

Annual Council – 19 May 2008

Implementation of Civil Parking Enforcement and the need to review of the Council's Constitution

Service Area: Traffic and Transportation

Wards: All

1. Summary of report

To detail a range of approvals and subsequent amendments to the Council's Constitution considered necessary to operate Civil Parking Enforcement (CPE) within the borough. These include:

- Revised delegations to the Development Control Committee
- Approval to enter into section 101 joint committee agreement
- Nomination of elected members to serve on the Joint Committee for the civil enforcement of Parking and Traffic Regulations Outside London

2. Recommendations

- 2.1 That Council approve the changes to the constitution set out in appendix A.
- 2.2 That these changes take immediate effect.
- 2.3 That Council authorise the Head of Law (Non Contentious) or his nominated representative to enter into a section 101 joint committee agreement (Local Government Act 1972) with the Joint Committee for the civil enforcement of Parking and Traffic Regulations Outside London (PATROL).
- 2.4 That Council nominate an elected member and deputy to serve on the Joint Committee for the civil enforcement of Parking and Traffic Regulations Outside London.

3. Background information

The Council proposes to take over responsibility from the Police for the enforcement of on street parking restrictions in the summer of 2008. In order for this to be undertaken a number of approvals and delegations need to be implemented to ensure effective governance of the subsequent operational activities.

Delegations to the Development Control Committee

The Traffic Management Act 2004 part 6 and associated regulations and operational guidance detail the requirements for implementation and operation of CPE. One of the key requirements is the need to set and maintain clear frameworks for managing enforcement priorities, local appeals and parking dispensations and waivers that permit otherwise prohibited parking, but within strict conditions.

Given the current Development Control Committee remit of Highways use and registration this would be the most appropriate committee for Council to delegate ongoing responsibility for approving and maintaining these detailed frameworks. A full list of recommended additions to the current delegation list is detailed in appendix A to this report.

Traffic Penalty Tribunal

A statutory requirement of CPE is the need to join the Traffic Penalty Tribunal scheme. The tribunal acts as the independent adjudicating body for certain parking appeals where local appeals have been exhausted. A requirement of membership is the need to enter into a section 101 joint committee agreement (Local Government Act 1972) with the Joint Committee for the civil enforcement of Parking and Traffic Regulations Outside London (PATROL).

A further requirement is the need to nominate a representative of the Council and a deputy to sit on the committee. Whilst the time commitment is limited and generally only requiring annual committee attendance, representation must be from elected members and cannot be an officer of the Council. Given the remit of the committee, the portfolio holder for Transport would be an appropriate nomination as the lead member to represent the Council.

4. Resource and Legal considerations

The Traffic Management Act 2004 imposes a statutory duty of network management on the Council. Part 6 of the Act details the need to implement CPE in support of this duty and includes the provision for the Secretary of State to force any local authority to implement CPE should they fail to implement voluntarily. Failure to implement CPE could result in the Council being classed as a failing Authority and be subject to an intervention order from the Secretary of State.

The draft application to implement and subsequently operate CPE is currently being considered by the Department for Transport.

The Council will need to enter into a section 101 joint committee agreement (Local Government Act 1972) with the Joint Committee for the civil enforcement of Parking and Traffic Regulations Outside London as part of its implementation programme.

5. Citizen impact

The frameworks for managing enforcement priorities, local appeals and parking dispensations and waivers will need to be developed appropriately in order to support the effective operation of CPE. They will have to demonstrate to all citizens how they contribute to the delivery of the statutory network management duty, whilst maintaining the degree of consistency and fairness expected by all.

6. Community safety

The implementation and subsequent operation of CPE will have a positive impact on community safety. Reduced instances of illegal parking will improve road safety for both pedestrians and motorists.

The deployment of parking enforcement officer will provide a visual uniformed reassuring presence throughout the borough. The remit of these officers will be widened to include an eyes and ears function enabling a range of issues to be quickly reported directly to the most appropriate body with typical examples being fly tipping and abandoned vehicles.

7. Environmental impact

The introduction of CPE will have a positive impact upon the environment particularly in terms of improved air quality. Instances of illegal parking that often creates unnecessary traffic congestion and associated air pollution will be significantly reduced benefiting all residents and visitors of the Borough.

8. Performance and risk management issues

It is expected that the proposed changes will ensure appropriate governance of the Council's Civil Parking Enforcement activities whilst assisting with the delivery of its statutory network management duty.

9. Equality implications

The proposed changes do not raise any additional equality issues. By ensuring that all members, officers and stakeholders are aware of the council's constitution we can all contribute to ensuring that all matters are dealt with by and on behalf of the council are undertaken from a basis of equality.

10. Consultation

This report has been prepared in consultation with the Constitutional Services Manager.

Background papers

None

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Signed:

Executive Director: Jamie Morris

Date:

Appendix A

Development Control Committee

(b) Highway functions

Within approved Council policy and in accordance with overall aims and objectives of the Council, this Committee shall exercise the following powers:-

(2)To exercise the following powers and functions:-

10.Power to set the local waivers and dispensations framework	Part 6 of the Traffic Management Act 2004
11.Power to set the local appeals framework	Part 6 of the Traffic Management Act 2004
12.Power to set the enforcement priority framework	Part 6 of the Traffic Management Act 2004