

REPORT TO CABINET

REPORT OF: Cllr Frances Cartwright – Economic Development

REPORT NO: AFM0137

DATE: 12th April 2010

TITLE:	ADDITION TO THE SKDC OFF STREET PARKING PLACES ORDER 2002 RESPONSE TO CONSULTATION	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	YES	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	CLLR FRANCES CARTWRIGHT – ECONOMIC DEVELOPMENT	
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INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	AFM0082 – Report to Cabinet - Addition to the South Kesteven District Council Off-Street Parking Places Order 2002 – approval for consultation	

1. RECOMMENDATIONS

It is recommended:

- a. That the authority proceed with the proposed South Kesteven District Council Off-Street Parking Places Order 2009, following the consultation period;
- b. The making of the Order.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

This report provides an update on response following the consultation period required to consider a new order to be made in addition to the SKDC Off Street Parking Places Order 2002. The purpose of the new order is to prevent unauthorised use of the Council's non pay and display car parks at Trent Road, Arnoldfield, Dysart Park and the area to the entrance to Dysart Park off Bridge End Road, Wyndham Park the entrance and parking area off Hill Avenue.

3. DETAILS OF REPORT (SUMMARY – USE APPENDICES FOR DETAILED INFORMATION)

A new order relating to non-pay and display car parks in and around Grantham is proposed to alleviate the unauthorised use of the named car parks. The process for making a new order requires statutory consultation and consideration of objections before any order can be ratified by Council.

Following the consultation period, whereupon notices have been displayed in all the named car parks and the local press, it can be confirmed that the Council has not received objections with regard to the proposals and the alterations of the new car parking orders that relate to the named car parks.

The authority has received letters of support in respect of our proposals from both the Lincolnshire Road Safety Partnership and Lincolnshire County Councils Highways Department who have raised no objections to our proposals.

4. OTHER OPTIONS CONSIDERED

Other options considered to alleviate the unauthorised use included the Police verbally communicating with the people misusing the car parks and written communication with the people involved. Despite both the options being carried out, there are still recurrent problems. Possession action can only be taken against the registered owner. The registered owner is not the person operating the car sales. Once proceedings have been started the vehicle has been sold or moved from the Council land and different vehicles are put in their place. Possession action in respect of each vehicle is not an effective remedy.

The DVLA have been contacted to pursue un-taxed vehicles. Although the DVLA have acquired powers to impound untaxed vehicles found both on and of the highway, they have been unable to take any action in respect of the car parks referred to in this report. In any event some of the vehicles being left on Council car parks are taxed.

5. RESOURCE IMPLICATIONS

The enforcement of any order made will have resource implications for the Council in respect of officer time, vehicle removal and storage costs. Although every effort will be made to pursue the vehicle owner for those costs. This cost recovery cannot be guaranteed.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

Risk

The main risk to the Council is the health and safety implications, which are detailed below.

Health and Safety

Considerations are taken into account regarding the health and safety of those imposing the order and all necessary risk assessments will be carried out.

Data Quality

Every effort is undertaken to ensure rigid data quality checks are carried out.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

As referred to on page 1 of this report.

8. CRIME AND DISORDER IMPLICATIONS

There are crime and disorder implications owing to the nature of the problem; however, these should be mitigated through the introduction of the new order.

9. COMMENTS OF SECTION 151 OFFICER

The proposals contained in the report will enable the Council to undertake enforcement action where necessary as part of its car parking management responsibility. Any enforcement action will need to be undertaken within existing budgetary provision and should complement existing enforcement control measures on the pay and display car parks.

10. COMMENTS OF MONITORING OFFICER

The matter of a new off-street car parking order was considered by the Communities Policy Development Committee at its meeting on the 14th May 2009. The Committee endorsed and recommended to Cabinet the making of the new order as detailed in this report.

The Council is unable to vary the existing car parking order 2002 order as it is not proposed to use the car parks referred to in the proposed order as pay and display car parks. The provisions of the proposed new order are, with the exception of the prohibition on sale of vehicles, contained in the existing order.

The proposed new order relates to non pay and display car parks in Grantham only and in no other town in the district.