

## NORTH LINCOLNSHIRE COUNCIL

### COUNCIL

## CONSTITUTION

### 1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To propose changes to the Constitution in relation to the council's current working arrangements.

### 2. BACKGROUND INFORMATION

- 2.1 The Local Government Act 2000 requires the council to adopt a Constitution. The Constitution is a "living document" which requires frequent amendment to keep up with changes made by the council to its management structure and procedures.

### 3. OPTIONS FOR CONSIDERATION

- 3.1 The Constitution has been amended on a number of occasions since it was first adopted.
- 3.2 It is now necessary to consider changing the Constitution as regards the powers and duties of the Cabinet Member for Highways and Planning and the Service Director Highways and Planning, in anticipation of civil parking enforcement to be introduced in early 2010 following the transfer of enforcement powers from the police to the council.
- 3.3 As a consequence of the transfer it is now necessary to amend the Constitution as follows -

#### **Cabinet Member for Highways and Planning**

##### **Already in constitution**

7. To consider traffic management measures and all traffic regulation schemes and orders.
22. All matters in relation to the provision and maintenance of on and off street car and lorry parking.

**REVOKE** above, renumber appropriately and replace as follows

- to consider traffic management measures, traffic regulation schemes and orders and matters in relation to the provision and maintenance of parking facilities in general
  - in relation to the introduction of civil parking enforcement -
1. To provide and maintain a parking infrastructure including the following -
    - a) designation of parking spaces
    - b) charges for parking/prescribed fees
    - c) relocation, removal and disposal of vehicles and the fixing of fees/charges
    - d) contraventions and the fixing of penalty charges
    - e) parking orders
    - f) to join the Parking Tribunal service
  2. To create and review a parking policy
  3. To create and review a parking enforcement policy
  4. To set service standards for the delivery of parking enforcement
  5. To receive income from parking enforcement and use any such income for relevant purposes

## **Service Director for Highways and Planning**

### **Already in Constitution**

- 1.21 To make Traffic Regulation Orders under Section 1, 2 3, 35 and 45 of the Road Traffic Regulation Act 1984 where no objections are received.
- 2.2 To enforce off street car park relating to the operation of the council's car parks.

Amend 1.21 as follows

To make Orders/Notices under Section 1, 2, 3, 35 and 45 of the Road Traffic Regulation Act 1984 and where appropriate the Traffic Management Act 2004 where no objections are received.

Delete 2.2 and replace as follows

To set up, implement and review procedures and processes for dealing with the issue of penalty charge notices by council civil enforcement officers in respect of on and off street parking contraventions, collecting penalty charges including the issue of other appropriate notices as provided for, considering challenges/representations and appeals and dealing with adjudications.

To put in place procedures and processes for carrying out the immobilisation and removal of vehicles where appropriate.

**4. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

4.1 There are no staffing, financial, property or IT implications associated with this report.

**5. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

5.1 Changes to the Constitution must be approved by the council in accordance with the Local Government Act, 2000.

**6. OUTCOMES OF CONSULTATION**

6.1 The proposed changes to the Constitution are as a result of the details referred to above.

**7. RECOMMENDATIONS**

7.1 To agree the changes set out in paragraph 3.3 of the report and amend the Constitution accordingly.

SERVICE DIRECTOR LEGAL AND DEMOCRATIC

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**Background papers used in the preparation of this report - Nil**