

Agenda Item 53.

TITLE	Introduction of Civil Parking Enforcement Powers
FOR CONSIDERATION BY	The Executive on 29 September 2016
WARD	None specific
DIRECTOR	Heather Thwaites, Director of Environment
LEAD MEMBER	Malcolm Richards, Executive Member for Highways and Transport

OUTCOME / BENEFITS TO THE COMMUNITY

Improved and more consistent management of on-street parking, resulting in a reduction in traffic disruption, eased congestion, improved road safety, reduced parking contraventions and to generally improve environmental impacts related to road traffic. It is expected to increase utilisation of off-street car parking and possibly greater use of sustainable transport. It will also improve the Council's ability to respond to parking issues and customer demands for new and revised restrictions. Both the appeals process and publicising parking restrictions will be clearer.

RECOMMENDATION

The Executive is asked to approve the resolutions in this report, which allows the submission of the application to the Department for Transport for undertaking Civil Parking Enforcement

SUMMARY OF REPORT

Civil Parking Enforcement (CPE) gives powers to a Local Authority to enforce parking restrictions within their area of responsibility. Within Wokingham borough parking restrictions are currently enforced by the Thames Valley Police, however this is considered as a low priority and they apply little resources towards it. This is partly due to the fact that Wokingham is the only borough in the Thames Valley Police area that has not taken on these powers to date. This results in a large number of complaints to the Council regarding illegal parking, and the blatant abuse of parking restrictions as drivers feel they will not be penalised.

The Executive considered and approved the submission of an application to the Department of Transport (DfT) for CPE powers at their meeting of the 24th September 2015. This report covers the specific resolutions needed for an application to be made and for the appropriate Statutory Instrument to be laid before parliament.

The provisional timescales of the process to implement CPE are summarised below:

- Lining and signing improvements and mapping of restrictions – concludes Winter 2016
- Members resolutions – September 2016
- Statutory consultation on CPE application (DVLA, Police, Neighbouring authorities) – October-November 2016

- CPE Application submitted to DfT – January 2017
- Enforcement and notice processing provision arrangements – Autumn 2016
- Public consultation on moving TRO's to map based format – Winter 2016
- DfT/Parliament approve CPE application – Summer 2017
- Mobilisation of enforcement and notice processing duties – Spring/Summer 2017
- Enforcement begins – Summer/Autumn 2017

1. Background

Current enforcement of on-street parking restrictions is the responsibility of the Thames Valley Police. Police policy presently awards the enforcement of on street parking restrictions a low priority with limited resources being deployed to fulfil this function. Consequently motorists and residents are often left frustrated when parking issues are not resolved, and the Council is powerless to assist in these cases. The Chief Constable of Thames Valley Police recommended that Wokingham consider CPE, alongside all the other Berkshire Unitary Authorities, as a solution to the problems of illegal and unsafe parking. Wokingham is the only Berkshire Unitary Authority not to have applied for CPE powers to date.

To enable and support a successful application to be made to the DfT, and the appropriate Statutory Instrument laid before Parliament, a number of specific resolutions are required to be made by the Council. This report deals with those specific resolutions, so that officers are able to proceed in accordance with the Executive decision of the 24th September 2015.

2. Resolutions

Defined by the Department for Transport.

- a) To resolve to undertake CPE within the administrative boundary of Wokingham Borough Council and to support an application to the Department for Transport (DfT) for a Civil Enforcement Area (CEA), Special Enforcement Area (SEA), and Bus Lane Enforcement powers under the provisions of the Traffic Management Act 2004 (the 2004 Act).
- b) To resolve to join the Joint Committee of England and Wales for the Civil Enforcement of Parking and Traffic Regulations Outside London, which oversees the adjudication service known as the Traffic Penalty Tribunal (TPT).
- c) To nominate and resolve that a Representative and Substitute Representative are appointed to stand on the Joint Committee, these being the Lead Member for Highways and the Deputy Lead Member for Highways.
- d) To adopt, for the purposes of consultation, penalty charge band Level 2 - £70/£50.
- e) To resolve that the powers to clamp and/or remove vehicles, parked in contravention of restrictions, be obtained as part of the application for CPE to the DfT.
- f) To approve the appointment of 'enforcement agents' to collect parking debts, should this be necessary.
- g) To approve that the financial model based on external service delivery for CPE is submitted to the DfT, as the required business case.
- h) That the Director of Environment, in consultation with the Leader of the Council and the Executive Member for Highways, is authorised to (continued on next page):

Items under resolution h:

- I. Carry out the required statutory consultations and agree the final application details and submit it to the DfT for the adoption of CPE powers.
- II. After appropriate consultation, the penalty charge band level may be reviewed.
- III. Agree the terms, in conjunction with the Council's Legal Services, of any legal agreements that need to be entered into between the Council and the Traffic Penalty Tribunal, the Traffic Enforcement Centre and the DVLA in order to implement CPE.
- IV. Take all steps necessary to introduce appropriate 'Civil Enforcement Off-Street Parking Places Orders' in order to implement CPE in the Council's off street car parks and to meet the requirements of the 2004 Act.
- V. Take all steps necessary to introduce appropriate 'Civil Enforcement On-street Traffic Regulation Orders' in order to implement CPE on the Borough's highways and to meet the requirements of the 2004 Act.
- VI. Borough wide implementation of CPE, and evolution in accordance with best practice and advise from government/DfT, including the adoption of such further powers as may be expected.
- VII. Make any changes considered necessary in order to meet the requirements of the Traffic Management Act 2004, in light of current and future Statutory Guidance.

3. Issues to be Considered

- a. **Resolution a** – This resolution to take on CPE powers is required to apply to all of Wokingham. The amount and manner to which the enforcement is carried out can vary through operational procedures.
- b. **Resolution b** – Joining the Traffic Penalty Tribunal is a requirement of the application.
- c. **Resolution c** - The Council will need to confirm their nomination of a Representative and Substitute Representative (who must both be elected Members of the Council) to serve on the TPT Joint Committee; this is a requirement of the legislation for joint committees with meetings being held twice a year but attendance by the elected Members is considered mandatory. The Lead Member for Highways and the Deputy Lead for Highways are suggested.
- d. **Resolution d** - There are currently two bands of penalty charge bands available; Band 1 - £60/£40 and Band 2 - £70/£50. The higher charge in each band is for the more serious contraventions, e.g. parking on double yellow lines, and the lower charge is for the less serious, for example, overstaying where parking is permitted. There is a perceived unfairness of receiving the same penalty regardless of the seriousness of the contravention. For this reason, and in order to emphasise the traffic management purposes of CPE, enforcement authorities

must apply different parking penalties to different contraventions. It is recommended that band 2 is initially adopted, pending the outcome of the necessary consultation. The £70/£50 Penalty Charge Notice (PCN) levels are discounted to £35/£25 for payment within 14 days and incremented by 50% for payment after the issue of a Charge Certificate. Every other authority in the Thames Valley has adopted the Band 2 - £70/£50 charges. Band 1 at £60/£40 would not allow a financially viable position to be reached, within the current financial modelling.

- e. **Resolution e** - Although unlikely to be needed and/or used, there could be occasions when it is found necessary for a vehicle to be disabled or, if it is causing significant disruption to traffic, to be removed. It is therefore recommended that these additional powers are included in the application, as expected by the DfT, so that the Council is able to take appropriate action should these circumstances arise.
- f. **Resolution f** - It is anticipated, unfortunately, that there will be occasions when a penalty charge is not paid and further action will be necessary to recover the amount due. It is therefore being recommended that 'enforcement agents' are appointed to collect parking debts resulting from the CPE powers. The Council currently engage 'enforcement agents' to recover off-street parking debts.
- g. **Resolution g** – The officer recommendation is to procure the additional service provision required to operate CPE via an external provider. The business case which details this option indicates that this will provide a cost neutral service over a 5 year period, which is a requirement of the DfT. In addition, external providers offer the flexibility to increase enforcement to suit parking needs, such as events on the highway. This adaptability will also ensure Parish Councils influence and have control in how parking enforcement is administered in their parishes. External delivery also provides the ability to decrease enforcement as compliance with parking regulations improves over time. Unfortunately, in-house service delivery is unable to meet the cost neutral requirement for the application. Equally, the resource level for in-house delivery would be difficult to adapt to changes in demand, as described above, and in times of absence. These disadvantages have been experienced by our neighbouring authorities such as the Royal Borough of Windsor and Maidenhead who are looking to procure an external provider for on street enforcement from April 2017.
- h. **Resolution h (includes items I-VII)** - There will be a number of processes, agreements and detailed decisions required in order to complete and fulfil the requirements of the application to DfT and is it recommended that the authority to deal with these is delegated to the Director of Environment, in consultation with the Executive Member for Highways. This will include the consolidation and revision for the current on-street and off-street Traffic Regulation Orders to enable civil enforcement and meet the requirements of the Traffic Management Act 2004.

4. Impact on Equality and Sustainability

The proposals do not unfairly impact on any group of individuals in particular as parking restrictions apply to all citizens. The current rights held for disabled badge holders still apply under CPE and are improved with greater enforcement

under CPE, such as reducing the abuse of disabled bays and reducing parking on footways. CPE will help to improve the flow of traffic through the borough and reduce congestion helping with journey times for all.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	N/A	N/A
Next Financial Year (Year 2)	£0	N/A	N/A
Following Financial Year (Year 3)	£0	N/A	N/A

Other financial information relevant to the Recommendation/Decision

Capital funding was approved in the 24th September 2015 Executive Report for preparedness for CPE. CPE is required to deliver a cost neutral service.

Cross-Council Implications

There are no further Cross-Council implications as a result of this report over and above those contained in the Executive report and decisions of the 24th September 2015.

List of Background Papers

24th September 2015 Executive Report - Introduction of Civil Parking Enforcement Powers

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