



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 26 April 2022

Wards affected: Primarily Hinckley but HBBC has car parks across the Borough

Administrative change to the Off Street Parking Places Order

Report of Director Environment & Planning

1. Purpose of report

- 1.1 To seek Council's agreement to vary the Off Street Parking Places Order 2014. The variation is required to be in place by May to provide continuity of parking enforcement services.

2. Recommendation

- 2.1 That Council approve the proposed variation to the Off Street Parking Places Order 2014 which updates the civil enforcement regulations.
- 2.2 That Council delegate implementation of the variation and the authority to make any necessary additional adjustments to the wording of the variation order to give effect to the provisions of the regulations and to seal the necessary variation order to the Director Environment and Planning and the Director of Corporate Services and the Executive lead for Car Parks.

3. Background to the report

- 3.1 The regulations controlling civil enforcement of parking are currently being updated by Parliament and are due to come into force from 31 May 2022. In terms of parking enforcement by HBBC this is purely an administrative change. All references to the 2007 regulations need to be replaced with 2022 regulations as set out below:-

Existing regulations:

The Civil Enforcement of Parking Contraventions (England) General Regulations 2007

The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007

To be replaced with:

The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

3.2 A variation to the current parking order is required to ensure the Council can still issue parking contravention notices (PCN's / parking fines) in compliance with the new regulations. Civil enforcement is an important tool in ensuring revenues collected from car parking are protected and car parks are used correctly for the benefit of our town centres.

3.3 A public notice / notice of making needs to be placed in the Hinckley Times. Advice received is that no other consultation or public notices are required as this is purely an administrative change.

3.4 The variation is shown in appendix 1.

4. Exemptions in accordance with the Access to Information procedure rules

4.1 Open session

5. Financial implications (IB)

5.1 Failure to update the order would mean parking fines could not be issued for the car parks. As a consequence, pay and display revenues could reduce. The scale of this cannot be forecast and would depend on how widely such an omission was shared in the local media / on social media.

5.2 Updating the order requires a public notice to be published. These costs will be covered from existing budgets.

6. Legal implications (MR)

6.1 Guidance was expected by 31 March but has not yet been received. However, the consensus amongst local councils and from the British Parking Association is that consultation is not required as the amendments are of an administrative nature

The approval of the proposals by Council in April will enable the appropriate notices to be given, in time to bring the variation into force from 31 May.

7. Corporate Plan implications

- 7.1 Place: Car parks contribute to the vibrant and viable town centres. They also generate significant revenue needed to deliver the front line services in town centres.

8. Consultation

- 8.1 Given this is purely an administrative change no consultation is required.

9. Risk implications

- 9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks		
Risk description	Mitigating actions	Owner
Failure to update the order correctly– parking fines could not be issued, car park revenues could fall, reputational damage if fines had to be refunded	Ensure order updated to reflect 2022 regulations.	Caroline Roffey

10. Knowing your community – equality and rural implications

- 10.1 This change is administrative and therefore no changes will be introduced which will affect communities, rural areas or equalities issues.

11. Climate implications

- 11.1 This change is administrative and will therefore not impact positively or negatively on the carbon emissions generated.

12. Corporate implications

- 12.1 By submitting this report, the report author has taken the following into account:
- Community safety implications
 - Environmental implications
 - ICT implications

- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications
- Data protection implications
- Voluntary sector

Background papers: Appendix 1: Variation to the Parking Places Order 2022

Contact officer: Caroline Roffey, Head of Street Scene Services (X5782)

Executive member: Councillor S Bray

**HINCKLEY & BOSWORTH BOROUGH COUNCIL THE DISTRICT OF HINCKLEY
& BOSWORTH (OFF-STREET PARKING PLACES) (VARIATION) (NO.4) ORDER
2022**

Hinckley & Bosworth Borough Council (the “Council”) in exercise of its powers under Section 32 and 35 of the Road Traffic Regulation Act 1984 (as amended) (hereinafter referred to as “the Act of 1984”) Schedule 9 to the Act of 1984, the Traffic Management Act 2004 (hereinafter referred to as “the Act of 2004”) and all other enabling powers and with the consent of Leicestershire County Council in accordance with Section 39 of the Act of 1984 and the Act of 2004

Part 1: Preliminary

1. Title

This Order may be cited as the District of Hinckley & Bosworth (Off-Street Parking Places) (Variation) (No.4) Order 2022.

2. Commencement and Effect

This Order shall come into operation on 31 May 2022.

Save as varied by this Order the District of Hinckley & Bosworth (Off Street Parking Places) Order 2014 (the “2014 Order”) and the Hinckley & Bosworth (Off-Street Parking Places) (Variation) Order 2016 (“the 2016 Order”) and the Hinckley & Bosworth Borough Council (Off Street Parking Places) (Variation No.2) 2016 (“the 2016 Order No.2”) and the Hinckley & Bosworth Borough Council (Off Street Parking Places) (Variation) Order 2018 (“the 2018 Order”) will continue to apply.

3. With effect from 31 May 2022 the 2014 order and the 2016 Order and the 2016 Order No.2 and the 2018 Order shall have effect with the following variations:

Part 2 Amendments

1. Reference in any of the above orders or variation orders to;

- a) The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, and
- b) The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007, and
- c) The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007,

shall be deleted and replaced by reference to The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) England) Regulations 2022, which said regulations shall apply from the date of the date of coming into force of this variation order

2. References in any of the above orders or variation orders to the Civil Enforcement of Road Traffic Contraventions (England) Representations and Appeals Regulations 2007 shall be deleted and replaced by reference to The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) Regulations 2022 which said regulations shall apply from the date of the coming into force of this variation order.
3. Paragraph 25 of the 2014 order shall be deleted and replaced with the following wording;

Penalty Charge for Use of Car Parks

25. (1) If a motor vehicle is left in a parking place in contravention of or non compliance with this Order a penalty charge or discounted penalty charge shall be payable by the driver of the motor vehicle.
- (2) The penalty charge or discounted penalty charge shall be in the sum of the following amounts:-
- (a) The penalty charges for higher level contraventions and all other contraventions as set out and defined in Part 1 of Schedule 3 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (as amended or superseded from time to time) shall apply to such contraventions subject to payment being received within 28 days beginning with the date of issue of the penalty charge notice.
 - (c) The discounted penalty charge – a fifty percent reduction of the penalty charge subject to payment being received within 14 days beginning with the date of issue of the penalty charge notice.
 - (d) If no payment is made within 28 days of the serving of the penalty charge notice the Council will issue a Notice to Owner advising of the unpaid charge
 - (e) If no payment is made within 28 days of the serving of the Notice to Owner the Council may issue a charge certificate in accordance with the provisions of Paragraph 1(4) of Part 1 of Schedule 3 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022(as amended or superseded from time to time) this will result in the penalty charge being increased to the amount set out in the above Regulations (as amended from time to time)
- (3) Service of a penalty charge notice, notice to owner or charge certificate by post is deemed effective on the second working day after the day of posting.

- (4) Where a penalty charge has been incurred a civil enforcement officer may attach to the vehicle in a conspicuous position or hand to the driver a penalty charge notice which shall comply with the requirements of regulation 9 and Schedule 2 of The Civil Enforcement of Parking Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (as amended or superseded from time to time).
- (5) Where a penalty charge has been incurred, a penalty charge notice may be issued by post by the enforcement authority if the owner of the motor vehicle drives the motor vehicle away before the civil enforcement officer has issued a penalty charge notice or the civil enforcement officer has been prevented from issuing a penalty charge notice, such a penalty charge notice shall comply with the requirements of Schedule 2 to The Civil Enforcement of Parking Contraventions (Approved Devices, Charging Guidelines and General Provisions (England) Regulations 2022 (as amended or superseded from time to time).
- (6) Payment of the penalty charge shall either be by electronic transfer, cheque, postal order or cash in person which shall be delivered or sent by post so as to reach the relevant Office of the Council as stated on the penalty charge notice not later than 4.30pm, by the date specified on the penalty charge notice but should the said Office of the Council be closed on the said date specified the period for receiving payment may be extended until 4.30pm, on the next full working day.
- (7) The particulars given in the penalty charge notice attached to the motor vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

GIVEN under THE COMMON SEAL of THE BOROUGH COUNCIL OF HINCKLEY & BOSWORTH on the day of 2022.

**THE COMMON SEAL of THE BOROUGH COUNCIL OF HINCKLEY & BOSWORTH
Was hereunto affixed this in the presence of:**

Authorised Officer