. The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 be set at band 2 PCN level, discounted by 50% for payment within 14 days, and incremented by 50% for payment after the issue of a Charge Certificate.
- 5 Council delegate the authority to sign the partnership Memorandum of Understanding and any associated Service Level Agreement to the Chief Executive and the Leader of the Council.
- 6 That the Council considers going to external enforcement.
- 7 That authorisation is given for South Kesteven District Council to use the central processing unit for the administration of the tickets and guarantee a minimum level of tickets per annum to be paid for.

In order to proceed with the above decision, the Council is required to adopt an appropriate Parking Order which permits enforcement of contravention of the Parking Order in accordance with civil parking enforcement.

Lincolnshire County Council made an application to the Secretary of State to introduce Civil Parking Enforcement within the county of Lincolnshire including the district of South Kesteven. It was anticipated that this application would be determined by 1 October 2012. An anticipated date for implementation has now been given for 30 November 2012 subject to Department of Transport final confirmation. The attached Parking Order is required to be adopted by Council before the introduction of the civil enforcement regime. The Parking Order can only take effect once civil parking enforcement has been introduced by the Secretary of State.

Currently, the Council enforces contraventions of the car parking orders by way of a prosecution in the Grantham Magistrates' Court. This relates to off street parking only. Lincolnshire County Council is proposing the introduction of civil parking enforcement in respect of all parking, on street and off street throughout the county.

The current parking orders: South Kesteven District Council (Off-Street Parking Places) Order 2009 and South Kesteven District Council (Off-Street Parking Places) (Pay and Display) Order 2010 must be replaced to allow for civil enforcement action. Civil enforcement action provides for a penalty charge and subsequent enforcement through the Traffic Enforcement Centre at Northampton County Court.

In readiness for the introduction of this new Parking Order the Freight Transport Association, the Road Haulage Association, the Chief Officer of Police and the local Highway Authority – Lincolnshire County Council were consulted on the proposed Parking Order. In addition, the general public were consulted in accordance with the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996. This was done by writing and sending a copy of the draft Parking Order to those statutory bodies and publishing, at least once, a notice of the proposals in a newspaper circulating in the area to which the Order relates and by placing the notice in the affected areas. A notice and a copy of the draft Parking Order was also placed on the Council's website and in the Customer Service Areas. No objections or comments have been received following the consultation.

The proposed Parking Order amalgamates the two current Parking Orders for Grantham and Stamford.

Enforcement and Ticket Processing:

Both the enforcement and ticket processing in accordance with the proposed Parking Order will be carried out by external contractors.

4. OTHER OPTIONS CONSIDERED

The Council has determined to proceed with civil parking enforcement. It has no other alternative but to adopt a Parking Order in accordance with the legislation relating to civil parking enforcement.

5. RESOURCE IMPLICATIONS

Other than the cost of publishing the notice of proposals for consultation, the introduction of this Parking Order should be met within the existing budget.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
It is a statutory requirement that the Order is adopted to enable the Civil Enforcement Regime to be carried out lawfully	none

7. ISSUES ARISING FROM IMPACT ANALYSIS

A stage 1 equality analysis has been completed and is attached at appendix 3 to the report. The completed stage 2 equality analysis is attached as appendix 4 to the report.

8. CRIME AND DISORDER IMPLICATIONS

Parking in off street parking places can be regulated by Order to prevent misuse. Crime and disorder implications increase if an Order is not made and car parking cannot be regulated.

9. COMMENTS OF FINANCIAL SERVICES

There are no direct financial implications in respect of the proposed orders.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The proposal requires a new Car Parking Order to supersede the existing Car Parking Orders to be introduced in accordance with the provisions of the Road Traffic Regulation Act 1984. The process for introducing a new order is set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Cabinet approved the proposals for consultation. Any comments received as a result of consultation must be considered and reported to Council for consideration as to whether or not the proposed Parking Order can be adopted, however, no comments or objections have been received.

11. COMMENTS OF OTHER RELEVANT SERVICES

There are no comments from other services.

12. APPENDICES:

- Appendix 1: Proposed South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012
- Appendix 2: Draft schedule to proposed South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012
- Appendix 3: Stage 1 equality analysis
- Appendix 4: Stage 2 equality analysis

SOUTH KESTEVEN DISTRICT COUNCIL
CIVIL ENFORCEMENT OFF- STREET PARKING PLACES
ORDER 2012

South Kesteven District Council (“the Council”) in exercise of its powers under Section 35 and Schedule 9 of the Road Traffic Regulation Act 1984 as amended (“the 1984 Act”) and the Traffic Management Act 2004 (“the 2004 Act”) and of all other enabling powers and with the consent of the Lincolnshire County Council given under Section 39(3) of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act and in compliance with regulations made under the Act make the following Order:-

PART I – GENERAL

1. This Order is made on * and will come into effect on the * and may be cited as the South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012.
2. The South Kesteven District Council (Off-Street Parking Places) (Pay and Display) Order 2010 and the South Kesteven District Council (Off-Street Parking Places) Order 2009 and all subsequent variations or amendments are revoked by this Order.
3. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference in this Order to “the Schedule” is a reference to the Schedule to this Order.

(2) In this Order – except where the context otherwise requires – the following expressions shall have the meanings respectively assigned to them:-

DRAFT ORDER FOR CIVIL ENFORCEMENT 31.5.12

“charging hours” – means any period specified in column 5 of Part I of the Schedule on any day prescribed in column 4 of Part I of the Schedule as a day when charges are payable.

“civil enforcement officer” – means the officer appointed by or on behalf of the Council to supervise the parking places.

“Council” – means South Kesteven District Council situated at St. Peter’s Hill Grantham Lincolnshire NG31 6PZ.

“disabled person’s badge” – has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and shall include a badge issued under regulations having effect in Scotland or Wales under s21 of the Chronically Sick and Disabled Persons Act 1970.

“disabled person’s vehicle” – means a vehicle driven by a disabled person, or used at the time of parking for the carriage of a disabled person as defined in the above Regulations.

“driver” – means the person driving the vehicle at the time it was left in the parking place.

“owner” – means the person by whom the vehicle is kept and for the purposes of this Order it shall be presumed that the owner was the person in whose name the vehicle was at the relevant time registered under the provisions of the Vehicle Excise and Registration Act 1994 and “registered keeper” shall be construed accordingly.

“motorcycle” – means a solo motorcycle only and excludes any motorcycle which has a side car or trailer or which has more than two wheels.

“parking bay” – means the area of a parking place which is provided for the leaving of the vehicle and indicated by markings on the surface of the parking place.

“parking place” – means any area of land specified in column 1 of Part I of the Schedule provided by the Council in pursuance of Section 32 (1) of the 1984 Act for use as a parking place.

“parking ticket meter” and “ticket issuing machine” – means such apparatus or device as may from time to time be provided by the Council and situated in the parking place for the purpose of Article 5 of this Order.

“vehicle” means any motorcar, motorcycle or other mechanically propelled automobile.

- (3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II – USE OF PARKING PLACES

Use of land and parking places

4. (1) Each area of land specified by name in column 1 of Part I and Part II of the Schedule may only be used subject to the following provisions of this Order as a parking place for such class or classes of vehicles in such positions on such days and during such hours as are specified in relation to that area in Part I of the Schedule.
- (2) (i) Where in Parts I and II of the Schedule a parking place is described as available for vehicles of a specified class or in a specified position the driver of a vehicle shall not

permit it to wait in that parking place unless it is of the class and in the position so specified.

(ii) Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a disabled persons vehicle the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled persons vehicle displaying a disabled persons badge

(iii) Where within a parking place there is a surface marking of lines or hatching or some other marking indicating that waiting or parking is not permitted within or over such lines hatching or other marking the driver of a vehicle shall not permit it to wait or be parked on such markings but must ensure that it is left wholly within a parking bay and parked between the lines so as not to obstruct access to and egress from the parking place or any part thereof for other users or to obstruct the free movement of vehicles using other parking bays within the parking place.

(3) Insofar as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.

Amount of initial charge at parking places

5. (1) This article applies to the parking places specified by name in column 1 of Part I of the Schedule.

(2) The initial charge for a vehicle parking in a parking place during the charging hours shall, subject as hereinafter provided, be in accordance with the Scale of Charges specified in column 7 of Part I of the Schedule.

- (3) The initial charge referred to in the last preceding paragraph shall be payable at the time of arrival of the vehicle in the parking place by the insertion into the parking ticket meter relating to the parking place of a coin or coins amounting to the value of the initial charge.
- (4) The owner of a vehicle may on application to the Council purchase a season ticket in respect of that vehicle for a charge ascertained by reference to the said Scale of Charges and that season ticket shall be valid in such parking places and at such times as may be determined by the Council during the period for which it is issued. The Council reserves the right to suspend the issue of season tickets without notice
- (5) The Council may, at its discretion, issue a parking permit to the driver of a vehicle and that parking permit shall be valid in such parking places and at such times as may be determined by the Council
- (6) The driver of a vehicle shall attach or cause to be attached any ticket or tickets issued on payment of the initial charge referred to in this Article or any season ticket or parking permit issued under this Article in a conspicuous position on the vehicle in respect of which issued and shall cause the said ticket or tickets, season ticket or parking permit to be exhibited in that position at all times when the vehicle is parked in a parking place

Indication by parking ticket meter

6. (1) Payment of the initial charge for a vehicle left in a parking place shall be indicated by the issue of a ticket or tickets indicating that the charge has been paid on the day on which the vehicle is so left

in respect of an initial period being of not more than the unexpired period of the charging hours on the day of payment

- (2) Any ticket of the type referred to in this Article shall be exhibited in the manner specified in Article 5(6) of this Order
- (3) Any ticket issued by a parking ticket meter shall be presumed unless the contrary is proved to have been issued on the date shown thereon and when the clock on the said parking ticket meter indicated the time to be that shown on the said ticket
- (4) No person shall exhibit on a vehicle left in a parking place during the charging hours any ticket or tickets issued by a parking ticket meter relating to that parking place other than the ticket or tickets issued by a parking ticket meter upon payment of the initial charge in respect of that vehicle

Amount of Penalty Charge at Parking Places

7. (1) If a vehicle is left in a parking place during the charging hours for a longer period than that period for which payment was made, the amount shown in Part III of the Schedule (which amount is hereinafter referred to as the "Penalty Charge") shall be payable by the driver of that vehicle in accordance with Part III of the Schedule and Article 9.
- (2) If a vehicle is left in a parking place during the charging hours either:-
 - (i) without having paid the initial charge or
 - (ii) without a valid parking ticket season ticket or parking permit being displayed

the amount shown in Part III of the Schedule (which amount is referred to as the "Penalty Charge") shall be payable by the driver of that vehicle in accordance with Part III of the Schedule and Article 9.

(3) If a vehicle is left in a parking place during the charging hours and fails to comply with Articles 4 (2) and 10 to 25 of this Order the amount shown in Part III of the Schedule (which amount is referred to as the "Penalty Charge") shall be payable by the driver of that vehicle in accordance with Part III of the Schedule and Article 9.

(4) In the case of a vehicle in respect of which an Penalty Charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position or, where the driver is present, to hand to the driver, or the Council to post to the Owner the Penalty Charge Notice which shall include the following particulars and which particulars are required by the Civil Enforcement of Parking Contraventions (England) General Regulations 2007:-

- (a) the date on which the notice is served;
- (b) the name and address of the Council;
- (c) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle.
- (d) the date and time at which the alleged contravention occurred.
- (e) the grounds on which the civil enforcement officer serving the notice believes that a Penalty Charge is payable.

- (f) the amount of the Penalty Charge.
- (g) that the Penalty Charge must be paid not later than the last day of the period of 28 (twenty eight) days beginning with the date on which the Penalty Charge Notice was served.
- (h) that if the Penalty Charge is paid not later than the last day of the period of 14 (fourteen) days beginning with the date on which the notice is served the Penalty Charge will be reduced by the amount of any applicable discount.
- (i) the manner in which the Penalty Charge must be paid; and
- (j) that if the Penalty Charge is not paid before the end of the period of 28 (twenty eight) days referred to in (g) above a notice to the owner may be served by the Council on the owner of the vehicle.

Restriction on removal of notices

8. When a Penalty Charge Notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council or the driver or a person authorised by the driver shall remove the Notice from the vehicle.

Manner of payment of Penalty Charge

9. (1) The Penalty Charge shall be paid to the Council in accordance with the instructions indicated on the Penalty Charge Notice either by cheque, which shall be delivered or sent by post to the address indicated on the Penalty Charge Notice, by debit or credit card (except Electron and American Express) on the 24 hour telephone payment line; 0845 234 0038 or by any other acceptable means

which is agreed by the Council and the person or persons paying the Penalty Charge.

- (2) The Penalty Charge must be paid to the Council before the end of twenty eight days beginning with the date of the Penalty Charge Notice.
- (3) If the Penalty Charge is paid to the Council before the end of a period of fourteen days beginning with the date of the Penalty Charge Notice the amount of the Penalty Charge shall be reduced in accordance with the Part III of the Schedule of this Order which is pursuant to the Traffic Management Act 2004.
- (4) For the purposes of this Article the Penalty Charge shall be taken to be paid when it is received at the office at the address indicated on the Penalty Charge Notice and if the end of the period of twenty eight days specified in paragraph (2) above or the end of the fourteen days specified in paragraph (3) above falls upon a day the Council office is closed, the period within which the payment of the Penalty Charge shall be made shall be extended until the time at which the Council office closes on the next full day on which that office is open. If full payment is not received within 28 (twenty eight) days of issue, the registered keeper or the person that the Council believes to be the owner of the vehicle will receive a Notice to Owner.
- (5) At this stage, the registered owner/keeper of the vehicle can submit a formal representation objecting to the issue of the Penalty Charge Notice. Vehicle keeper information will be requested from the DVLA
- (6) In the event that the formal representation is rejected, the registered owner/keeper can submit an appeal to the Traffic Penalty Tribunal. They are an independent body and will consider the registered owner/keeper's comments and those offered by the Council. A final decision will be reached.
- (7) If no payment is received within twenty eight days of the date of service of the Notice to Owner, a Charge Certificate will be issued and the outstanding amount is increased by 50%.
- (8) Continued non payment will result in the debt being registered at the County Court and an Order for Recovery will be sent to the owner. At

this stage, the outstanding amount has increased by £7.00 and a period of 21 (twenty one) days is allowed for payment or for a witness statement to be submitted.

- (9) Failure to pay the outstanding amount will result in the outstanding amount being referred to a bailiff to recover the monies.

Miscellaneous

10. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

11. (1) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons or the sale of that vehicle or offering or advertising that vehicle for sale to persons in or near the parking place or in connection with the selling or offering or advertising for hire of his skill or service.

(2) No person shall use any part of a parking place or any vehicle left in a parking place:

(a) for sleeping or camping or cooking; or

(b) For the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

12. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

13. No person shall in a parking place wantonly shout or otherwise make a loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.

14. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace and whereby a breach of the peace is likely to be occasioned.

15. Where in a parking place signs are erected or surface markings are laid for the purpose of:-

(a) indicating the entrance to or exit from the parking place, or

(b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place;

no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified.

16. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place or any part of any car park to which this Order relates for any purpose other than 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.

17. No person shall permit the vehicle to remain continuously in a parking place specified in Part II of the Schedule for a period of more than forty eight (48) hours without express written permission of the Council.

DRAFT ORDER FOR CIVIL ENFORCEMENT 31.5.12

18. Caravans shall not be permitted to wait in any parking place at any time without the express written permission of the Council.
19. Heavy goods vehicles shall not be permitted to wait in any parking place unless that parking place is of that specified class at any time without the express written permission of the Council.
20. Trailers that are not attached to a vehicle shall not be permitted to wait in any parking place at any time without the express written permission of the Council.
21. In a parking place no person shall:-
 - (a) erect or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council.
 - (b) light or cause or permit to be lit any fire.
 - (c) drive a vehicle above the speed of 10mph (ten miles per hour) or for driving around such parking place unnecessarily for driving recklessly erratically dangerously or for any game or sport involving motor vehicles or motor sport rally or motor trial.
 - (d) place a skip or similar storage receptacles or for the storing of goods rubbish or waste of any description howsoever short or long the period without the express written permission of the Council.
 - (e) commit any criminal offence.
22. Save as provided in Article 23 of this Order, no person shall cause or permit any vehicle to wait at any time on any carriageway giving access to or egress from a parking place.

DRAFT ORDER FOR CIVIL ENFORCEMENT 31.5.12

23. Nothing in Article 22 of this Order shall prevent a person from causing or permitting a vehicle to wait on any such carriageway as is mentioned therein for as long as may be necessary:-
- (a) if the vehicle is waiting, owing to the driving being prevented from proceeding by circumstances beyond his control or such waiting as is necessary to prevent an accident;
 - (b) if the vehicle is a fire engine or ambulance or any vehicle in the service of the local authority or police force being used in either case in pursuance of statutory powers or duties.
24. Any vehicle using or remaining in the parking place shall be at the owner's or driver's risk and the Council, or its agents, officers or employees shall not be liable for loss or damage to it or its contents or accessories howsoever arising.
25. The Council may at its complete discretion and without prior notice having been given, suspend the use of any parking place covered by this Order.

PART III – EXEMPTION

26. (1) The driver of a disabled persons vehicle which displays in the relevant position a disabled person's badge shall be exempt from any limitation of time specified in Article 4 and from any payment specified in Articles 5 and 6. A driver who is neither disabled nor carrying a disabled person at the time of parking is not exempt from the provisions of Articles 4, 5, and 6.
- (2) For the purpose of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when:-

- (i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen, and
- (ii) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the front or nearside of the vehicle.

PART III – REMOVAL OF VEHICLE FROM PARKING PLACE

27. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 4, a person authorised by the Council may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
- (2) If a vehicle is left in a parking place in contravention of any of the provisions of this Order a person authorised by the Council may remove the vehicle from that parking place or arrange for such removal and storage of the vehicle.
- (3) For the purpose of meeting the requirements of any emergency, a person authorised by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal and storage of a vehicle from a parking place.
- (4) If a vehicle is removed and stored as mentioned in (2) and (3) above the Council shall serve upon the owner of the vehicle a notice stating that their vehicle has been removed and inform them of where it is being stored. Also the notice will stipulate the charges incurred in accordance with the Civil Enforcement of

Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which are set out in Part III of the Schedule

- (5) The Council may for the purpose of altering or causing to be altered the position of any such vehicle or for the purpose of removing or arranging removal of such vehicle gain access by the use of reasonable force if necessary to such vehicle
- (6) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraph (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed
- (7) Any person removing or arranging for the removal of a vehicle by virtue of paragraph (2) or (3) of this Article shall make such arrangements as he considers reasonably necessary for the safety of the vehicle in the place to which it is removed and stored.
- (8) The Council or other person shall not be liable for any cost claim demand or liability arising from the exercise of their powers under this Article.

PART V – DISPOSAL OF VEHICLES ABANDONED IN A PARKING PLACE

28. The Council may as respects a vehicle which has been, or could at any time be, removed from a parking place in pursuance of Article 27 of this Order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle. Provided that the power of disposal conferred by this Article shall not be exercisable in the case of a vehicle unless there have been taken by the Council such of the following steps as are

applicable to the vehicle and there has elapsed a period of six weeks beginning with the taking of the first of those steps

29. (1) Subject to the provisions of Article 35 of this Order, where a vehicle carries a registration mark issued under the Vehicle Excise and Registration Act 1994 the Council shall apply in writing to the Driver and Vehicle Licensing Agency enquiring who it appears may be the owner of the vehicle and the address of that person.
 - (2) Where the Council act under this Article the first step for the purposes of the last and next succeeding Article shall be taken to be the sending of the notice mentioned in Article 30.
30. The Council shall, where they are by virtue of the last preceding Article aware of the name and address of a person who it appears may be the owner of the vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than 6 (six) weeks from the date of the first step taken by the Council under this part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said notice, or from such place as may be subsequently notified in writing by the Council to that person.
31. If any person to whom a notice is sent in accordance with the last preceding Article informs the Council of the name and address of some other person whom he alleges may be the owner of the vehicle a notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the owner of the vehicle.

32. Subject to the provisions of Article 36 of this Order, where a vehicle does not carry a registration mark issued under the Vehicle Excise and Registration Act 1994, the first step to be taken by the Council shall be to apply in writing to the Chief Officer of the Police in whose area the parking place is from which the vehicle has been, or could at any time be, removed in pursuance of this Order inquiring who that officer considers is the owner of the vehicle and the address of that person.
33. If, after steps have been taken under the foregoing provisions of this Part of this Order, a vehicle is not claimed, the Council shall make further enquiries (if any) as they consider reasonable as to who may be the owner of the vehicle and the address of that person.
34. Where by virtue of Article 32 or 33 of this Order, the Council are informed of the name and address of a person who it is considered may be the owner of the vehicle, Articles 30 and 31 of this Order as respects the sending of notices shall apply in relation to that person at that address as they apply in relation to the person mentioned in the said Article 30.
35. Nothing in the foregoing provisions of this part of this Order shall require the Council to take any such steps as are therein mentioned for the purpose of inquiring who is the owner of a vehicle to which Article 28 of this Order applies, if they have found a person who satisfies them that he is in fact the owner of that vehicle and they have sent him at his address a notice containing the particulars specified in Article 30 of this Order.
36. Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by them in connection with the disposal thereof and of any charge or payment to which they are entitled as regards the vehicle under Section 102 of the 1984 Act.
37. In the event of any such costs incurred by them in connection with the disposal of the vehicle not being satisfied by virtue of the last preceding

Article, the Council may recoup those costs so far as not satisfied from the person who was the last owner of the vehicle before it was removed from the parking place in pursuance of Article 27 of this Order, if that person was sent by the Council a notice under the foregoing provisions of this part of this Order stating the particulars mentioned in Article 30 of this Order.

38. Any sum received by the Council on a sale of the vehicle, after deducting any sum applied there out by virtue of Article 36 of this Order, shall be payable within a period of 1 (one) year from the date of the sale of the vehicle to any person whom, but for such sale the vehicle would have belonged, and insofar as any such sums are not claimed within the said period they shall be paid into the general fund of the Council.
39. If the owner of a vehicle which has been or which could at any time have been removed from a parking place in pursuance of Article 28 of this Order, reclaims the vehicle before the Council sells or otherwise disposes of it as provided for by Article 28 of this Order then the Council shall be entitled to recover from such owner any charge or payment to which they are entitled as regards the vehicle under Section 102 of the 1984 Act.
40. Where under the foregoing provisions of this Part of this Order a notice is required to be, or may be, sent to a person the notice shall be sent by registered post or by the recorded delivery service.

Executed as a Deed by SOUTH)
KESTEVEN DISTRICT COUNCIL)
having caused its common seal)
to be affixed hereto)

In the presence of)

DRAFT - South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012

SCHEDULE – PART I

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1)	(2)	(3)	(4)	(5)	(6)	(7)
North Street Car Park Stamford	Wholly within a parking bay	Any of the following having a height of less than 6'6" :- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Saturday Inclusive	8.00 a.m. – 6.00 p.m.	10 hours	Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 - 2 hours - £1.30 0 - 3 hours - £1.80 0 - 4 hours - £3.00 Over 4 hours - £4.00
Bath Row Car Park Stamford (including the river front parking)	"	"	"	"	"	"
St. Leonards Street Car Park, Stamford	"	"	"	"	"	"
Scotgate Car Park Stamford	"	"	"	"	"	"

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1) Wharf Road Car Park Stamford	(2) Wholly within a parking bay	(3) Any of the following having a height of less than 6'6" :- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	(4) Monday to Saturday Inclusive	(5) 8.00 a.m. – 6.00 p.m.	(6) 10 hours	(7) Up to 3 hours - £1.80 Up to 4 hours - £2.50 ALL DAY - £3.00
Cattle Market Car Park Stamford	"	"	"	"	"	"
Cattle Market Car Park Stamford	Within one or more parking bays	Coaches	Every Day	24 hours	24 hours	£10.00 per 24 hours or part thereof

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1) Welham Street Car Park Grantham Levels 1 and 2	(2) Wholly within a parking bay	(3) Any of the following having a height of less than 6'6":- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	(4) Monday to Saturday inclusive	(5) 8.00 a.m. – 6.00 p.m.	(6) 10 hours	(7) Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 - 2 hours - £1.30 0 - 3 hours - £1.80 0 - 4 hours - £3.00 Over 4 hours - £4.00
Welham Street Car Park Grantham Levels 3,4,5, and 6	"	"	"	"	"	Up to 3 hours - £1.80 Up to 4 hours - £2.50 ALL DAY - £3.00

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Conduit Lane Car Park Grantham	Wholly within a parking bay	Any of the following having a height of less than 6'6":- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Saturday Inclusive	8.00 a.m. – 6.00 p.m.	10 hours	Up to 3 hours - £1.80 Up to 4 hours - £2.50 ALL DAY - £3.00
Guildhall Street Car Park (Greenwoods Row), Grantham	"	"	"	"	"	Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 - 2 hours - £1.30 0 - 3 hours - £1.80 0 - 4 hours - £3.00 Over 4 hours - £4.00
Watergate Car Park Grantham	"	"	"	"	"	"

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1) Council Offices Car Park St Catherine's Road Grantham	(2) Wholly within a parking bay	(3) Any of the following having a height of less than 6'6":- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	(4) Saturdays Only	(5) 8.00 a.m. – 6.00 p.m.	(6) 10 hours	(7) Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 - 2 hours - £1.30 0 - 3 hours - £1.80 0 - 4 hours - £3.00 Over 4 hours - £4.00
Wharf Road Multi Storey Car Park Grantham	"	"	Monday to Saturday Inclusive	"	"	Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 - 2 hours - £1.30 0 - 3 hours - £1.80 0 - 4 hours - £6.00 Over 4 hours - £8.00

SCHEDULE

PART II

Each area of land:

Car park at Wyndham Park Hill Avenue Grantham Lincolnshire more particularly delineated edged red on attached plan "A"

Car park at Dysart Park Bridge End Road Grantham Lincolnshire more particularly delineated edged red on attached plan "B"

Car park at Trent Road adjacent to the Rose and Castle Public House Grantham Lincolnshire more particularly delineated edged red on attached plan "C"

Car park at The Meres Leisure Centre and Sports Stadium on Trent Road Grantham Lincolnshire more particularly delineated edged red on attached plan "D"

Car park at Arnoldfield Gonerby Hill Foot Grantham Lincolnshire more particularly delineated edged red on attached plan "E"

PART III

£70.00 (£35.00 where paid within 14 days; £105 if paid after service of charge certificate)

1. Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited
2. Parked in a restricted area in a car park
3. Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge
4. Parked in a car park or area not designated for that class of vehicle
5. Parked causing an obstruction

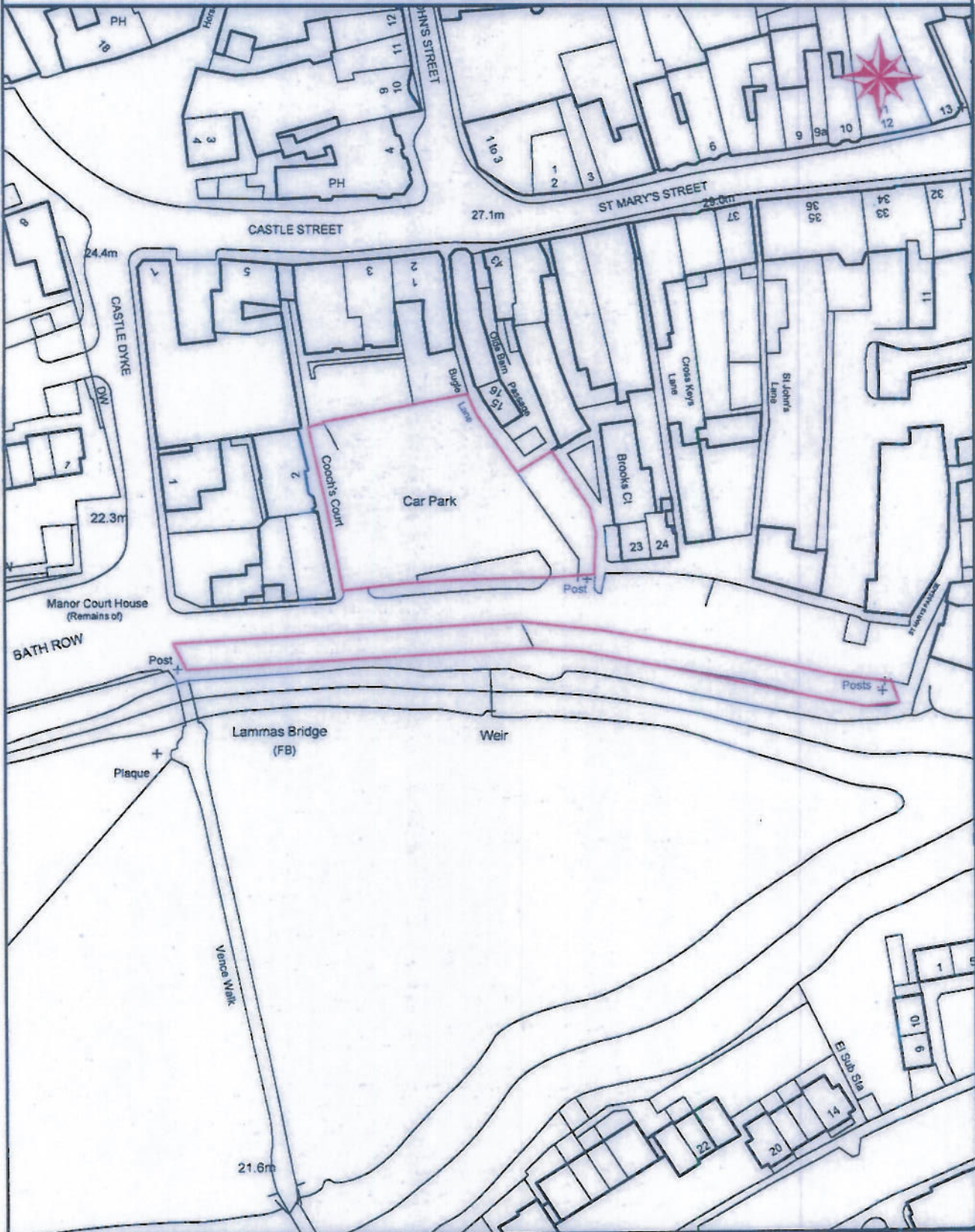
£50.00 (£25.00 where paid within 14 days; £105 if paid after service of charge certificate)

1. For parking without displaying a valid parking ticket; that is without paying to park, or parking after expiry of paid time and for parking without clearly displaying of disabled parking clock or any other parking ticket
2. Parking beyond the bay markings
3. Parking for a purpose other than that permitted
4. Parking with the engine running

CHARGES FOR THE REMOVAL STORAGE AND DISPOSAL OF VEHICLES

1. Removal - £105.00
2. Storage - £12.00 per day
3. Disposal - £50.00

BATH ROW STAMFORD



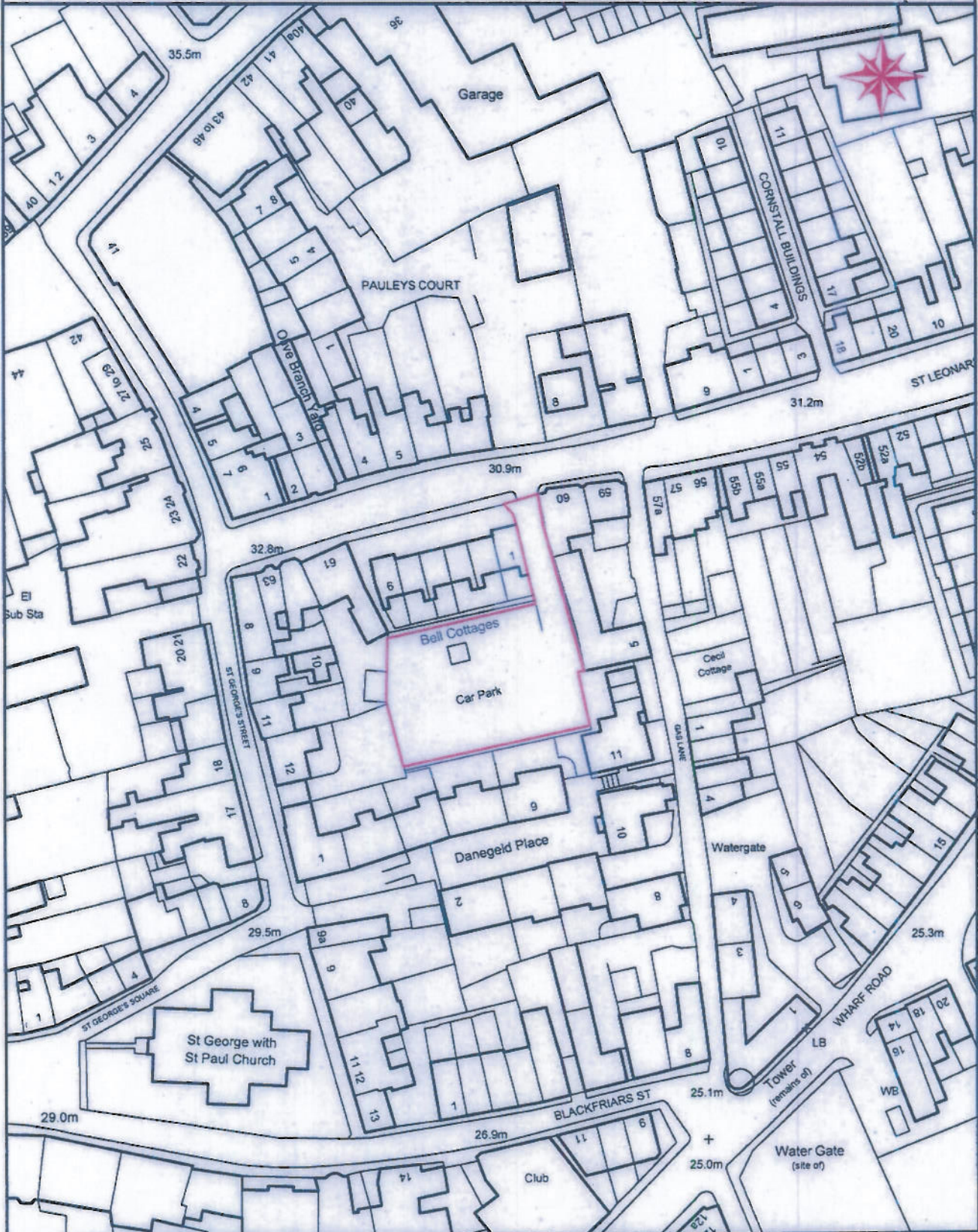
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ST LEONARDS STREET STAMFORD



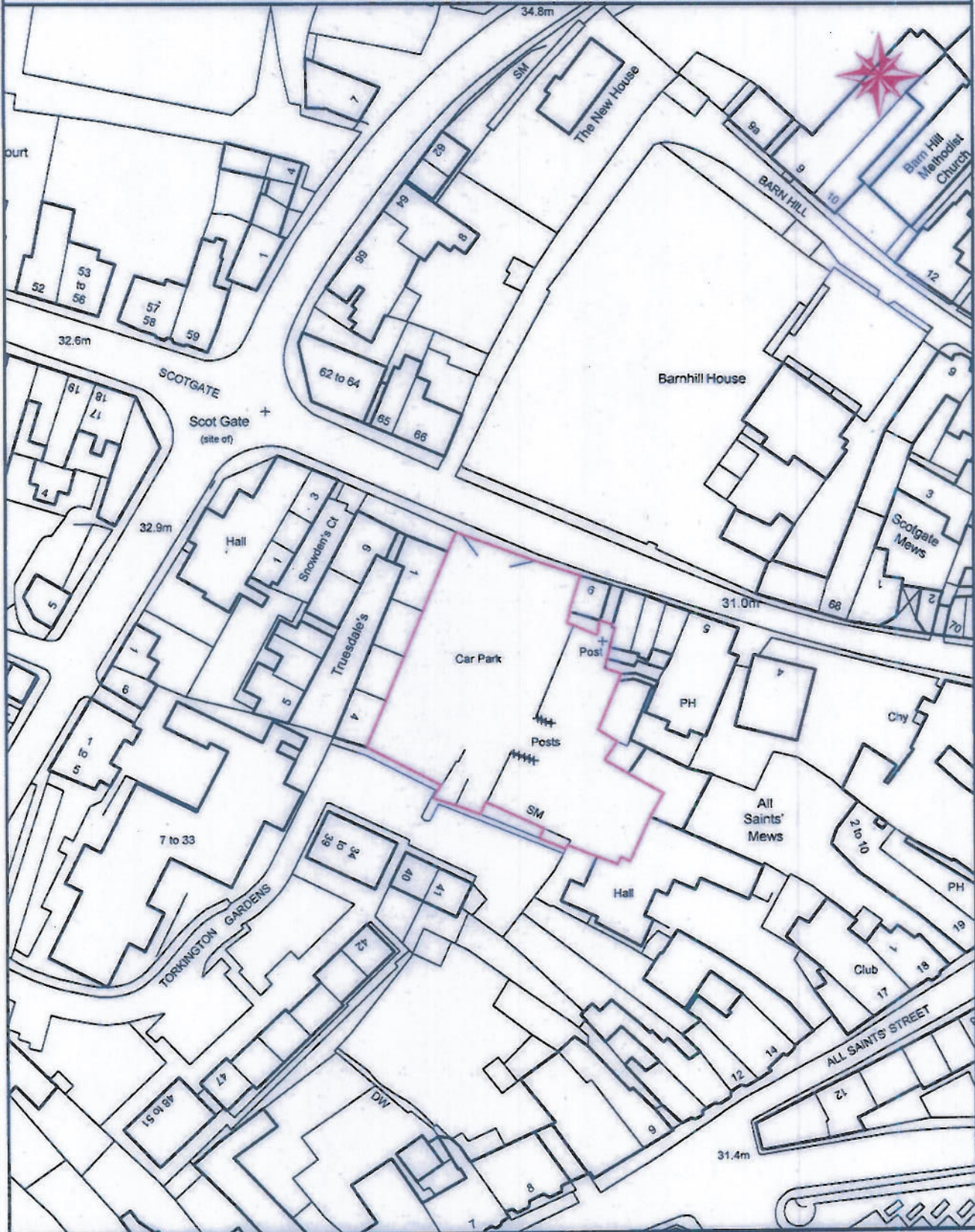
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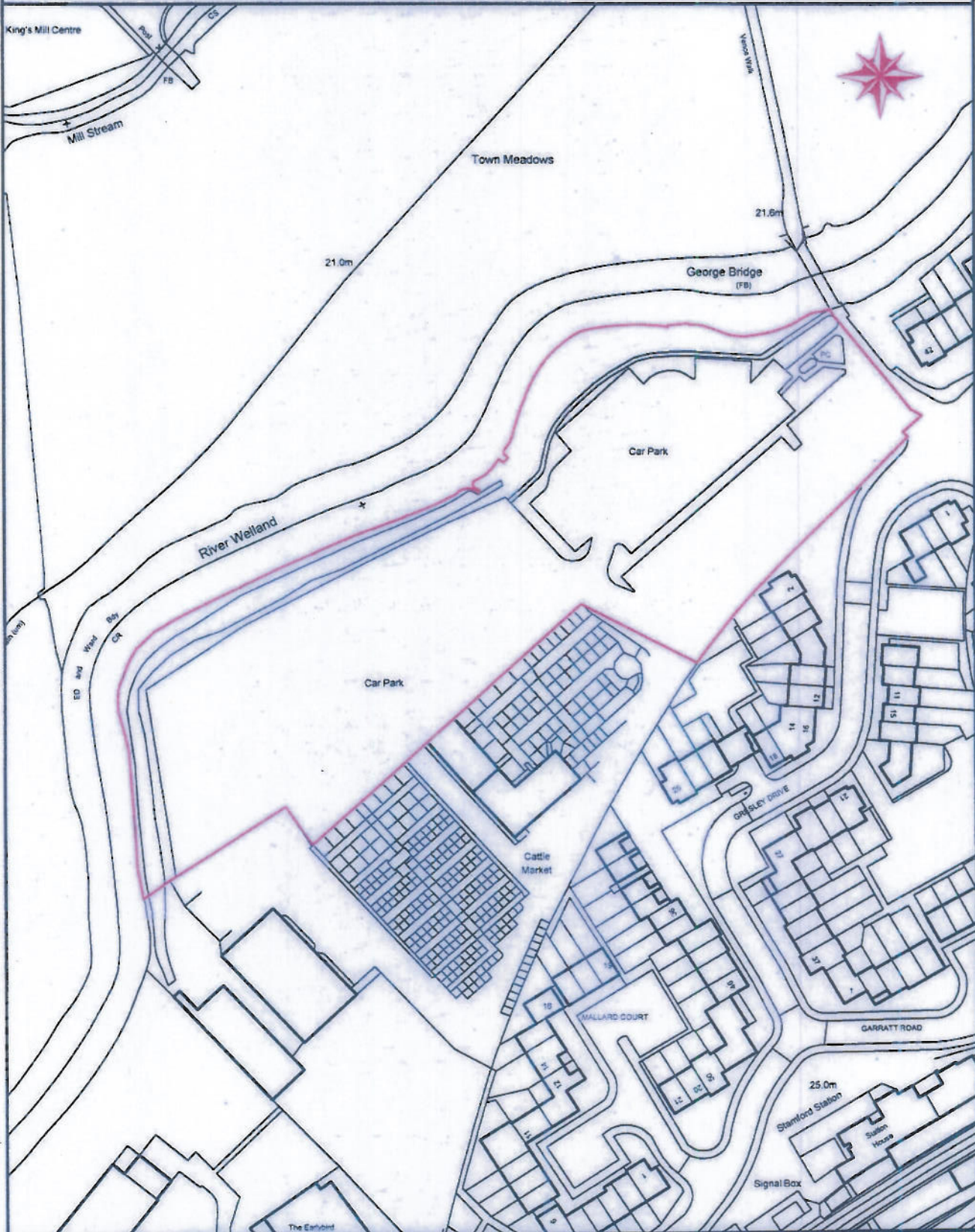
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SCOTGATE STAMFORD



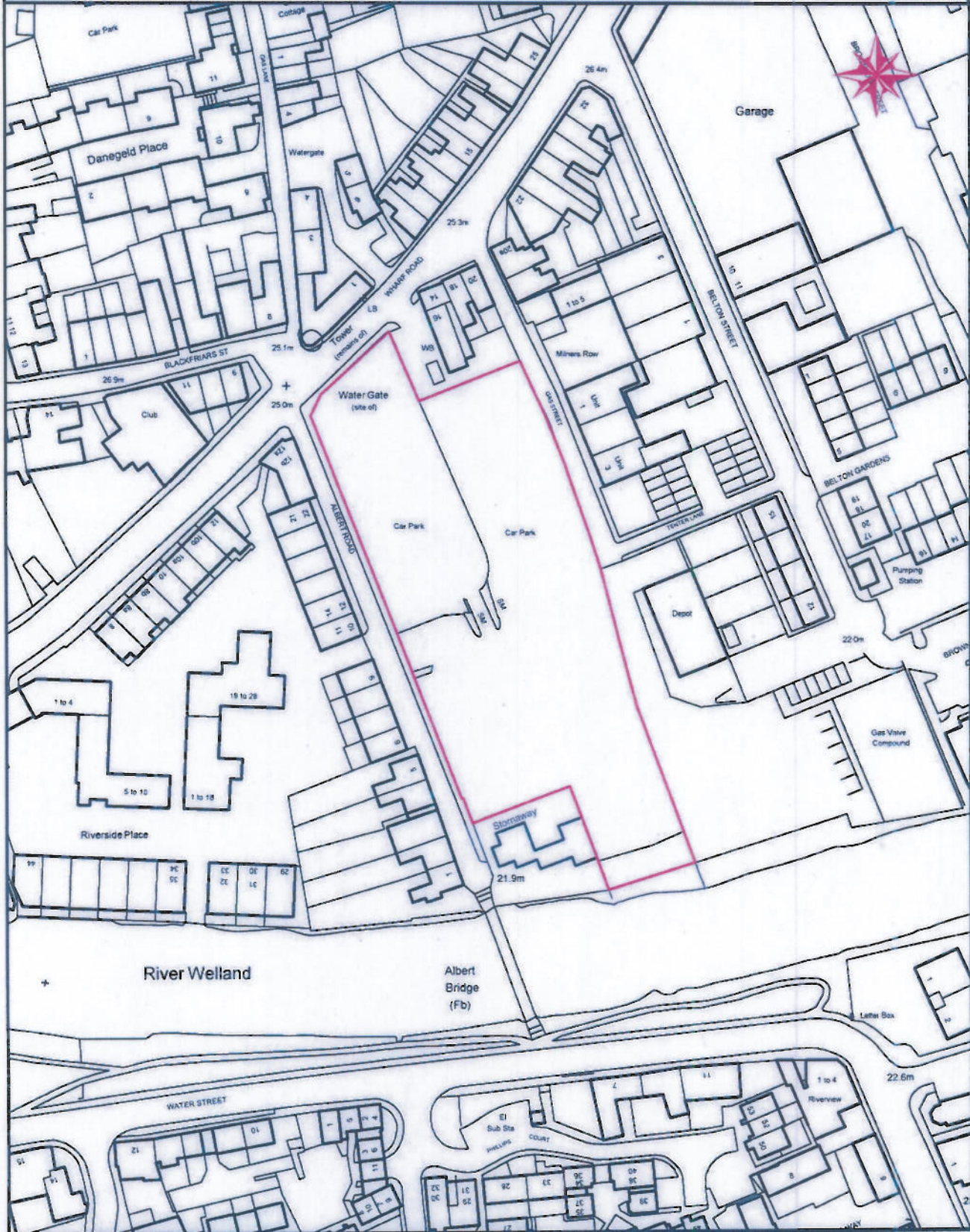
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CATTLE MARKET STAMFORD



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WHARF ROAD STAMFORD



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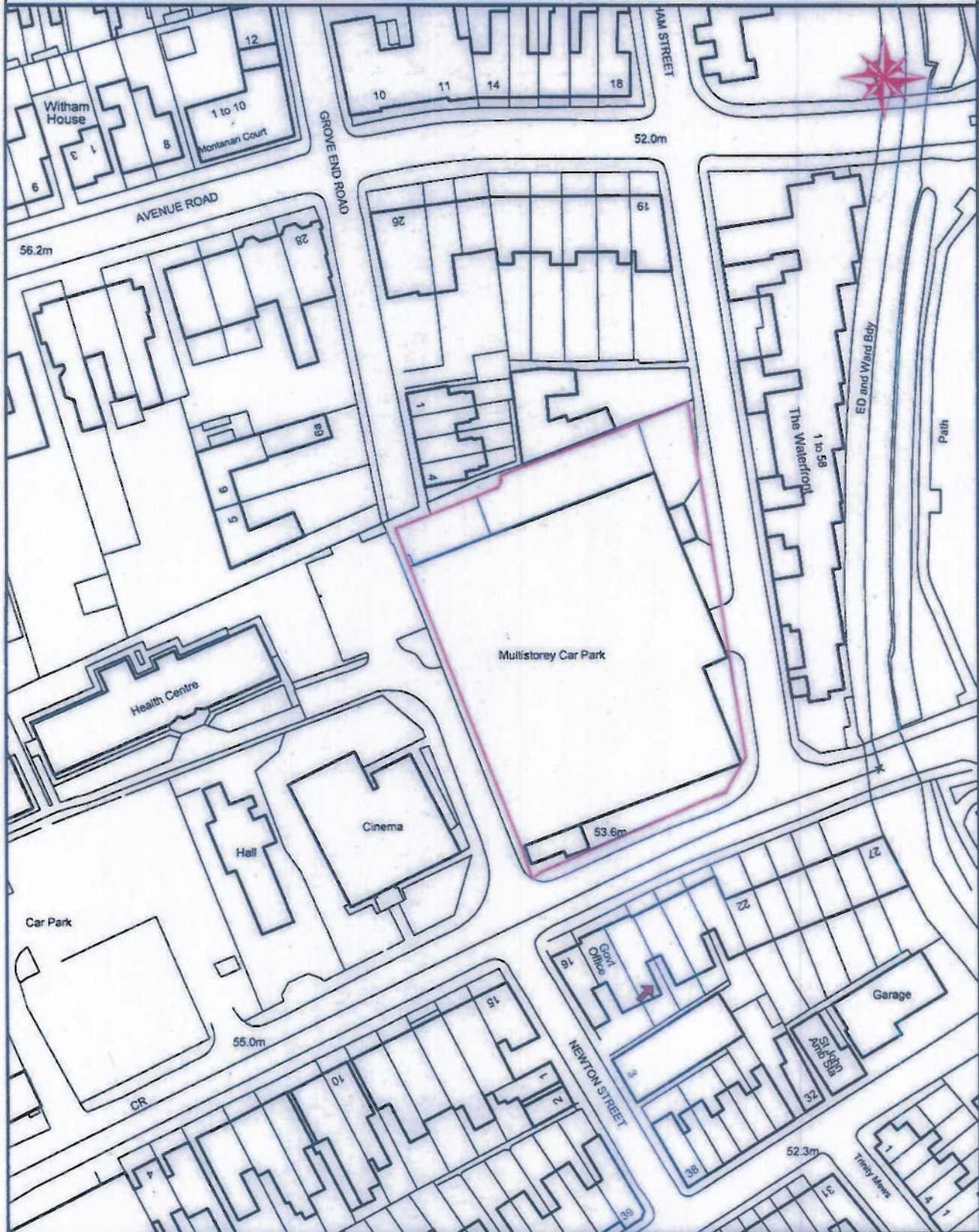
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WELHAM STREET GRANTHAM



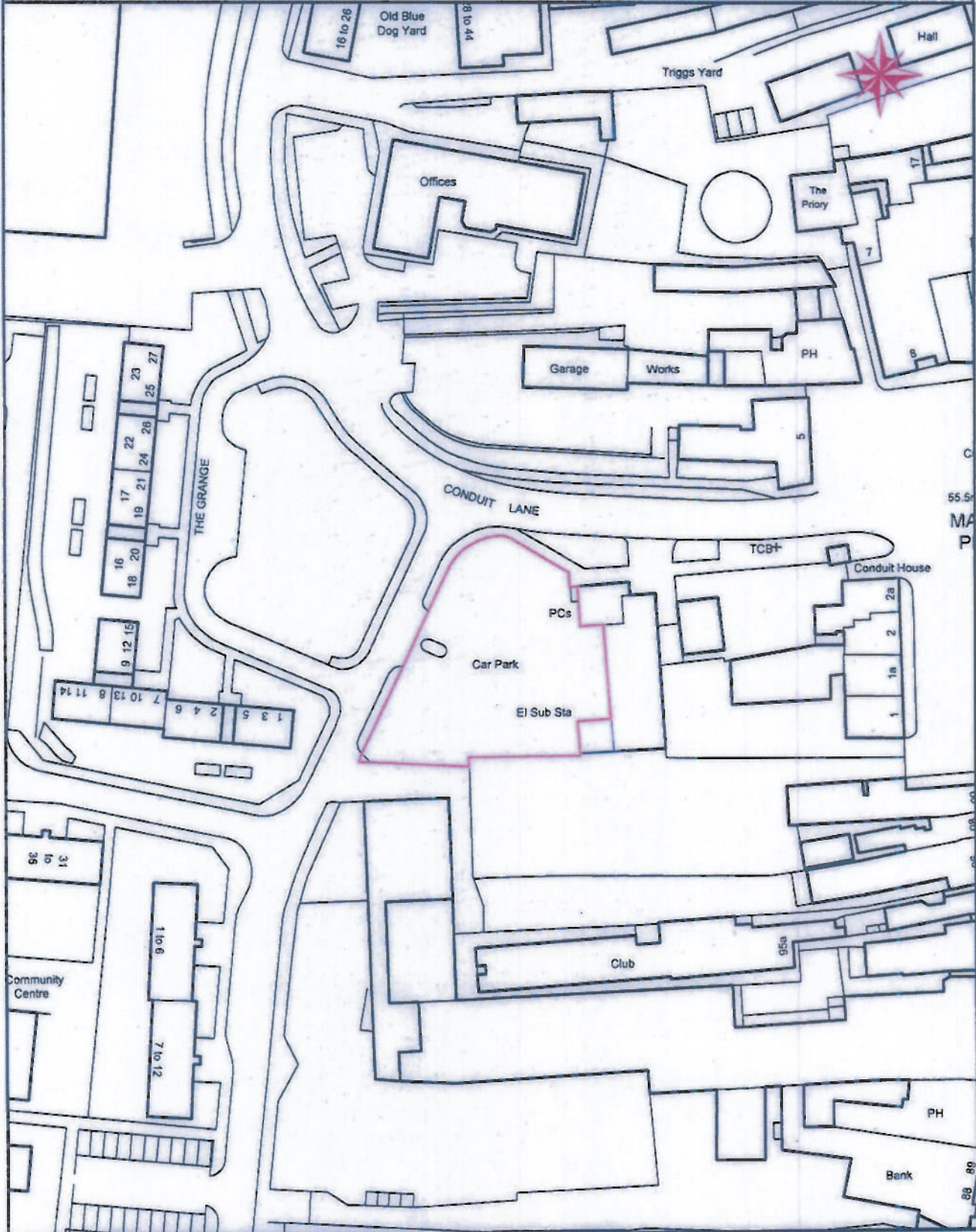
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CONDUIT LANE GRANTHAM



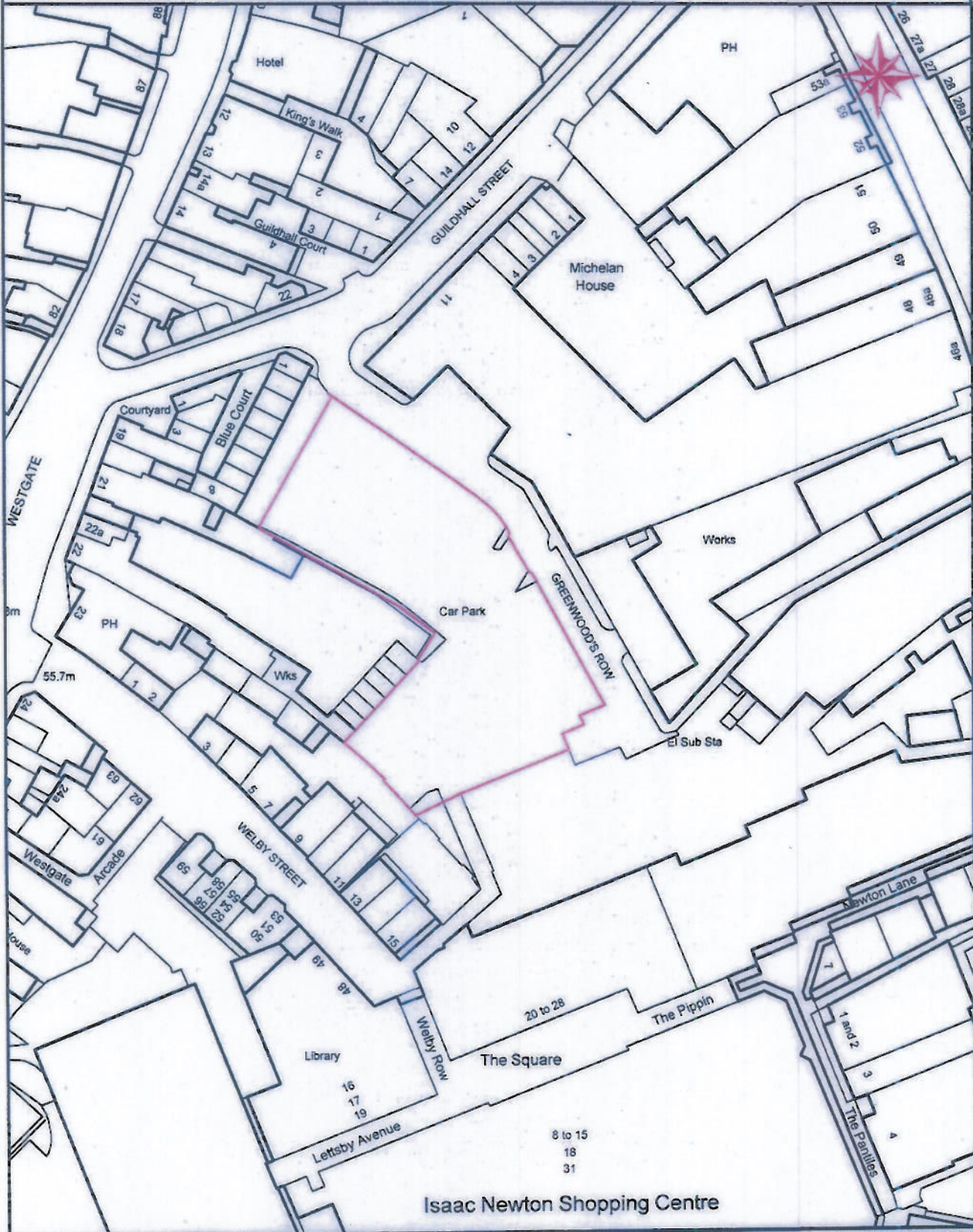
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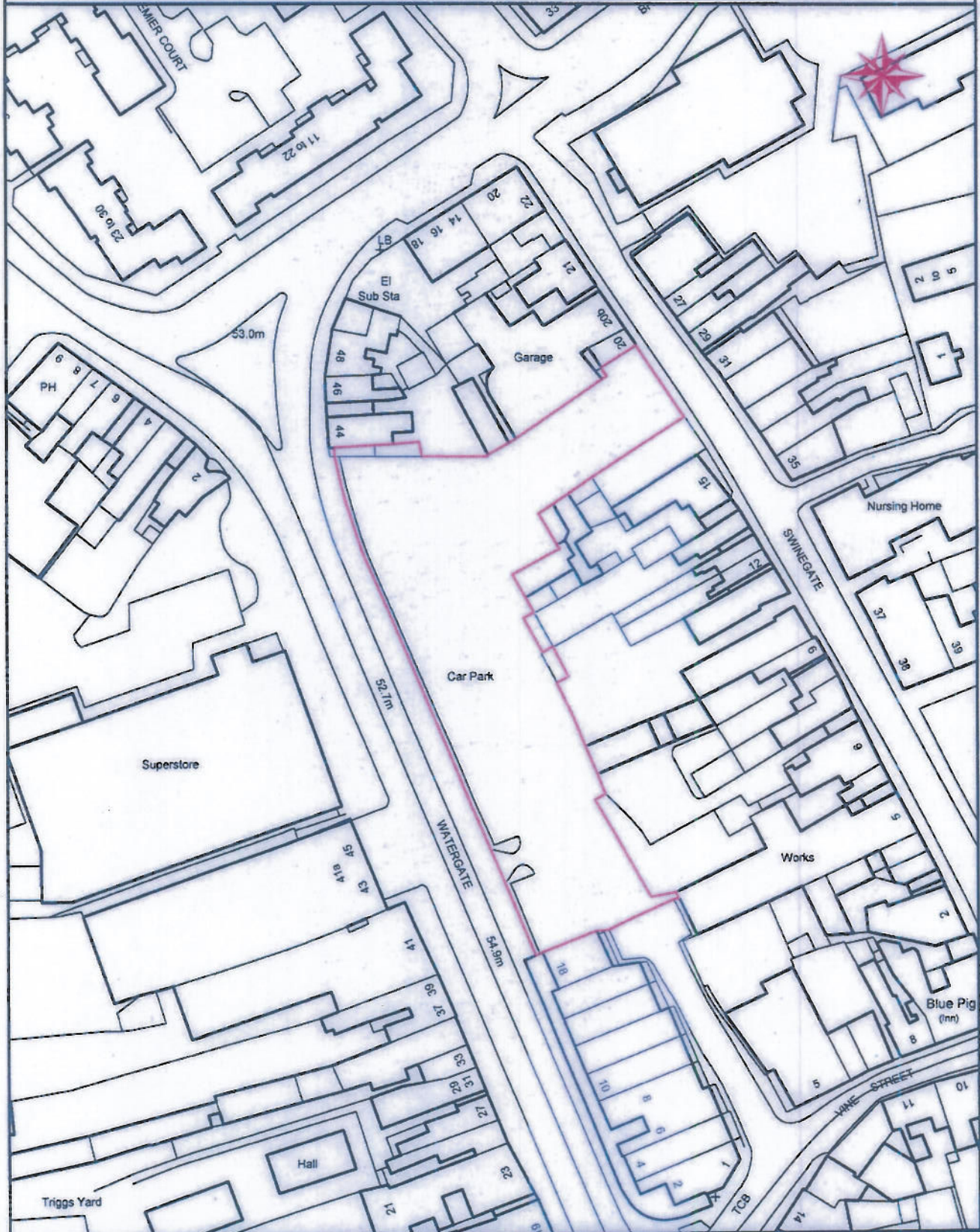
GUILDHALL STREET (GREENWOODS ROW) GRANTHAM



Isaac Newton Shopping Centre

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WATERGATE GRANTHAM



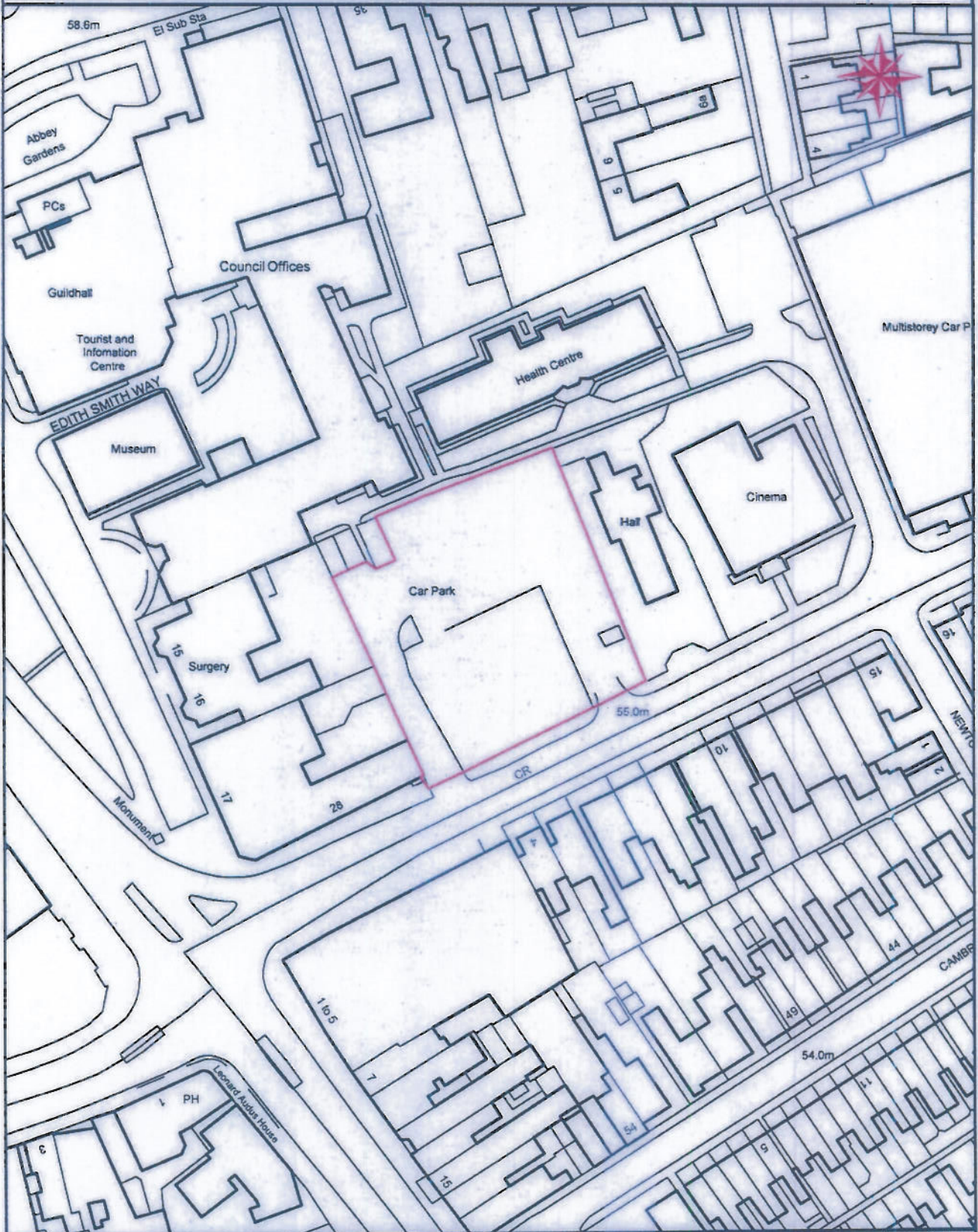
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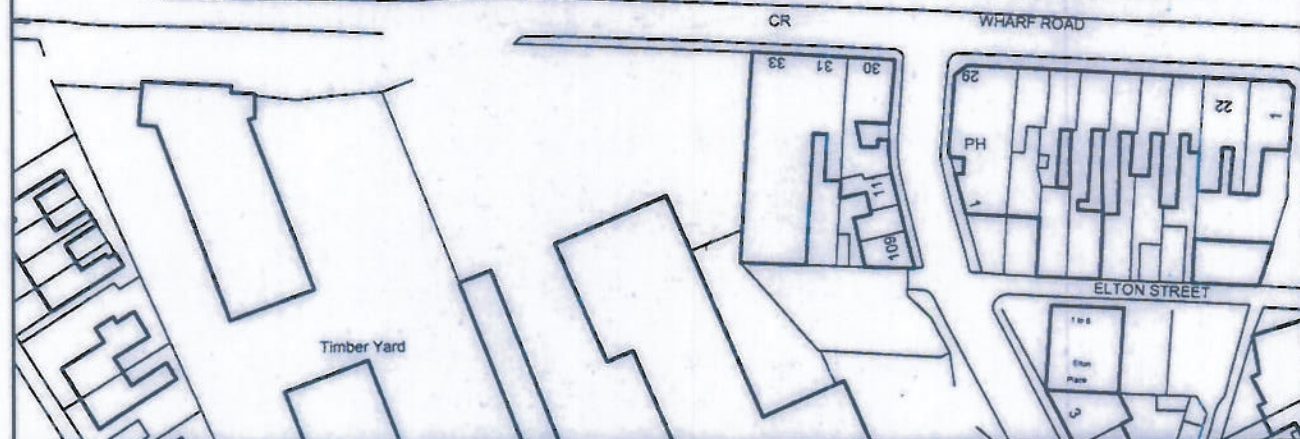
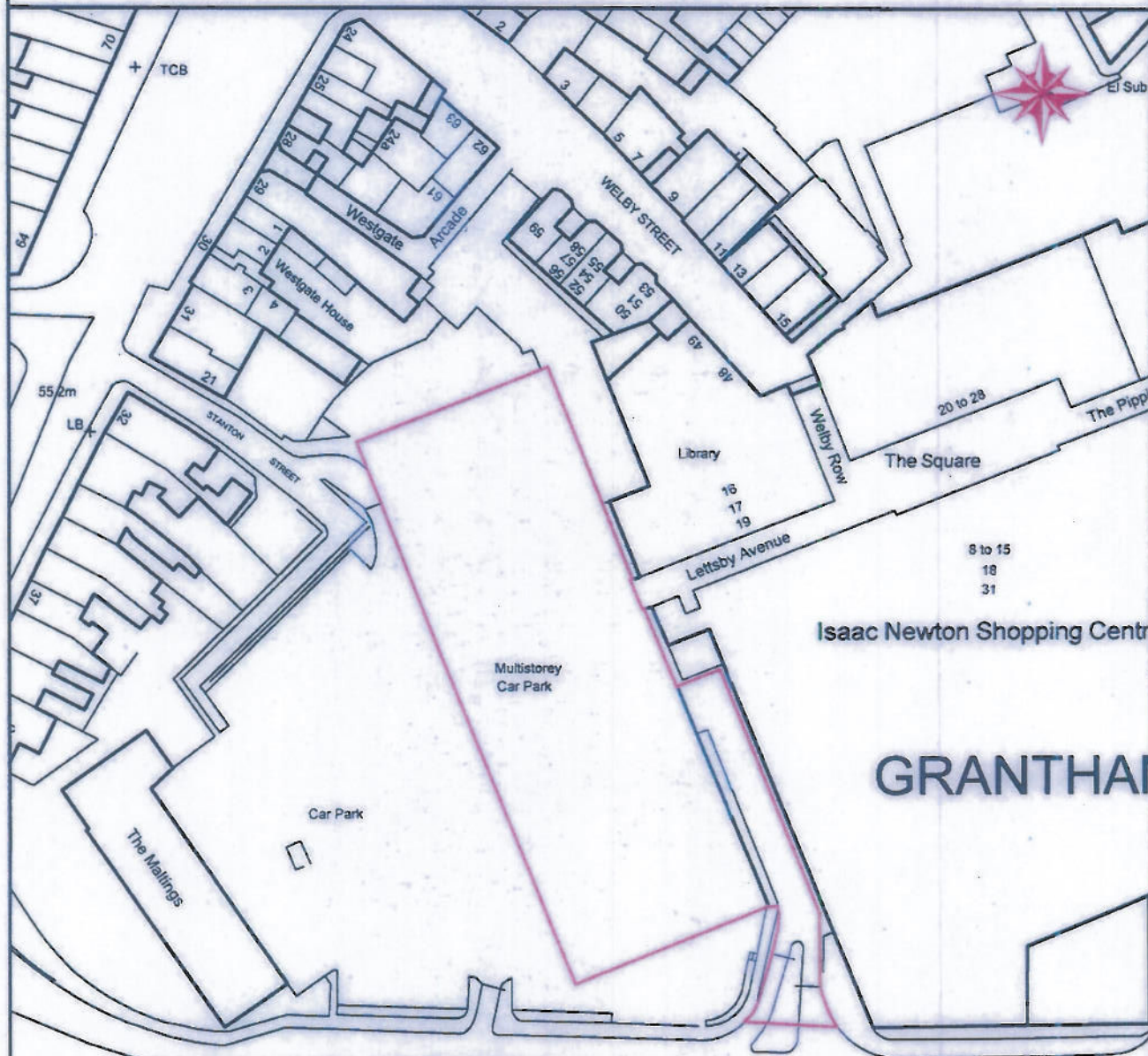
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ST. CATHERINES ROAD GRANTHAM



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WHARF ROAD GRANTHAM



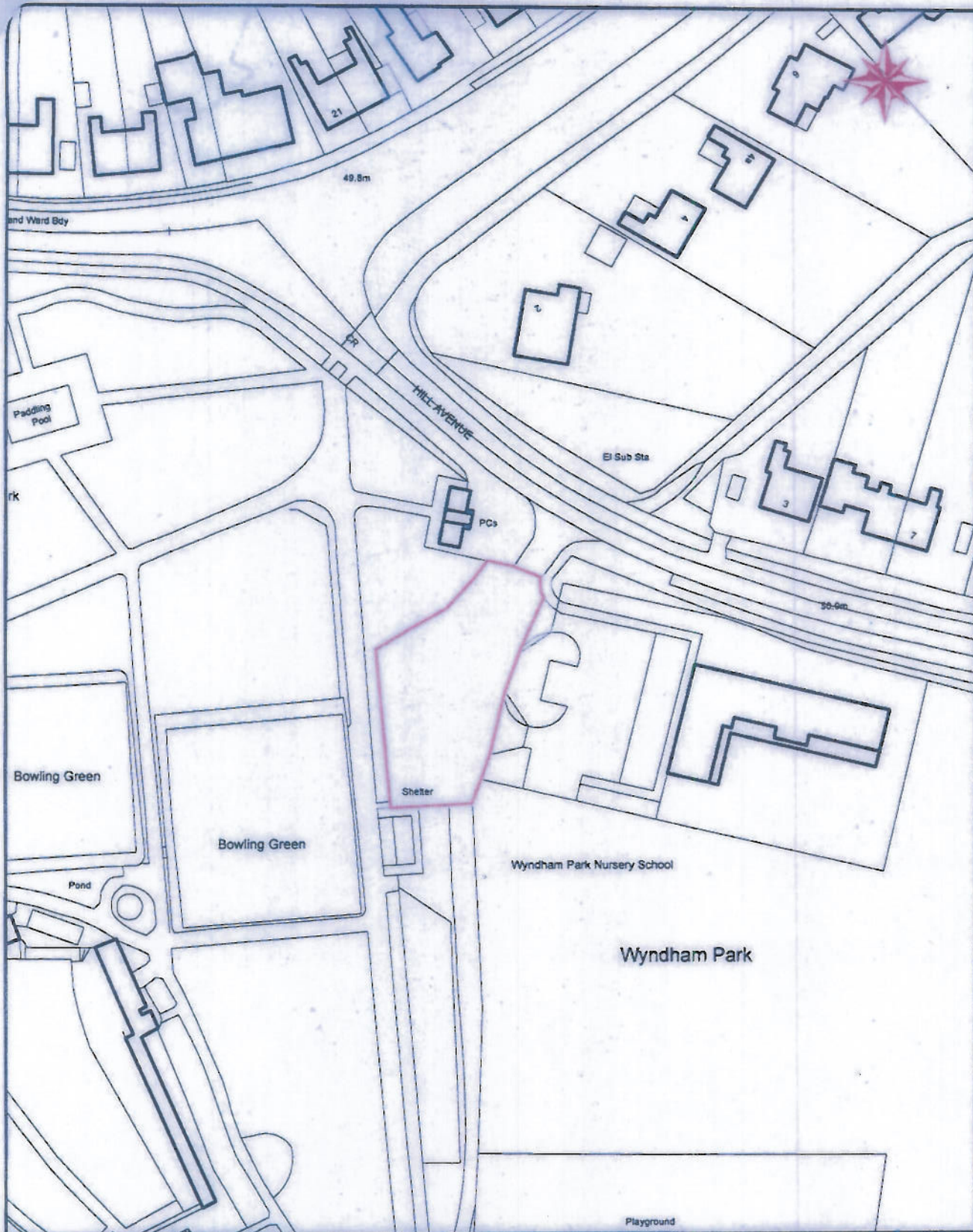
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PLAN A



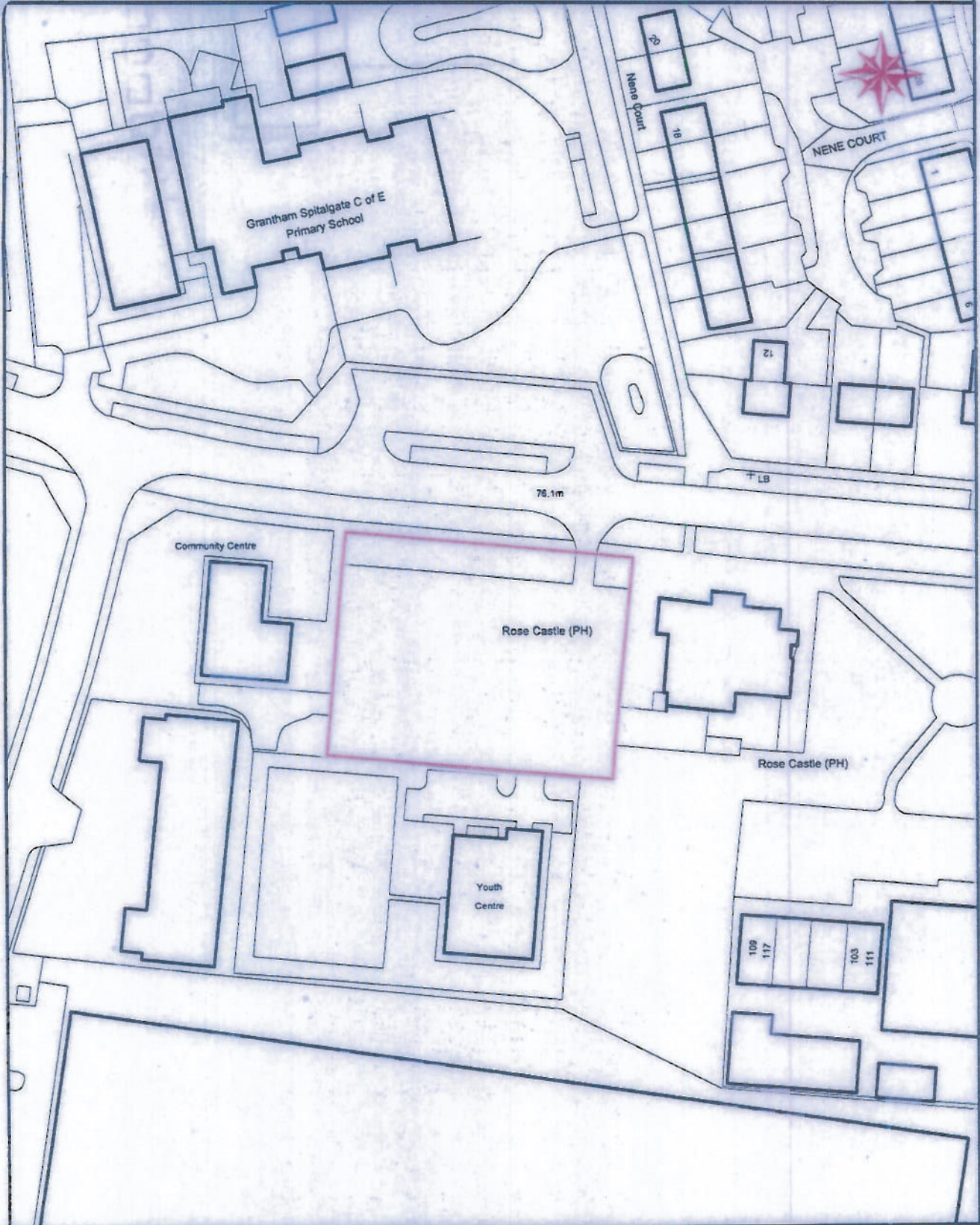
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PLAN B



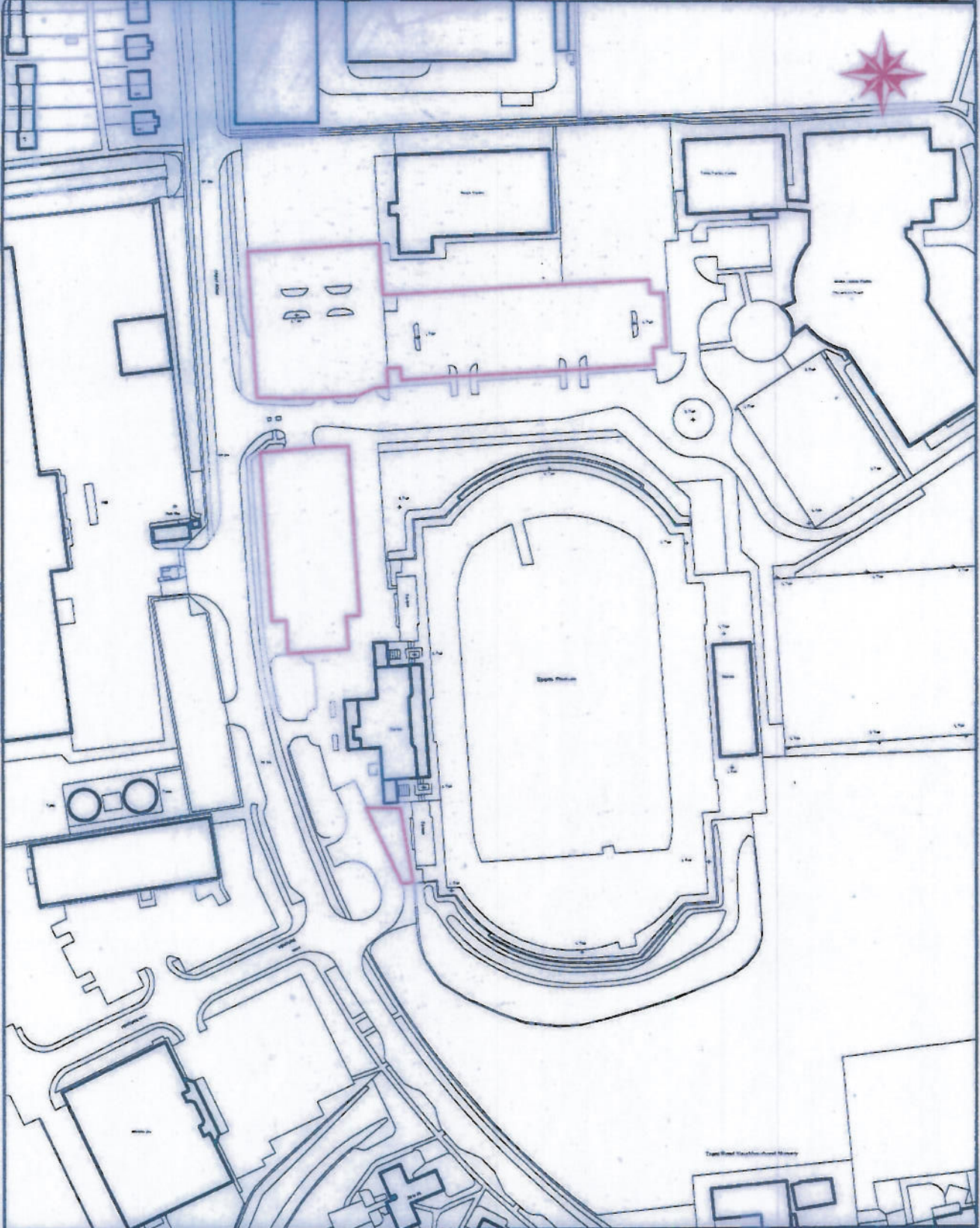
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PLAN C



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PWD



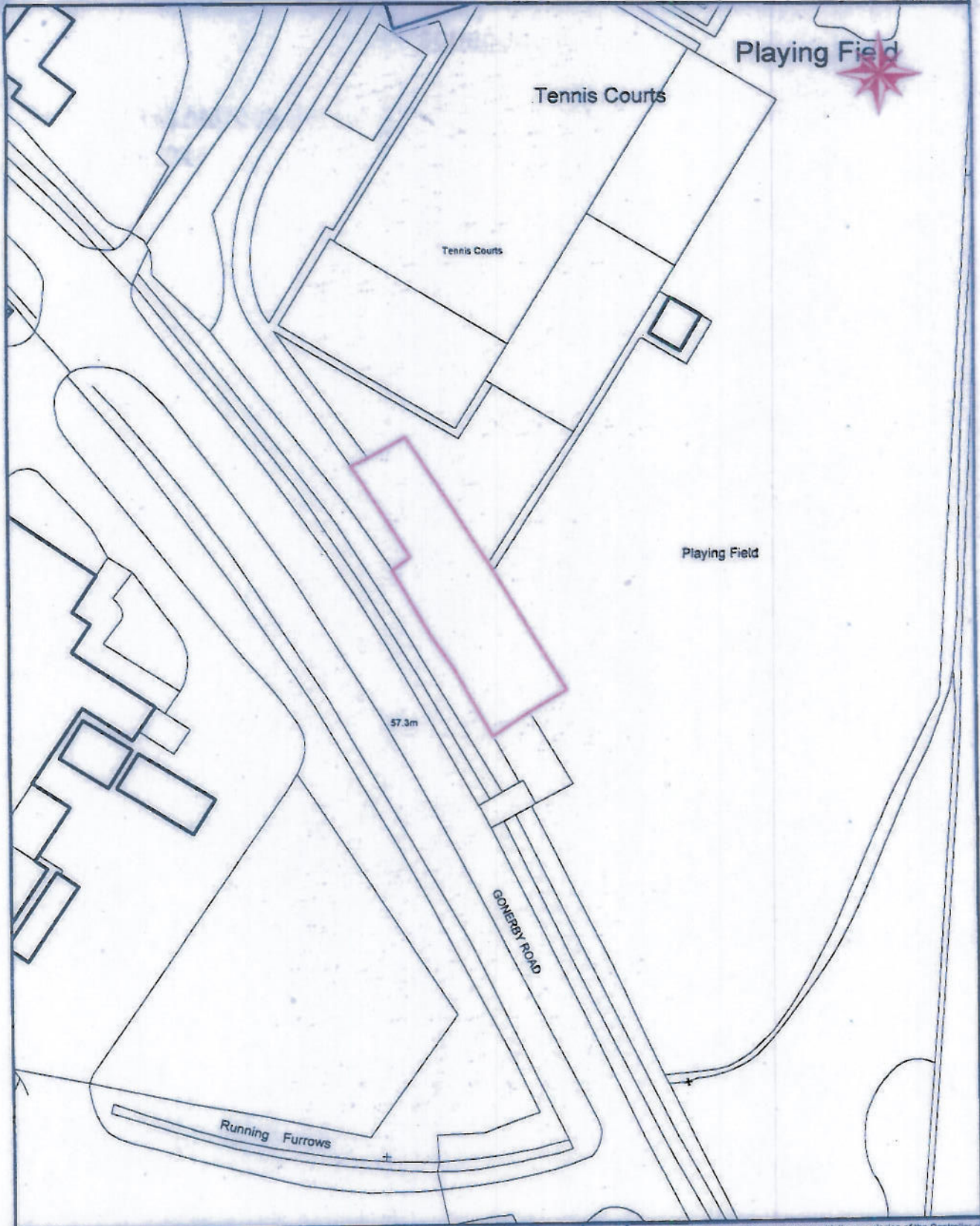
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PLAN E



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South Kesteven District Council

Equality Analysis (Stage 1)

CIVIL PARKING ENFORCEMENT

Service Area: Property Development	Lead officer: Neil Cucksey	Date of Analysis 10 th May 2012
	Assessors: Shelley Hardy, Lucy Youles	

	Neutral Assessor: Carol Drury	
<p>1. Name and description of policy/service/function/strategy : Civil Parking enforcement</p> <p>Is this a new or existing policy? New Order to be adopted by Council on the introduction of Civil Parking Enforcement regime</p>		
<p>2. Complete the table below, considering whether the proposed policy/service/function/strategy could have any potential positive, or negative impacts on groups from any of the protected characteristics (or diversity strands) listed, using demographic data, user surveys, local consultations evaluation forms, comments and complaints etc.</p>		
Equality Group	Does this policy/service/function/strategy have a positive, or negative impact on any of the equality groups? Please state which for each group	Please describe why the impact is positive, or negative. If you consider this policy etc is not relevant to a specific characteristic please explain why
Age	This is a new order to compliment the civil parking enforcement legislation. There are no changes to the provisions or regulations relating to off-street parking. The introduction of this order should have a neutral impact on users of off-street parking. Consultation will take place prior to the introduction of the order. Following the introduction of an order, the provision of the off street parking service will	

	be monitored to ensure that here is no adverse impact	
Disability	See above	
Race	See above	
Gender Reassignment	See above	
Religion or Belief	See above	
Sex	See above	
Sexual Orientation:	See above	
Pregnancy and Maternity	See above	
Marriage and Civil Partnership	See above	
Carers	See above	
Other Groups (e.g. those from deprived (IMD*) communities; those from rural communities, those with an offending past)	See above	

*(IMD = Indices of multiple deprivation)

3. What equality data/information did you use to inform the outcomes of the proposed policy/service/function/strategy? (Note any relevant consultation who took part and key findings)

The order is a requirement of legislation. Consultation will take place as part of the process of introduction of the order.

If there are any gaps in the consultation/monitoring data, how will this be addressed?

Stakeholder consultation will take place and the order will be considered by the Community Focus Forum.

4. Outcomes of analysis and recommendations (please note you will be required to provide evidence to support the recommendations made): Please tick one of the options.

- a. No major change needed: equality analysis has not identified any potential for discrimination or for negative impact and all opportunities to promote equality have been taken

If you have ticked option (a) go to stage 3

- b. Adjust the proposal to remove barriers identified by equality analysis or to better promote equality. Please complete the questions in the box below.

b.1 In brief, what changes are you planning to make to your proposed policy/service/function/strategy to minimise or eliminate the negative equality impacts?

b.2 Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

If you have ticked option b go to Stage 2

- c. Adverse impact but continue Please provide an explanation

in the box below that clearly sets out your justification for continuing with the proposed policy/function/service/strategy. You should consider in stage 2 whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.

If you have ticked option c please go to Stage 2

d. Stop and remove the policy/function/service/strategy as equality analysis has shown actual or potential unlawful discrimination

**Signed (Lead Officer): Lucy Youles
Date completed: 10th May 2012**



South Kesteven District Council

Equality Analysis (Stage 2)

CIVIL PARKING ENFORCEMENT

Service Area: Property Development	Lead officer: Neil Cucksey	Date of Analysis 22.08.2012
	Assessors: Shelley Hardy and Neil Cucksey	
	Neutral Assessor: Carol Drury	

1. Name of policy/service/function/strategy :

Civil Parking Enforcement – Car parking Order

2. Complete the table below, reconsidering the identified negative impacts on groups from any of the protected characteristics (or diversity strands) in stage 1. If the impact has been mitigated please explain how. If the impact cannot be mitigated but can be justified please provide details and evidence. Include any fresh demographic data, user surveys, local consultations evaluation forms, comments and complaints etc.

Equality Group	At Stage 1 Did you identify that this policy/service/function/strategy had a negative impact or areas of concern for any of the equality groups	Please describe why the impact is negative. What alterations have you made to your proposal to alleviate or reduce negative impact
Age	Neutral impact as identified in Stage 1	
Disability	As above	
Race	As above	
Gender Reassignment	As above	

Religion or Belief	As above	
Sex	As above	
Sexual Orientation:	As above	
Pregnancy and Maternity	As above	
Marriage and Civil Partnership	As above	
Carers	As above	
Other Groups (e.g. those from deprived (IMD*) communities; those from rural communities, those with an offending past)	As above	

*(IMD = Indices of multiple deprivation)

3. What data/information did you use to inform the outcomes of the policy/service/function/strategy? (Note any relevant consultation who took part and key findings)

Carried out consultation with Freight Transport Association, the Road Haulage Association, the Chief Officer of Police and the local Highway Authority – Lincolnshire County Council (statutory bodies) as required by the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996. Also the general public were consulted by publishing one notice in each of the Grantham Journal and the Stamford Mercury. Notices have also been placed in the car parks affected and on the Council’s Customer Services Notice Boards.

There have not been any objections or comments received from the Statutory bodies or the general public following the consultation.

When new Car Parking Order has commenced, on a date to be determined, the situation will continue to be monitored.

4. Outcomes of analysis and recommendations (please note you will be required to provide evidence to support the recommendations made): Please tick one of the options.

a. All necessary changes made: Stage 2 equality analysis proves that any potential for discrimination or for negative impact have been mitigated and all opportunities to promote equality have been taken.

b. Adverse impact remains but can be justified. Please provide an explanation in the box below that clearly sets out your justification for continuing with the policy/function/service/strategy. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.

There was no evidence to suggest any adverse impact in terms of equality of service, therefore there is no necessity to change the Order

Go to stage 3

Stage 3 analysis will take place on a date of implementation which is on a date to be determined by the confirmation of Civil Parking Enforcement by the Secretary of State for Transport.

Signed (Lead Officer): Neil Cucksey

Date completed: 22nd August 2012