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3. Rosie Winterton MP
4. [REDACTED]

From: [REDACTED]
TM Division

Location: 2/06
GMH

Tel: Ext [REDACTED]

Date: 7th December 2007

ROSIE WINTERTON

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TRAFFIC MANAGEMENT ACT (TMA) 2004: PART 6: LAYING THE NEGATIVE RESOLUTION PARKING REGULATIONS

ISSUE

1. The affirmative resolution regulations (The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 ("the Representations and Appeals Regulations") were debated and approved in the HoL on 23rd October and in the HoC on 19th November. These will now be made.
2. This submission seeks your final approval to lay the negative resolution regulations on the parking provisions of Part 6 of the Traffic Management Act 2004 in Parliament.
3. You are also asked to approve the final version of the Statutory Guidance.

TIMING

4. Please agree and sign the package by 11th December. This is urgent because the draft set of Regulations must be made before recess. If they are not made until after the recess in the New Year, this will not give local authorities enough time to prepare for bringing the new powers into force on 31st March 2008.

RECOMMENDATIONS

5. That you:
 - a) Sign:
 - All five draft statutory instruments.
 - b) Approve :

- The Explanatory Memorandum to be published when those Regulations are laid.
- The Statutory Guidance. This will be issued in its final form to all local authorities and stakeholders once the regulations are made.

PRESENTATIONAL ISSUES

6. There are two audiences: LAs who will apply the new package and the public who will abide by it
7. Handling of stakeholders and press has been considered. All stakeholders and local authorities will be sent the Regulations and the Statutory Guidance once these are finalised. There were consulted in July 2006 and in July 2007 they were sent copies of the Regulations and Statutory Guidance that were placed in Parliament.
8. Officials in TM have been giving presentations to local authorities around the country to communicate the new changes and address any concerns. There may be requests for interviews from the technical press. To support the message to LAs we strongly encourage you to accept them. Full support will be given by press office and TM.
9. The presentational package needs to focus on getting across to the public that the new provisions will be put in place on 31 March to give firmer but fairer parking enforcement.
10. We are considering the proposed key messages further and the likelihood of getting positive coverage for these regulations before deciding on a communications strategy. We propose to send a draft press notice up to you for consideration in due course.

CLEARANCES

11. Legal clearance has been obtained for all documents.
12. This submission has been cleared with the Communications Directorate.
13. There are no financial or economic implications for Department for Transport. DCLG has agreed that there are no new burdens or additional costs for local authorities. As you know LAs have complained that the new level of differential penalties will result in a drop in income. You have pledged that you will re-consider this later in the year. Presentational considerations do not advise that you do this now.
14. We received Domestic Affairs Committee clearance on the package of documents attached to this email. We received nil returns from all government departments in response to this clearance.
15. The draft “approved devices” Order that is amongst the SIs you are asked to sign has completed the statutory EU technical standards Notification procedure without comment.

THE INSTRUMENTS

16. The Instruments are:
 - The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
 - The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007.

- The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007.
 - The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007.
 - The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges (England) Order 2007.
17. The only affirmative Regulations, the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (“the Representations and Appeals Regulations”), have already been approved by both Houses. These have been made in the name of the Lord Chancellor. The Civil Enforcement of Parking Contraventions (England) General Regulations are to be made by the Lord Chancellor and the Secretary of State. The other Instruments all fall to be made by the Secretary of State alone.
 18. The negative resolution Regulations were placed before Parliament when the Representation and Appeals regulations were laid. There are no new issues, but there have been some minor legal drafting point changes.
 19. To give local authorities time to adjust to the changes, the regulations will not come into force until 31st March 2008.

EXPLANATORY MEMORANDUM

20. A single Explanatory Memorandum has been produced to accompany all the statutory instruments. This highlights the main points of the five sets of Regulations, provides information about the policy objective and policy implications and sets out the changes made to reflect concerns raised by stakeholders during the consultation.
21. There is one statement in relation to the European Convention on Human Rights, stating that the Regulations are compatible with the Convention rights.

REGULATORY IMPACT ASSESSMENT (RIA) (ATTACHED THE TO EXPLANATORY MEMORANDUM

22. The consultation on the parking provisions included a partial RIA which was updated on the basis of the consultation to produce the final RIA. There were no changes of substance. You signed this RIA when we laid the Representation and Appeals Regulations.

STATUTORY GUIDANCE

23. Section 87 of the TMA gives the Secretary of State the power to produce Guidance to which Local Authorities must have regard. This section 87 Guidance has become known as Statutory Guidance and sets out our policy intent on civil parking enforcement. Where the guidance states that an authority *must* do something then it refers to specific legislation. In other areas the guidance makes recommendations about what an authority *should* do.
24. The Statutory Guidance was sent to all local authorities in draft form when the affirmative Regulations were laid in Parliament in July 2007. When all the Regulations are made, the final Statutory Guidance will be published.

TO NOTE

25. We are also reviewing detailed Operational Guidance (the revised local authorities circular 1/95) after the public consultation on this closed in October. Once the changes have been made in response to this consultation this will also be published.

CONCLUSION

26. That you consider and agree the recommendations in paragraph 5.

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