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3 December 2009

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Mark J Broughton
Scrutiny Officer
Breckland District Council
DX 743950
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By email

Dear Mark

Re: On-Street Permit Parking Schemes in Breckland

I refer to your email of 30 November 2009, and our exchanges of 1 December 2009 which set out that I would deal with this matter by the end of this week.

For ease of reference, I have addressed your query as if it was a series of numbered questions.

1. It is **Norfolk County Council** (acting as traffic authority) only who have jurisdiction to introduce an on-street permit parking scheme, not the district councils.
2. It is the **Road Traffic Regulation Act 1984 ("the 1984 Act")** which applies.
 - a) The Section empowering this Council to make Orders designating parking places on highways and issuing permits for that purpose is Section 45 (in particular see subsections (1) and (2)). Section 46 contains further provision as to the conditions that might be attached to such an Order, and Section 47 sets out that contravention of such an Order is an offence, enforceable by prosecution.

b) When determining the designation of on-street parking places the Council is required to have regard to the need for maintaining the free movement of traffic, reasonable access to premises, and the extent to which other provision is available in the neighbourhood (see subsection (3) Section 45).

c) It is important also to bear in mind that the 1984 Act is not a revenue raising Act. This means that when deciding whether or not to make a designation order it is not permitted to have regard to the manner in which the Act allows surplus charges to be spent (if surplus charges for the abuse of a permit are imposed, for example).

3. **Procedure and timescales** : The Council runs a preliminary consultation procedure. This involves a detailed scheme being drawn up by designers/engineers which is then informally consulted on locally with those primarily likely to be affected. That process is normally undertaken by County Council designers and engineers. It would be a matter for discussion between this Council and Breckland as to how that should be handled for your purposes.

Once obvious potential problems have been resolved, instructions are then sent to this Legal Team to carry out the necessary statutory processes. These are set out in the **Local Authorities' Traffic Order (Procedure) (England and Wales) Regulations 1996 (Statutory Instrument 1996/2489)**. These Regulations allow for objection and representations by local people and organisations – including to public inquiry, but very rarely – and for notification in local papers. If there are no relevant objections, the Order is confirmed by delegated authority. If there are objections, a report is submitted to the Member holding the relevant Portfolio position. In rare cases, it is referred to Cabinet.

This consultation, notification and determination process takes a minimum of six months from the point at which full instructions have been submitted to this Team.

Clearly all costs would have to be borne by Breckland, including legal and advertisement costs.

4. Once the Order is in place, it would be for Breckland to administer the issuing, transfer, cancellation of permits. This question and the issues around receipt of monies etc. would need to be agreed by the relevant departments in our two authorities before the process began.

I hope this is helpful. Do get back to me should you need further clarification.

Yours sincerely

Sarah Jenkinson
Solicitor (Planning & Environment Team)