



Council

CIVIL PARKING ENFORCEMENT – DELEGATIONS AND AUTHORISATIONS

(Report of the Head of Legal, Democratic & Property Services)

1. Summary of Proposals

To request delegated powers in respect of Civil (Decriminalised) Parking Enforcement in the Borough and to seek authority to enter arrangements required by legislation for adjudication.

2. Recommendations

The Council is asked to RESOLVE that

- 1) authority be delegated to the Director of Housing, Leisure and Customer Services to exercise the Council's civil parking enforcement powers within the Borough of Redditch, when civil parking enforcement within the Borough comes into effect;
- 2) the Council enter into a Deed of Arrangements with the Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC) for the functions in relation to adjudicators under Part 6 of the Traffic Management Act 2004; and
- 3) authority be delegated to the Head of Legal, Democratic & Property Services to sign any necessary agreements or other documents to enable the introduction of civil parking enforcement within the Borough.

3. Financial, Legal, Policy, Risk and Sustainability Implications

Financial

- 3.1 There are no financial implications arising directly from this report. The financial implications of civil parking enforcement have previously been reported.

Legal

- 3.2 These are set out in the main body of the report.

Policy

- 3.3 There are no Policy implications arising out of this report.

Risk

- 3.4 The Council has to participate in the adjudication process as required by the legislation in order to enforce civil parking within the Borough. If the Council does not participate, appeals from motorists and vehicle owners against Penalty Charge Notices could not be lawfully dealt with and this could affect the operation of civil parking enforcement within the Borough.

Report

4. Background

On the 17th of September 2007, the Council resolved that:

- a) the conclusions and recommendations contained within the Civil (Decriminalised) Parking enforcement report be endorsed and
- b) the recommendation that Redditch Borough Council should introduce Civil (Decriminalised) Parking Enforcement in partnership with Wychavon District Council be endorsed.

5. Key Issues

- 5.1 Part 6 of The Traffic Management Act 2004 enables Highway Authorities to take responsibility for Civil (Decriminalised) Parking Enforcement within a specific area from the Police. The Highway Authority in Redditch is Worcestershire County Council. Redditch is working with the County Council to implement Civil (Decriminalised) Parking Enforcement and this responsibility will be delegated to Redditch Borough Council through an Agency Agreement.
- 5.2 Civil parking enforcement within the Borough will be carried out on RBC's behalf by Wychavon District Council. However, there is a need to formally delegate responsibility for the Council's civil enforcement powers to Officers to enable them to deal with issues that arise.
- 5.3 Under Section 81 of the Traffic Management Act 2004, there is a requirement for there to be the appointment of independent adjudicators to hear appeals from motorists and vehicle owners whose vehicles have been issued with Penalty Charge Notices under the Traffic Management Act 2004.

- 5.4 Regulation 16 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 requires these appointments to be made by a joint Committee of non-London enforcement authorities. The relevant Joint Committee is the Patrol Adjudication Joint Committee (PATROLAJC). In order to comply with the legislation, Redditch Borough Council needs to join the Joint Committee, which involves entering into a Deed of Arrangement with the other participating authorities.

6. **Other Implications**

Asset Management	There are no asset management implications.
Community Safety	There are no community safety implications.
Human Resources	It is believed to be possible to absorb these duties into existing Officer workloads.
Social Exclusion	No Social Inclusion implications have been identified.

7. **Lessons Learnt**

There are none to date.

8. **Background Papers**

Report on Civil (Decriminalised) Parking Enforcement.

9. **Consultation**

There has been no consultation other than with relevant Borough Council Officers.

10. **Author of Report**

The author of this report is Sue Mullins (Head of Legal, Democratic & Property Services) who can be contacted on extension 3210 (e-mail: sue.mullins@redditchbc.gov.uk) for more information.

11. **Appendices**

None.