

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