

Consolidation of Car Parking Order

1. Purpose of Report

- 1.1. The purpose of this report is to authorise the Team Leader Legal Services to make a consolidation order for off-street parking, in order to bring enforcement arrangements for off-street parking into line with those for the other parking enforcement following within the District.

2. Recommendation

- 2.1 **That authority be given to the Team Leader Legal Services to make a Consolidation Order under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and Regulation 21 and Schedule 4 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, so as to revoke the North Wiltshire District Council (Off-Street Parking Places) Order 2005 and replace it with a Consolidation Order in line with the decriminalisation regime to come into effect from 4 September 2006.**

3. Link to Corporate Business Plan

- 3.1 Car parking is a defined priority within the 2004/05 Corporate Business Plan.

4. Background

- 4.1 From September 2006 parking enforcement in North Wiltshire is to be decriminalised. The effect of this will be that most on-street parking infringements will no longer be criminal offences enforced by traffic wardens. Instead, parking regulations will be enforced by Parking Attendants, employed by the District Council, who will be able to issue Penalty Charge Notices (PCN's). Failure to pay a PCN will lead to recovery of the penalty charge through the civil courts as a debt.
- 4.2 Currently, parking in the Council's off-street parking areas is regulated by the North Wiltshire District Council (Off-Street Parking Places) Order 2005. Under this Order, parking contraventions are dealt with by way of Further Charge Notices (FCN). Failure to pay a FCN is a criminal offence and is dealt with by way of a prosecution in the Magistrates Court.
- 4.3 The intention is that the enforcement of all parking infringements, whether on- or off-street, will be dealt with in the same way, by service of a PCN, followed by a civil debt recovery process. This means that the 2005 Off-Street Parking Places Order will need to be revoked and replaced by a new Consolidation Order. This new Order will be very similar to the existing Order, with the only changes being to some of the terminology (e.g. PCN instead of FCN) and statutory references etc. The legislation does not permit any substantive changes to be made on consolidation– only those that are considered necessary as a consequence of the introduction of the decriminalised parking regime.
- 4.4 There is no requirement for any formal consultation where a Consolidation Order is made, but notice of the making of the Order has to be advertised in the local press.

5. Financial Implications

- 5.1 There are no financial implications, other than newspaper advertisement costs, which can be met from existing budgets.

6. Community & Environmental Implications

- 6.1 These proposals are part of the arrangements for decriminalised parking enforcement, which provides an opportunity to better enforce indiscriminate parking and also should be seen in the wider context of better traffic management and local transport policy.

7. Legal Implications

- 7.1 The Legal implications are included in paragraph 4 above.

8. Equality & Diversity Implications

- 8.1 None.

9. Human Resource Implications

- 9.1 None

Documents used in preparing this Report

- None.

REPORT OF THE TEAM LEADER LEGAL SERVICES TO THE EXECUTIVE – 13th JULY 2006

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