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<b>REPORT TO:</b>	<b>FULL COUNCIL</b>	<b>AGENDA ITEM: 20</b>
<b>DATE OF MEETING:</b>	<b>3<sup>rd</sup> July 2008</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>CARL JACOBS</b>	<b>DOC: CBJ/U/Decrim2/1</b>
<b>SUBJECT:</b>	<b>CONSOLIDATION OF POWERS FOR CIVIL PARKING ENFORCEMENT</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	

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## **1.0 Recommendations**

- 1.1 That Council approves the County Council's application to the Department of Transport for Civil Parking Enforcement, Special parking Enforcement , Bus Lane Enforcement powers and moving contravention enforcement powers.
- 1.2 That this 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.
- 1.3 That this Council approves in principle the powers to clamp and remove vehicles parked in contravention provided that these powers will not be exercised without further approval from this Council.
- 1.4 That this Council resolves to authorise the setting of the level of differential penalty charges at Band 2 as defined in the Civil Enforcement of Parking Contraventions (Guidance on Levels of Charges) (England ) Order 2007 (No. 3487).
- 1.5 That approval be given to begin formal public consultation in respect of a Parking Order which will reflect the changes in enforcement that will be brought about by the aforementioned powers, and associated costs I bringing this into being.
- 1.6 The Council approves the appointment of bailiffs where necessary to recover unpaid parking debts, subject to appropriate legal and financial guidance being put in place to ensure they are used appropriately.

## **2.0 Purpose of Report**

- 2.1 The report updates Members on the progress towards the Countywide introduction of Civil Parking Enforcement (CPE), formally referred to as Decriminalised Parking Enforcement (DPE), and considers a range of matters that require consideration and approval to move to the next stage of CPE in South Derbyshire

### **3.0 Background**

- 3.1 The decriminalisation of parking enforcement, now called Civil Parking Enforcement (CPE), is the process whereby the responsibilities for on-street parking transfer from the Derbyshire Constabulary to the local authority in the area.
- 3.2 Members will be aware of earlier reports to this committee, in which the Council Supported in principle for the introduction of such powers, along with the County Councils proposals to utilise an external contractor, and to work in partnership with all of its neighbouring authorities.
- 3.3 On the 12<sup>th</sup> July 2007, the Environment and Development Committee approved the acceptance of the County Councils proposals, for all Derbyshire Authorities to work in partnership, in respect to the transfer of certain parking offences, from the Police to the Derbyshire County Council.
- 3.4 On the 10<sup>th</sup> April 2008 Full Council approved the proposal that the County would enforce the CPE requirement and undertake their own statutory function and manage the enforcement of on street parking enforcement. In addition it was approved that the County would additionally manage the enforcement activities in a number of South Derbyshire District Councils car parks.
- 3.5 Following establishment of a CPE Project Board, comprising members of the County Council and District / Borough Councils, a draft joint agreement for the delivery of the service has now been formulated, which details the framework for the future partnership between the respective authorities. The draft memorandum of understanding which is presently on its 14<sup>th</sup> version is attached at appendix 1. Both legal services and finance section have been forwarded copies of this and all previous versions of the memorandums of understanding.
- 3.6 In light of the financial implications of the memorandum of understanding and the Project Boards general accord in respect of the partnership agreement again outlined in the memorandum of understanding , the County now seek a formal resolution to support the application to the Secretary of State for Civil Enforcement powers. In relation to these sought powers, there will be a requirement for this and all other District and Borough Councils to join the “Joint Committee of England and Wales for the Civil Enforcement of Parking and Traffic Regulations outside London”,
- 3.7 In relation to clamping and removing vehicles this clause is requested to be Approved, on the grounds that if not included in the original application then a new order would need to be submitted if the powers are to be sought in the future. For a similar reason paragraph 1.6 is included in relation to use of bailiffs as we are the enforcing authority in relation to car parks, but this work will be undertaken by the County on our behalf.
- 3.8 There will be a need for a Off-Street Parking Places Order to coincide with the granting of Civil Parking Enforcement powers. A special procedure for the making of off street parking orders is laid down by section 35 and part III of the Road Traffic Regulations Act 1984 (RTRA) and the Local Authority Traffic Orders (Procedure)(England and Wales) Regulations 1996., which requires the Council to undertake widespread consultation and publish general details of the proposed Order, taking into consideration any resultant objections. Such a process requires approximately 3 months to carry out in accordance with legislation and it is suggested that if members resolve support the recommendations the process should begin forthwith. Any representation received which is not frivolous would be

presented to a future Committee meeting. As a consequence Penalty Charge Notices should be set at the same level across Derbyshire namely at the nationally prescribed levels of £70 and £50, depending on severity of offence. These penalty charges will be halved if paid within 14 days.

#### **4.0 Financial Implications**

4.1 As detailed in previous report to Full Council dated 10<sup>th</sup> April 2008

#### **5.0 Community Implications**

5.1 The new regime should bring the following community benefits,

releasing the police to concentrate fully on crime fighting and other traffic offences (obstruction and moving traffic infringements)

encouraging sensible and safe parking

easing congestion on the roads

improving safety for drivers and pedestrians

allowing buses and authorised service vehicles to operate more effectively

improving the general environment

improving access to shops, offices, schools and other premises

improved enforcement of disabled bays / permit holders bays

the potential for integration of on-street with off-street parking (car park) enforcement

single responsibility for parking means greater clarity and simpler perception to the general public.