

Chichester District Council

THE CABINET

3 May 2022

Changes to Parking Regulations

1. Contacts

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2. Recommendation

- 2.1 That Cabinet notes the amendment to the Traffic Management Act 2004 – Part 6 – Civil Enforcement of Traffic Contraventions and approves that the amendments are made to Chichester District Council’s Parking Order.**

3. Background

- 3.1. The Government has committed to make the moving traffic enforcement powers under Part 6 of the Traffic Management Act 2004 (“the 2004 Act”) available to local authorities outside London. The regulations giving effect to these powers (“the 2022 regulations”) were laid in Parliament earlier this year. In making these powers available, the legislative opportunity has also been taken to consolidate, under the 2004 Act, the existing civil enforcement regimes for bus lane contraventions alongside parking contraventions.
- 3.2. The consolidation of the regulations requires updates to local authorities’ stationery, notices and systems as the vast majority of local authorities refer to the enabling regulations in their parking statutory notices and Traffic Regulation Orders.
- 3.3. Any Penalty Charge Notice issued up to and including 30th May 2022 will be subject to the current regulatory regime for parking enforcement. This includes any statutory notices and associated correspondence relating to subsequent representations, appeals and debt recovery procedures. If the enabling regulations have been referenced, then statutory notices must still refer to the current regulations throughout the life of the case.
- 3.4. Any Penalty Charge Notice issued from 00.00 on 31st May 2022 and thereafter will be subject to the 2022 regulations. Authorities seeking to replace references to the regulations will need to be changed as follows:

(1) Existing regulations:	(2) To be replaced with:
The Civil Enforcement of Parking Contraventions (England) General Regulations 2007	The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007	
The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007	
The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007	The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2002
The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007	Any such reference must remain unchanged

3.5. The Parking Services team is currently amending all statutory notices, etc. to reflect the amended regulations. The Council's Parking Order, however, requires Cabinet approval for amendment. The current Parking Order refers twice to the regulations in the table above and it is proposed that these will be amended to reflect the correct reference to come into force from 31st May 2022.

4. Outcomes to be Achieved

- 4.1 Creating a cohesive civil enforcement regime will remove inconsistencies which could arise due to the disparate enabling legislation.
- 4.2 Amending the Parking Order to reflect the current regulations ensures that the parking enforcement service meets the requirements of the new regulations.

5. Proposal

- 5.1 Cabinet is asked to note the revised regulations and to agree to Officers amending the Parking Order accordingly.

6. Alternatives Considered

- 6.1 Not to update the Parking Order and Stationery. This would result in the council acting outside of the parking regulations in its parking enforcement, appeals and debt recovery process.

7. Resource and Legal Implications

- 7.1 The Parking Services team must ensure that the regulations are reflected accurately to ensure that the parking enforcement process can be undertaken correctly to cover both off street (in car parks) and on-street (on behalf of WSCC).
- 7.2 There are adequate resources within the Parking Services team to arrange for the amendment of the required stationery and Parking Order to reflect the required changes. The cost of amendment is minimal and within existing budgets. The Legal Services team have provided advice relating to the arrangements to be made.

8. Consultation

8.1 Consultation was undertaken by Government on the amendment to the regulations. The Council is not required to consult on the amended regulations.

9. Community Impact and Corporate Risks

9.1 Risk that the amendments are not made correctly to the stationery, notices, and Parking Order.

10. Other Implications

	Yes	No
Crime and Disorder - Yes – an adequate enforcement service can assist with ensuring parking regulations are adhered to.	X	
Climate Change and Biodiversity - Yes – enforcement of parking regulations assists with managing traffic flows and driver behaviour.	X	
Human Rights and Equality Impact - Yes – enforcement of designated Blue Badge Bays assists with ensuring that bays are only used by disabled users.	X	
Safeguarding and Early Help		x
General Data Protection Regulations (GDPR)		x
Health and Wellbeing		X
Other (please specify)		x

11. Appendix

11.1 None

12. Background Papers

12.1 None.