

AGENDA MANAGEMENT SHEET

Name of Committee	Warwick Area Committee
Date of Committee	11 March 2008
Report Title	Civil Parking Enforcement Variations to Parking Orders Necessary to Meet the Requirements of Part 6 of the Traffic Management Act 2004
Summary	<p>Proposals to vary the Consolidated On-Street Parking Order for Warwick District were advertised in Variation Number 4 on 24 January 2008 to comply with Regulations made recently by the Secretary of State under the Traffic Management Act 2004. This report recommends that the variations be implemented as advertised.</p> <p>Members are also asked to approve the making of the Warwick District Council Off-street Parking Places Order 2008, which is also needed to comply with the new Regulations.</p>
For further information please contact	<p>Graham Greenwood Project Manager Decriminalisation and Parking Enforcement</p> <p>Tel. 01926 412142 grahamgreenwood@warwickshire.gov.uk</p>
Would the recommended decision be contrary to the Budget and Policy Framework?	No
Background Papers	<p>Regulations and Statutory Guidance, made under Part 6 of the Traffic Management Act 2004 and published in December 2007 including:-</p> <ul style="list-style-type: none"> • Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions. • The Civil Enforcement of Parking Contraventions (England) General Regulations 2007. • The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007.

Background Papers(Cont'd)

The proposed Warwickshire County Council (District of Warwick) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, on Street Parking Places and Residents' Parking) (Consolidation) (Variation No. 4) Order 2008.

Warwick District Council Executive Report and Minutes 11 February 2008.

Proposed Warwick District Council Off-Street Parking Places Order 2008.

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

- Other Committees
- Local Member(s)
(With brief comments, if appropriate)
- Other Elected Members
- Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive
- Legal I Marriott – agreed.
- Finance
- Other Chief Officers
- District Councils Warwick District Council
- Health Authority
- Police No objection, will support
- Other Bodies/Individuals Fire Service
Ambulance Service – No Objection
NAVTEQ
The Road Haulage Association
Freight Transport Association
Coventry and Warwickshire Disabled Drivers Association
Rugby Disability Forum

FINAL DECISION

YES/NO (If 'No' complete Suggested Next Steps)

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Warwick Area Committee – 11 March 2008

**Civil Parking Enforcement
Variations to Parking Orders Necessary to Meet the
Requirements of
Part 6 of the Traffic Management Act 2004**

**Report of the Interim Strategic Director for
Environment and Economy**

Recommendation

1. That the proposed fourth variation to the Warwickshire County Council (District of Warwick) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) Order be made as advertised to come into effect on 31 March 2008.
2. That Committee approves the making of the Warwick District Council (Off-Street Parking Places) (Variation No.1) Order 2008.

1. Introduction

- 1.1 In December 2007 the Secretary of State for Transport made Regulations requiring changes to Decriminalised Parking Enforcement under Part 6 of The Traffic Management Act 2004. This report asks Members to approve legal and administrative changes to the on-street and off-street parking orders to bring them into line with the new Regulations. The amendments proposed do not include any changes to the current waiting restrictions or on-street parking places.

2. Background

- 2.1 Decriminalised Parking Enforcement under Part II of The Road Traffic Act 1991 is currently in operation in Warwickshire in Stratford on Avon District, Warwick District and Rugby Borough. In these Special Parking Areas the local authority has taken over the enforcement of parking regulations from the police. Operation of enforcement is carried out by the Districts/Boroughs on the County Council's behalf.
- 2.3 Changes to parking enforcement are necessary as a consequence of the government's implementation of Part 6 of Traffic Management Act 2004. Under this Act Decriminalised Parking Enforcement will become known as Civil Parking

Enforcement (CPE). Parking attendants will become known as Civil Enforcement Officers (CEO's). Special Parking Areas and Permitted Parking Areas already in existence will become Civil Enforcement Areas (CEA's) and Special Enforcement Areas (SEA's). These changes will take effect on the 31 March 2008.

3. Changes Under Civil Parking Enforcement

3.1 Changes required by the new Regulations include:-

- (i) The adoption of new system of penalty charges by the County Council and District/Borough Councils;
- (ii) Legal and administrative changes to the County Council's on-street parking order to comply with the new Regulations;
- (iii) Similar changes to Warwick District Council's off-street parking order.

4. New Penalty Charges

- 4.1 An important change within the new Regulations is a move from a single level of penalty charge for all contraventions of parking regulations to a two-tier system of penalty charges, where the amount of the penalty relates to the severity of the contravention. This change to a fairer system of penalties is intended to make parking enforcement more acceptable to the public.
- 4.2 A lower level penalty charge must be applied for most parking contraventions where the motorist is normally allowed to park (e.g. overstaying a two-hour limit), and the higher level of penalty charge must be applied where the motorist is not normally allowed to park (e.g. parking on double yellow lines).
- 4.3 The current level of penalty charge applied in Stratford on Avon District, Warwick District and Rugby Borough is £60 (discounted to £30 for payment within 14 days). This level was set by the Secretary of State.
- 4.4 Under the new Regulations, enforcement authorities are required to set levels of penalty charges within the Bands set out by the Secretary of State.
- 4.5 The County Council's Cabinet, at its meeting on 31 January 2008, agreed to adopt Band 2 penalty charges under The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007. As a consequence of this, from 31 March 2008 there will be a lower level penalty charge of £50 and a higher level penalty charge of £70. As with the current arrangements, there will be a 50% reduction for payment within 14 days. These changes to penalty charges will be publicised well in advance of their introduction.
- 4.6 Warwick District Council made a complementary decision to adopt an identical system of penalty charges for contraventions in its off-street car parks, at a meeting of its Executive on 11 February 2008.

5. Changes to the County Council's On-street Parking Order

- 5.1 A proposed fourth variation to the Warwickshire County Council (District of Warwick) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) Order 2007 was advertised on 24 January 2008.
- 5.2 From 31 March 2008 Civil Parking Enforcement will be carried out under Part 6 of the Traffic Management Act 2004. Currently Decriminalised Parking Enforcement is carried out under Section 66 of the Road Traffic Act 1991.
- 5.3 The legal and administrative changes proposed to the above order principally involve making appropriate references to the 2004 legislation and the Regulations made there-under. Additional changes to terminology and definitions are also necessary. The amendments proposed do not involve any changes to the current waiting restrictions or on-street parking places.
- 5.4 No statutory objections were received by the closing date of 15 February 2008.

6. Changes to Warwick District Council's Off-Street Parking Order

- 6.2 Warwick District Council proposes to make an Off-Street Parking Places Order 2008. This is required to make similar legal and administrative changes to bring the off-street parking order into line with the 2004 legislation and the Regulations made there-under.
- 6.3 Under sections 39(3) and (4) of the Road Traffic Regulation Act 1984, Warwick District Council cannot make the above Order without consent from Warwickshire County Council and there is no officer delegation for this.

7. Conclusion

7. Changes to on-street and off-street parking orders are necessary for the continuation of local authority enforcement of parking regulations in Warwick District as from 31 March 2008. It is therefore recommended that the Committee supports the making of revised orders by the County and District Councils as described above.

8. Financial Implications

- 8.1 There are no financial implications to the County Council from the recommendation in this report.

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27 February 2008