



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Cabinet

11 July 2023

Report of Councillor Richard Cleaver
The Leader of the Council

South Kesteven District Council (Off-Street Parking Places) (Civil Enforcement) Order 2023

Report Author

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Purpose of Report

This report presents the draft South Kesteven District Council (Off-Street Parking Places) (Civil Enforcement) Order 2023 for consideration.

Recommendations

That Cabinet:

1. Approves the draft South Kesteven District Council (Off-Street Parking Places) (Civil Enforcement Order) 2023, with or without amendments, for consultation in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
2. Delegates to the Deputy Chief Executive in consultation with the Cabinet Member for Property and Public Engagement to consider the results of the consultation and approve the introduction of the Order.

Decision Information	
Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Growth and our economy High performing Council
Which wards are impacted?	All

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 The advertising costs associated with the statutory consultation can be met from existing budgets.
- 1.2 There are no changes proposed to the charging hours or tariff rates within this report. Any potential changes to tariffs will be considered at a later date.
- 1.3 Included in the 2023/24 Capital programme is an allocation of £70,000 which can be utilised during the year to fund a comprehensive car park utilisation study, to identify whether car parking capacity within the district meets demand.

Completed by: Richard Wyles, Chief Finance Officer

Legal and Governance

- 1.4 The Road Traffic Regulation Act 1984 grants councils a power to provide off-street parking places.
- 1.5 The process for introducing a new Off-Street Parking Places Order is set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. This includes a requirement to carry out 21 calendar day public consultation and consultation with a range of statutory bodies.

- 1.6 The draft Order has been prepared in consultation with Legal Services Lincolnshire.

Completed by: Mandy Braithwaite, Legal Services

Diversity and Inclusion

- 1.7 Dedicated parking spaces for disabled people are provided in each of the Council's pay and display car parks, however, Blue Badge holders may also park in any other unmarked space. No parking charge is levied for Blue Badge holders.
- 1.8 An initial equality impact assessment has been completed and no significant impacts have been identified. Any relevant comments resulting from the public consultation will be considered and the assessment updated if required.

Completed by: Carol Drury, Community Engagement Manager

2. Background to the Report

- 2.1 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.
- 2.2 A review of the current Off Street- Parking Places Order 2017 has been undertaken and the Order re-written to enable the continued effective operational management and enforcement of council parking places.
- 2.3 The draft South Kesteven District Council (Off-Street Parking Places) (Civil Enforcement) Order 2023 ("the Proposed Order") is at Appendix 1 and states the requirements for all off-street parking places in the district.
- 2.4 If adopted, the Proposed Order will revoke the following existing Orders:
- South Kesteven District Council (Off-Street Parking Places) Order 2017
 - South Kesteven District Council Sheep Market Stamford (Off-Street Parking Place) Order 1993
 - South Kesteven District Council North Street Bourne (Off-Street Parking Place) Order 1981
 - South Kesteven District Council Wharf Road Grantham (Off-Street Parking Place) Order 1993
- 2.5 It is suggested that the Proposed Order be invoked for the following reasons:

- i) To remove any reference to Regulations which have recently been replaced by 'The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022'.
- ii) To revoke the existing Off-Street Parking Place Orders relating to the Council operated bus stations at Grantham, Stamford and Bourne. The Proposed Order will allow for consistent enforcement and restrict use to vehicles authorised by the Council e.g. buses and coaches paying the relevant departure fee, and leaseholders of adjacent Council owned properties where lease conditions permit use/access, for example to allow loading. Highlighted in blue text in Appendix 1 and 1A.
- iii) To encompass additional Council owned parking places, including those where no fee is currently payable, in order to support consistent enforcement of parking contraventions. New locations are highlighted in red text in Appendix 1 and 1A.
- iv) To introduce a 4-hour maximum parking period at Stamford Leisure Centre to ensure that parking is available for leisure centre users. All day parking by non-leisure centre users has become commonplace and is impacting on availability for genuine users.
- v) To remove the following sites which are no longer parking places:
 - St Catherine's Road, Grantham, pay and display carpark (known as "Council Offices Car Park"). Now the site of the Cinema and the Picture House.
 - Arnoldfield, Gonerby Hill Foot. Now the Grantham Tennis Centre.
- vi) To include provisions relating to the use of the designated bays by electric vehicles for charging in the car parks at Welham Street, Grantham, North Street, Stamford, Burghley Street, Bourne and the Community Centre, Douglas Road, Market Deeping.

- 2.6 The procedure to be followed when considering making an Order is prescribed in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. The Council must consult with the general public and statutory bodies (Freight Transport Association, the Road Haulage Association, the Chief Officer of Police and the local Highway Authority – Lincolnshire County Council), publish a notice in at least one local newspaper and display notices in places affected by the Proposed Order. Any person may object in writing within 21 days.

3. Key Considerations

- 3.1 The Order is the legal basis for providing off-street parking places, setting appropriate charges and enforcing restrictions.

4. Other Options Considered

- 4.1 As a minimum, the existing 2017 Order must be amended to reflect changes to legislation.
- 4.2 The Council must follow a prescribed process to adopt or amend an Order. This includes consultation with a range of statutory bodies and the public.

5. Reasons for the Recommendations

- 5.1 To enable the effective management of off-street parking places within South Kesteven.

6. Background Papers

- 6.1 [South Kesteven District Council \(Off Street Parking Places\) \(Civil Enforcement\) Order 2017](#)
- 6.2 South Kesteven District Council Sheep Market Stamford (Off-Street Parking Place) Order 1993
- 6.3 South Kesteven District Council North Street Bourne (Off-Street Parking Place) Order 1981
- 6.4 South Kesteven District Council Wharf Road Grantham (Off-Street Parking Place) Order 1993

7. Appendices

- 7.1 Appendix 1 - Proposed South Kesteven District Council (Off-Street Parking Places) (Civil Enforcement) Order 2023.
- 7.2 Appendix 1A – Maps to accompany Proposed South Kesteven District Council (Off-Street Parking Places) (Civil Enforcement) Order 2023.
- 7.3 Appendix 2 – Initial Equality Impact Assessment.