



Report to Cabinet

Date: 21 February 2008

Author: Head of Democratic and Community Services

Subject: Civil Enforcement of Off-Street Parking

1. Purpose of the Report

To ask Cabinet for approval of the Gedling Borough Council (Civil Enforcement Off-Street Parking Places) Order 2008 and delegations necessary for the implementation of the Order.

2. Background

- 2.1 Currently, Gedling Borough Council is responsible for enforcing off-street parking in the Borough. The Council authorises Parking Inspectors to issue a Charge Notice if vehicles stay longer than the permitted period for each car park. Failure to pay the Notice can result in a Prosecution in the Magistrates' Court. Parking contraventions are Criminally Enforceable.
- 2.2 As from the 1st April 2008 part 6 of the Traffic Management Act 2004 (TMA) will come into effect. Part 6 of the TMA provides for the civil enforcement of most types of parking contraventions. It replaces Part 2 and Schedule 3 of the Road Traffic Act 1991.
- 2.3 The Police will no longer enforce unauthorised parking on the streets of Nottinghamshire once Civil Parking Enforcement (CPE) is enacted in the County. The TMA transfers the responsibility of monitoring on-Street parking enforcement to local authorities. Nottinghamshire authorities took a strong joint stance on this issue and the Nottinghamshire Partnership Agreement was formed. On-street parking enforcement will be managed by the Nottinghamshire Partnership from 12 May 2008.
- 2.4 The County Council as the highway authority has applied to the Department of Transport to establish Gedling as a "Special Parking Area". This will enable on-street parking enforcement to be carried out throughout the area. A condition of the application is that off-street car parks are included within the "Special Parking Area" to provide a

consistent level of enforcement of both on street and off street parking across the County.

- 2.5 Currently Gedling Borough Council has 4 Car Park Orders in place covering off-street car parks in the Borough. To reflect the changes to be brought in by the Traffic Management Act 2004 and the creation of the "Special Parking Area" new car park orders need to be prepared. From 12 May 2008 the Council's current Parking Orders will be obsolete as they operate under a system of Criminal Enforcement.
- 2.6 In order to simplify the current position and make enforcement as consistent as possible throughout the County, It is proposed that Gedling Borough Council consolidate it's 4 orders into one new order The Gedling Borough Council (Civil Enforcement Off-street Parking Places) Order 2008.
- 2.7 All Councils working within the Partnership are amending their current Parking Orders and in order to achieve consistency the Orders have been prepared in close consultation with other Councils.
- 2.8 The Council has not introduced pay and display car parks and therefore the contraventions in respect of pay and display contained in the Order do not apply in the Borough.
- 2.9 Approval has been received from the Department of Transport for the new Civil Enforcement arrangements to commence on 12 May 2008. Gedling aim to have their new consolidated parking order made by that time to ensure a smooth transition into CPE.

3. **Proposal**

- 3.1 The Proposed Gedling Borough Council (Civil Enforcement Off-Street Parking Places) Order 2008, will be circulated separately.
- 3.2 The proposed conditions in the new order do not vary greatly from the existing orders, however the new Traffic Management Act 2004 does not allow for the enforcement of non parking contraventions such as lighting fires in the car park, camping in the car park, damaging the car park etc which are included in the current Car Parking Orders. There is however a change to the Penalty Charge levels in the new Order.
- 3.3 At present the Penalty Charge is £50. The Primary purpose of the new 'Penalty Charge Notices' is to encourage compliance with Parking Regulations. Under the new Order, Penalty Charge Notices, (PCNs) will be issued by 'Civil Enforcement Officers' for contraventions of the Parking Regulations. The level of Penalty Charge Notices proposed will be as specified in Band B in the Traffic Management Act 1984. This has been the level jointly agreed by all Nottinghamshire

Authorities and it is;

- 3.4 For low-level contraventions a £50 penalty with a discounted rate of £25 for early payment and £75 after a charge certificate has been issued.
- 3.5 For a High-level contravention a £70 penalty with a discounted rate of £35 for early repayment and £105 after a charge certificate has been issued.
- 3.6 High level contraventions are for example Parking in a permit bay without displaying a valid permit or parking causing an obstruction.
- 3.7 Lower level contraventions include for example, not parking within the markings of a bay or space.
- 3.8 There are car parks in the Borough which are covered by the current parking orders but which will not be covered in the new order. These are the two car parks in Calverton, Crookdole Lane car park and Main Street Car Park which are not owned by the Council.
- 3.9 There is a statutory procedure under the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 for the bringing in of the new Gedling Borough Council (Civil Enforcement Off-Street Parking Places) Order 2008. The procedure involves consultation with public and statutory bodies, such as the Police, Fire Service etc. The intention to make the Order must be published and objections can be received within 21 days of the notice being published. If objections are received these must be considered before the Order is made.
- 3.10 If no objections are received, authority is sought for the Head of Democratic and Community Services to make the new Order and seal the necessary documentation. Notification of the making of the Order must then be given by advertisement in the local newspaper and by writing to statutory bodies. The Order will not become effective until 12 May 2008.
- 3.11 Without the new Gedling Borough Council (Off-Street) Parking Order 2008 the Council will not be able to enforce unauthorised parking off the street.

4. **Recommendation**

It is therefore **recommended** that:

1. Cabinet approve the intention to make the Gedling Borough Council (Civil Enforcement Off-Street Parking Places) Order 2008.

2. The Band B penalty charge notice tariff is adopted.

3. The Head of Democratic and Community Services be authorised to carry out the formal consultation process pursuant to the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996

4. That the following parking orders be revoked on the coming into force of the Gedling Borough Council (Civil Enforcement Off-Street Parking Places) Order 2008;

1. The Gedling Borough Council Arnot Hill Park (Off-street Parking Places Short Stay) Order 2007
2. The Gedling Borough Council (Off-street Parking Places Long Stay) Order 2004
3. The Gedling Borough Council (Off-Street Parking Places Short Stay) Order 2001
4. The Gedling Borough Council (Off-Street parking places Burntstump Country Park Short Stay) Order 2000

6. If no objections are received to the proposed Gedling Borough Council (Off-Street Parking) Order 2008, the Head of Democratic and Community Services in consultation with the Portfolio Holder for Direct Services be authorised to make the Order including the signing and sealing of all necessary documentation and to carry out the required notifications following the making of the Order.