

# REPORT TO CABINET

**REPORT OF:** HEAD OF PROPERTY DEVELOPMENT

**REPORT NO:** PD002

**DATE:** 21<sup>st</sup> MAY 2012

<b>TITLE:</b>	CIVIL PARKING ENFORCEMENT – PARKING PLACES ORDER 2012	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	STATUTORY ORDER	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor Linda Neal -Policy, Strategy and Strategic Partnerships	
<b>CONTACT OFFICER:</b>	Neil Cucksey Head of Property Development <a href="mailto:n.cucksey@southkesteven.gov.uk">n.cucksey@southkesteven.gov.uk</a> telephone number 01476 406	
<b>INITIAL IMPACT ASSESSMENT:</b>	Carried out and Referred to in paragraph (7) below	Full impact assessment Required: N/A
<b>Equality and Diversity</b>		
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	AFM0132, Report to Council- 21.1.2010 AFM0126 – Report to Cabinet - 4.1.10	

## 1. RECOMMENDATIONS

It is recommended that Cabinet approve the draft South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012, as attached at the Appendix, for consultation with the statutory bodies and the public in accordance with Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.

## 2. PURPOSE OF THE REPORT

The purpose of the report is to obtain approval of Cabinet to the proposed draft Parking Order and commence the consultation 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 Council meeting on the 21<sup>st</sup> January 2010 it was agreed

- 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 must adopt an appropriate Order which permits enforcement of contravention in accordance with civil parking enforcement.

Lincolnshire County Council has made an application to the Secretary of State to introduce Civil Parking Enforcement within the county of Lincolnshire including the district of South Kesteven. This is anticipated to be introduced on the 1<sup>st</sup> October 2012.

The draft Parking Order must be adopted by Council prior to that date. The draft 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.

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.

The introduction of this new Order must be consulted in accordance with the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996. This requires a local authority to consult with the Freight Transport Association, the Road Haulage Association, the Chief Officer of Police, the local Highway Authority – Lincolnshire County Council and also with the general public by publishing, at least once, a notice of proposals in a newspaper circulating the area in which the Order affects and by placing the notice in the affected areas.

The draft Parking Order amalgamates the two current orders for Grantham and Stamford.

**Enforcement and Ticket Processing:**

This aspect of the implementation is being led by Lincolnshire County Council. The current position is that three potential suppliers have been selected following the Pre Qualification Questionnaire (PQQ) exercise. These suppliers have been invited to submit a tender for the contract, and submissions are due on 8th May 2012. A notification of intention to award is proposed by the 18th June 2012.

**4. OTHER OPTIONS CONSIDERED**

The Council has determined to proceed with civil parking enforcement it has no other alternative but to consult on and adopt an Order in accordance with the legislation relating to civil parking enforcement.

**5. RESOURCE IMPLICATIONS**

The cost of publishing the notice of proposals for consultation and the introduction of this Order should be met within the existing budget.

**6. RISK AND MITIGATION**

It is a statutory requirement that the Council consults before any Order is adopted. If such an Order is not adopted the District Council would not be able to enforce any contravention of the existing Parking Orders

**7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

The initial analysis indicates there may be a neutral impact. On introduction of the order, this will be monitored. Consultation is pending and findings will be tested by the Community Focus Forum.

**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 financial implications relating to the consultation on the introduction of the proposed order.

**10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

The proposal requires a new car parking order to supersede the existing 2009 and 2010 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 is asked to approve the proposals for consultation. Any comments received as a result of consultation must be considered and reported to Council for decision as to whether or not the new order of the Order can be adopted. The existing car parking orders must remain in place until such time as the Civil Parking enforcement regime has been adopted for the whole of Lincolnshire. The Order could be approved at Council prior to adoption of Civil Parking Enforcement subject to that adoption

**11. COMMENTS OF OTHER RELEVANT SERVICES**

None

**12. APPENDIX**

Draft car parking order and schedules