

CABINET

Wednesday, 16th January 2019

PROPOSED NEW EAST SUFFOLK OFF-STREET PARKING PLACES ORDER (REP1953)

EXECUTIVE SUMMARY

1. In anticipation of the adoption of civil parking enforcement (CPE) and the creation of a single new authority (East Suffolk) it is desirable to produce a single new off-street parking places Order and associated single tariff structure.
2. The Member Working Group at its October 2018 meeting endorsed the creation of a single new East Suffolk Car Park Order and tariff structure.
3. The proposed new tariff structure was approved at November Cabinet. This report sets out the proposed new East Suffolk off-street 'parent' order and seeks approval to formally advertise and carry out the Statutory Consultation process required by the provisions of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
4. For decision.

Is the report Open or Exempt?	Open
Wards Affected:	All Wards in the District
Cabinet Member:	Councillor Graham Catchpole Cabinet Member for Operational Partnerships
Supporting Officer:	Kerry Blair Head of Operations, Strategic Management 01502-523007 (Ext 3007) Kerry.Blair@eastsoffolk.gov.uk Alistair Turk CPE Project Manager 01394-444457 Alistair.Turk@eastsoffolk.gov.uk

1 INTRODUCTION

- 1.1 The Road Traffic Regulation Act 1984 (as amended) (the 1984 Act) and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (the Procedure Regs) provide the legal power and set the process that must be followed by a local authority in respect to the control of off-street parking places.
- 1.2 The Suffolk Coastal Off-Street Parking Places Orders are made up of the original 2008 Order (the parent order) and six amendments with the most recent being the February 2018 amendment. The Waveney parent order was made in 2016 and there has been one amendment since then, also in February 2018.
- 1.3 In preparation of a new Order it is standard practice to prepare a paper consolidation of all the amendment changes and retro-fit them into the original parent order to ensure that all changes are included in the new Order. It is also standard practice to review the layout and Articles to ensure they remain fit for purpose.
- 1.4 The Suffolk Coastal and Waveney Orders do not follow the same format or language although they fulfil the same function. Both Order contents need updating in anticipation of the adoption of CPE and as part of this process the content and layout have been modernised so the new Order is clearer and more concise. The Order will contain only those items which are covered by the provisions of the 1984 Act. This will include:-
 - Interpretation and definitions;
 - Land and/or buildings designated as off-street parking places;
 - Charges for the use of off-street parking places;
 - General prohibitions;
 - Contravention of the general prohibitions;
 - Exemption from the general prohibitions;
 - Suspension of parking places;
 - Removal or alteration of the position of vehicles from a parking place.
- 1.5 The terms and conditions of use of season tickets, permits and the like are not matters controlled by the 1984 Act and will be contained in separate documentation. Reference only to the existence of separate terms and conditions will be included in the Order. Terms and conditions of use are controlled by contract law. They should appear in the car parks as well as on the Councils website.
- 1.6 The proposed new Order is an administrative process and does not change the current provision contained in the existing Orders. It is proposed that the new parent Order will be promoted by both Districts as the East Suffolk Off-Street Parking Places Order and will contain the proposed new tariff structure reported elsewhere. The draft Order is contained in Appendix A.

2 TRAFFIC ORDER PROCESS

The procedure for making a new Order are set out in the 1996 Procedure Regs and require a local authority to publish a Notice of Proposal in a local paper and to provide notices in each affected car park which briefly set out:-

- the intent of the Order;
- details of where further information can be viewed;

- the procedure for registering objection; and,
- the timescale (21 days) for registering any objection.

2.1 It is good practice for a local authority to compile a 'deposit document' which contains all the background information relating to the proposed Order. One of the key items is the 'Statement of Reasons' which is a concise statement of why the Order is required and what it is intended to achieve. Any objections to the proposed Order that are received are tested against the Statement of Reasons' and a decision made on whether to allow or overrule the objection.

2.2 The proposed Statement of Reasons for the new Order is:-

STATEMENT OF REASONS FOR PROPOSING A TRAFFIC REGULATION ORDER

The reasons for proposing to revoke the existing off-street parking places Orders and make a new Order, the East Suffolk Off-Street Parking Places Order 201x giving effect to the proposals described in the Public Notice are as follows:

- To prepare for the formation of a single new authority, East Suffolk Council in April 2019;
- To consolidate the provisions of the existing Suffolk Coastal and Waveney Orders into a single new Order;
- To simplify the arrangement and content of the new Order; and,
- To align the Suffolk Coastal and Waveney current tariff structures into a single East Suffolk tariff structure.

3 HOW DOES THIS RELATE TO EAST SUFFOLK BUSINESS PLAN?

3.1 A single car park Order accords with the Business Plan objective of "further alignment and integration across the public sector". It will be simpler to understand and simpler and cheaper to administer.

4 FINANCIAL AND GOVERNANCE IMPLICATIONS

4.1 The cost of advertising and making the changes will be covered by the surplus in the car park account.

5 REASON FOR RECOMMENDATION

5.1 Members are recommended to agree the draft Order in Appendix A and to authorise the advertising and Statutory Consultation of the Order.

RECOMMENDATIONS

That Cabinet agrees the following recommendations-

1. That the draft Order in Appendix A is agreed.
2. The Statement of Reasons are agreed.
3. Authorise and instruct the Head of Legal and Democratic Services to carry out the necessary legal and administrative processes in advertising and making the Traffic Order to implement Cabinet's recommendations.

APPENDICES	
Appendix A	Draft East Suffolk Off-Street Parking Places Order

BACKGROUND PAPERS - none
