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REPORT TO:	FULL COUNCIL	AGENDA ITEM: <b>17</b>
DATE OF MEETING:	13 <sup>th</sup> November 2008	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY SERVICES	OPEN
MEMBERS' CONTACT POINT:	CARL JACOBS & Jeanette Tsoi	DOC: CBJ/U/Decrim3/2
SUBJECT: WARD(S) AFFECTED:	Parking Order and Consultation ALL	REF: TERMS OF REFERENCE:

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## **1.0 Recommendations**

- 1.1 That Council approves the South Derbyshire District Council (Off Street Parking Places) (Civil Enforcement and Consolidation) Order 2008.
- 1.2 That Council gives authorisation to the Head of Legal & Democratic Services to negotiate and enter into various legal agreements with Derbyshire County Council and other Authorities (as appropriate) to facilitate the enforcement of on-street and off-street parking in the district of South Derbyshire.

## **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 approves the formal signing of the above mentioned order by The Chair of the Council and Chief Executive. Order can be seen at Appendix 1

## **3.0 Background**

- 3.1 There has been 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 consultation and publish general details of the proposed Order, taking into consideration any resultant objections.
- 3.2 A Consultation process commenced on the 10<sup>th</sup> September 2008 via an advert in the Burton Mail titled " Notice of Proposals" and can be seen at Appendix 2. The advert indicates public car parks in the South Derbyshire Area that are to be included in the order, with the grid references of each car park and informs interested parties where the order and associated paperwork could be viewed..

- 3.3 Letters and copies of the adverts were forwarded to all Parish Councils that might be affected by the proposals, Derbyshire Fire and Rescue Authority, Derbyshire Police Constabulary, Derbyshire Ambulance Service, Derbyshire County Council, The Freight Transport Association and The Road Haulage Association.
- 3.4 The Consultation closed on the 26<sup>th</sup> October 2008, and no adverse comments or official objections were received in regard to the proposals. However numerous telephone calls were received of which all were positive, when it was explained the type and reasons for the enforcement that would be undertaken.
- 3.5 The advert and previous committee reports have stated that the go live date was to be the 24<sup>th</sup> November 2008, unfortunately Derbyshire County Council have informed us that the 'go-live' date has been put back by the Department for Transport (DfT), and that no revised date has been given. DCC will inform all District Council's as soon as a new date has been announced by the DfT.
- 3.6 Once a new date is confirmed the order can be signed by the Chairman of the Council and the Chief Executive and then in accordance with regulations the authority shall with 14 days advertise in a local paper an official notice called "notice of making". In addition again according to regulations, all persons lodging objections must be notified in writing of the decision (no persons have lodged any objection).
- 3.7 A separate notice regarding Penalty charges will also need to be advertised and this matter is has been dealt with by the legal subgroup and legal services of SDDC.

#### **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
  - 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

## **6.0 Legal Implications**

- 6.1 On the 3<sup>rd</sup> July 2008, full Council approved recommendations (in the report submitted by the Director of Community Services) in regard to the method of enforcement to be adopted by this Authority for on-street and off-street parking breaches, the Action sheet for tat Committee can be seen at Appendix 3
- 6.2 To facilitate the control and enforcement of on-street and off-street parking offences by Derbyshire County Council it will be necessary for Council to give the requisite authorisation as specified at 1.2 of this report.

## **7.0 Background papers**

- 7.1 Appendix 1: South Derbyshire District Council (Off Street Parking Places) (Civil Enforcement and Consolidation) Order 2008.
- 7.2 Appendix 2 : Notice of Proposals
- 7.3 Appendix 3 : Action Sheet from Full Council 3rd July 2008