

REPORT TO RESOURCES P.D.G.

REPORT OF: BUSINESS MANAGER LEGAL AND DEMOCRATIC SERVICES

REPORT NO: LDS199

DATE: 26 January 2017

TITLE:	South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	STATUTORY ORDER – any changes to the Order, following consultation will be considered by full Council	
EXECUTIVE MEMBER: NAME AND DESIGNATION:	Councillor Mrs Frances Cartwright: Executive Member Governance Councillor Mr Bob Adams: Executive Member Growth	
CONTACT OFFICER:	Paul Stokes Business Manager Venues and Facilities p.stokes@southkesteven.gov.uk Shelley Hardy Legal and Democratic Services s.hardy@southkesteven.gov.uk telephone number 01476 406080	
INITIAL IMPACT ANALYSIS:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required: <i>n/a</i>
Equality and Diversity	See paragraph 7	
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	Existing car parking order http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=19592&p=0 Road Traffic Regulation Act 1984 http://www.legislation.gov.uk/all?title=road%20traffic%20regulation%20act%201984 Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996. http://www.legislation.gov.uk/uksi/1996/2489/regulation/1/made	

1. RECOMMENDATION

- 1.1 That Resources PDG consider the draft South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017 (“new Parking Order”) attached to this report and make a recommendation to the Executive that the Council go out to consultation in accordance with the relevant Regulations.

2. PURPOSE OF THE REPORT

- 2.1 The purpose of the report is to provide Resources PDG with an opportunity to gain an understanding of the proposed New Parking Order (see Appendix 1 for a copy of the new Parking Order) and to provide feedback before recommending to the Executive that the Council goes out to consultation on the proposed new Parking Order.

3. DETAILS OF REPORT

- 3.1 The proposed new Parking Order amends the existing Parking Order; South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012 (“Existing Parking Order”). The amendments are identifiable in red on the tracked changed document at Appendix 2 to this report.
- 3.2 The rationale for seeking to introduce a new parking order is:
- i) To include a further area of land edged red on the attached plan (see last page of Appendix 1) known as land off St. Catherine’s Road situated at the rear of Welham Street Car Park. The area of land is currently subject to vehicles parking in a dangerous manner, which includes parking on the footpath that is hazardous and dangerous to pedestrians and other road users. The New Parking Order will allow for a maximum of two disabled parking spaces for disabled drivers to park their automobile or an invalid carriage on this land free of charge, provided that they display their disabled clock and badge in a conspicuous place in their vehicle and adhere to all other provisions of the New Parking Order,
 - ii) The introduction of the new order is also seen as an opportunity, to include the Cashless Parking Prepayment scheme that was previously introduced. Whilst this is not necessary for enforcement purposes, it is a means of ensuring clarity and to remove any doubt around those circumstances where enforcement action may be taken.
- 3.3 The Road Traffic Regulation Act 1984 gives Local Authorities power to provide parking places and regulate the use of the parking place by way of a Parking Order providing that consultation is carried out with the statutory bodies (Freight Transport Association, the Road Haulage Association, the Chief Officer of Police and the local Highway Authority – Lincolnshire County Council) and the general public. The consultation must be in accordance with Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.

The consultation consists of writing too and sending a copy of the New Parking Order to those statutory bodies and publishing, at least once, a notice of the proposals in a local newspaper circulating in the area to which the Order relates. Also, a notice is to be placed in the affected areas. The same notice and a copy of the New Parking Order must also be made available for inspection at the Council's Customer Service Area.

4. OTHER OPTIONS CONSIDERED

The Council having recognised a hazard related to pedestrian safety and the safety of other road users on land off St. Catherine's Road, Grantham at the rear of Welham Street car park, due to unregulated car parking believe it is appropriate and necessary to proceed with the introduction of regulation. In order to regulate users of the above-mentioned land, the Council must adopt a Parking Order in accordance with the legislation.

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
To enable enforcement action to be taken against drivers of vehicles who park in a hazardous manner to the detriment of pedestrians and other road users.	Introduction of the new Car Parking Order.

7. ISSUES ARISING FROM IMPACT ANALYSIS

To be carried out on 16.1.17 results to follow

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

Any Order regulating parking must be implemented in accordance with the provisions of the Road Traffic Regulation Act 1984, which includes consultation with the regulatory statutory bodies and members of the public. The process for introducing a new order is contained in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

11. COMMENTS OF OTHER RELEVANT SERVICES

There are no comments from other services.

12. APPENDICES:

- Appendix 1: New Parking Order (i.e. the proposed South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017)
- Appendix 2: Existing Parking Order, proposed amendments shown in red
- Appendix 3: Stage 1 equality analysis