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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 8</b>
<b>DATE OF MEETING:</b>	<b>12 JULY 2007</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>PETER McEVOY</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>DECRIMINALISATION OF PARKING ENFORCEMENT</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 That Members indicate their acceptance of Derbyshire County Council's proposals for the decriminalisation of Parking offences.
- 1.2 In particular that Members commit to the use of a centrally procured and service managed by the County Council to process fixed penalty notices and provide on-street warden services.
- 1.3 That, in conjunction with the Head of Environmental Services, the Head of Legal Services be asked to examine the options to make the existing parking restrictions enforceable, within Council car parks, in anticipation of an enforcement presence.
- 1.4 That this Committee make a recommendation to Finance and Management Committee to include £6,266 in the 2008/9 Budget to cover the initial set up costs and £4200 in 2009/10 to cover the projected deficit and anticipate a net income of £634 in subsequent years.

## **2.0 Purpose of Report**

- 2.1 The purpose of the report is to inform members of the changes to the parking enforcement regime and seek approval for Derbyshire County Council's proposed arrangements for the provision of Parking Enforcement Services.

## **3.0 Executive Summary**

- 3.1 Under the provisions of the Road Traffic Act 1991 and the Traffic Management Act 2004, the Government have made it possible for the transfer of parking enforcement from the Police to the Local Highway Authority. The Government have indicated that they wish local authorities to take up this option and suggested they will impose it regardless after 2011.
- 3.2 On 3<sup>rd</sup> of July Derby City took on the transferred responsibility from the Police within its district.

- 3.3 Following the development of a detailed financial model Derbyshire County Council concluded that it would be financially viable to pursue Decriminalisation across the County. The County Council has developed plans to allow the transfer of enforcement powers across the County in partnership with the District Authorities. These plans were approved by County Council's Cabinet on 20 March 2007. See Appendix 2 for the Cabinet Report. County Council is now seeking commitment from the District Councils to the same scheme.
- 3.4 The proposals involve collective procurement of services to gain maximum market advantage to secure a central ticket processing unit and the services of a private sector enforcement contractor to provide and manage on street wardens.
- 3.5 The wardens contract would be managed by Derbyshire County Council but each District Council would be able to determine how many hours of enforcement time they received.
- 3.6 The District Council's would have to pay for the contracted hours of enforcement, however, they would also benefit from the receipts from the fixed penalty notices and these two should balance and result in a break-even situation. Derbyshire County Council has requested that South Derbyshire District Council confirm its willingness to work in partnership on this basis.

It is important to realise that only offences relating to parked vehicles will be transferred hence driving through pedestrian or other restricted areas will remain with the Police.

#### **4.0 Background**

- 4.1 Decriminalised Parking Enforcement (DPE), soon to be known as Civil Parking Enforcement (CPE) is a Government initiative that allows the police to put more money into fighting crime as it transfers the responsibility for parking enforcement from the Police to the Highway Authority, Derbyshire County Council.
- 4.2 The 1991 Road Traffic Act permits highway authorities to apply to the Secretary of State to become a Special Parking Area (SPA) /Civil Parking Area (CPA). Once an SPA /CPA application is approved, the power to enforce parking, loading and waiting restrictions, passes from the Police to the local council.
- 4.3 At present, if you are issued with a Fixed Penalty Notice you have committed a criminal offence and failure to pay can result in action by the Magistrate's Court. With Penalty Charge Notices associated with DPE/CPE, the "offence" is decriminalised, becoming a "contravention" and you do not have recourse to the Magistrate's Court system, but independent adjudicators.
- 4.4 Any unpaid charges will count as civil debts and be pursued through a streamlined County Court system potentially culminating in bailiff action. Representations against PCNs are made to independent adjudicators.
- 4.5 The new regime will allow local authorities to ensure that parking policies are implemented effectively with consequent benefits to parking flow, better management of overall traffic levels, a fairer distribution of parking places and an improved environment.

- 4.6 This integration of enforcement and parking policy will provide better monitoring of the effectiveness of parking controls and enable the local authority to be responsive to the public's needs.
- 4.7 The law requires Parking Attendants to be exclusively dedicated to Parking matters and not general purpose wardens like our Safer Neighbourhood Wardens, consequently it would not be a practical option to run the enforcement services in house.
- 4.8 The financial model used to assess the feasibility of the proposals assumed 15 hours of contracted Parking Attendant time per week resulting in 15 fixed penalties served per week for on street parking offences only.
- 4.9 The Council offers 759 marked parking spaces across 17 car parks. These include 51 spaces marked for disabled users and 162 short stay spaces (3 hours maximum).
- 4.10 Currently the Council has not made these parking restrictions legally binding and has no provision for enforcing them.
- 4.11 The Council could create an order to make the off street Parking restrictions legally enforceable and the contracted Parking Attendants could enforce these parking restrictions as well as the on street parking offences.

## **5.0 Financial Implications**

- 5.1 Derbyshire County Council has agreed to cover the substantive set up and management costs. South Derbyshire District Council would be asked for a contribution of £6,266 towards the initial set up costs.
- 5.2 The ongoing costs, estimated on the basis of on street enforcement only, suggest a small deficit (£4204) in the first year with a small profit (£634) in subsequent years. This would be improved by additional income if the off street parking enforcement were added to the function.
- 5.3 The costs of the central processing unit would be apportioned to the various authorities pro rata to the number of fixed penalties served and the District Council would be able to alter the costs of patrols by varying the numbers of hours requested.
- 5.4 A full financial model developed by a reputable consultant and is available on request. A summary is provided at Appendix 1

## **6.0 Community Implications**

- 6.1 The new regime should bring the following community benefits,

releasing the police to concentrate fully on crime fighting and other traffic offences (obstruction and moving traffic infringements)

encouraging sensible and safe parking

easing congestion on the roads

improving safety for drivers and pedestrians

allowing buses and authorised service vehicles to operate more effectively

improving the general environment

improving access to shops, offices, schools and other premises

improved enforcement of disabled bays / permit holders bays

integration of on-street with off-street parking (car parks) enforcement for which district or borough councils are responsible is possible the council being able to introduce new restrictions and to enforce them

single responsibility for parking means greater clarity and simpler perception to the general public.

## **7.0 Conclusions**

- 7.1 As Police resources are re-directed from parking enforcement, provision must be made to ensure effective enforcement of parking in the future.
- 7.2 Provision to enforce the Councils own parking restrictions would be highly desirable.
- 7.3 Derbyshire County Council's proposals offer a practical option and the most economical method of provision of such services. The proposals have been designed with the intention to make them acceptable to authorities across the County.
- 7.3 Provision should be sought in next years budget to cover the set up costs and underwrite the procurement of on-street wardens.