
REPORT TO:	FULL COUNCIL	AGENDA ITEM:
DATE OF MEETING:	10th April 2008	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY SERVICES	OPEN
MEMBERS' CONTACT POINT:	CARL JACOBS	DOC: CBJ/U/Decrim/2
SUBJECT:	DECRIMINALISATION OF PARKING ENFORCEMENT	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That Council passes a resolution to Approve the adoption of Decriminalisation of Parking Enforcement (DPE) / Civil Parking Enforcement (CPE) powers in the whole district of South Derbyshire to include both on and off-street parking.
- 1.2 That the Committee approves either option A or option B of this report, in regard to the method of enforcement that will be adopted.

2.0 Purpose of Report

- 2.1 To advise members of the changes and potential ramifications of adopting different Solutions to the issue of decriminalisation of car parking, adopting proposals of Derbyshire County Council's in regard to the provision of Parking Enforcement Services.
- 2.2 On the 12th July 2007, the Environment and Development Committee approved the acceptance of the County Councils proposals, for all Derbyshire Authorities to work in partnership, in respect to the transfer of certain parking offences, from the Police to the Derbyshire County Council. This would result in this Council managing the car parking enforcement on both roads and our own car parks.
- 2.3 Since that Committee report it has become clear that this Council would need to provide in the region of £10,500 in the first year for the provision of enforcement of road traffic offences alone. Following negotiation with Derbyshire County Council an alternative method of enforcement has been sought.

3.0 Executive Summary

- 3.1 The County is providing £317,000 for the set up costs of the scheme for the whole of Derbyshire, which represents, monies paid for setting up central processing unit, advertising etc

- 3.2 There are 2 separate proposals **Option A** and **Option B** which need to be brought before Full Council and a decision made which the Council believes is the most appropriate.
- 3.3 By approving the recommendations, either option A or B off street car parks owned by the Council will be Included in the special parking areas order. This means that it would then be relatively easy, although not without cost to SDDC, for the Council to introduce parking enforcement for offences such as parking in unauthorised areas or in disabled bays when not holding a blue badge. This would be implemented by a County wide Contract with a company providing private traffic wardens, who will enforce regulations, directed by an officer of this Council or County Council depending on the option adopted.

OPTION A

3.4 On Street Enforcement Option A

This was the position brought before the Environmental Services Committee on the 12th July 2007. SDDC will be paying a set up fee (£6266) and it is estimated from the financial model the scheme will make a loss in the first year (£4204). Both of these will amount to approximately £10,500 in the first year. The Financial model states that after the first year the on street account will make a small profit. The enforcement of the on street car parking will be undertaken by a contractor, employed by County but supervised by an Officer of SDDC. The SDDC officer will also need to deal with all driver appeals against tickets issued. Should the account go into deficit in the future then the County and SDDC will share the shortfall equally. Several other schemes throughout the country, which are of a similar nature to this scheme have made losses.

SDDC Off Street Car park Enforcement Option A

At present there is no provision for any enforcement to take place within SDDC Off street Car parks. In regard to option A we would need to provide suitable signage and car park road markings in all off street car parks that we wished enforcement to take place, at a cost to SDDC, this would be exactly the same cost as in option B, for Off Street parking. SDDC and County would need to negotiate with the contractor the number of additional hours that SDDC would require and pay for in regard to enforcement of SDDC off street car parks. The parking fines collected would need to offset the additional Contractors hours and SDDC own staff time in dealing with driver appeals.

OPTION B

3.5 On street Enforcement Option B

The County will completely be in control of the on street parking with an input from SDDC in regard to deployment of the parking wardens. SDDC will not have any set up costs or running costs or any responsibility for any losses in the future in regard to street enforcement. No member of SDDC staff will be involved with driver appeals and hence no or little officer costs.

SDDC Off Street Car park Enforcement Option B

Identical to **option A** above for Off Street Car park Enforcement except there would be no SDDC staff costs. The County will levy a minor administration charge, which needs further negotiation with them, which would be in relation to driver appeals against parking tickets served

4.0 Background

- 4.1 Since 1991 Local Traffic Authorities (LTA) outside London have been allowed to apply for DPE / CPE powers where they employ the enforcement staff and the income from penalty charges is retained by the local authority and many including Derby have done so.
- 4.2 The Road Traffic Act 1991 permits LTA's to apply to the secretary of state to become a Special Parking Area (SPA) / Civil Parking Area (CPA). Once a SPA / CPA application is approved, the power to enforce parking, loading and waiting restrictions passes from the Police to the Highway Authority on a specified date.
- 4.3 Legislation requires that that the LTA works in partnership with District / Borough Authorities in regard to DPE / CPE. Enforcement on a District by District basis. Management at local level is agreed to be the best delivery method, this includes the Department of Transport. The Department for Transport have stated that they are likely to refuse applications that are not joint working between Counties and District Council. The Department for Transport experience is that where only one tier operates the new enforcement provisions, they have not been wholly successful.
- 4.4 If the application was therefore made without joint working then it is possible that the application would be refused thus not allowing the County to take over the role from the Police within our area. With already dwindling numbers of traffic wardens which would continue as they transferred to the new contractor or were found other duties by the police, the Council could have a situation of no or little traffic management in the SDDC area.
- 4.5 A reduction in costs due to an economy in scale. The setting up of a central ticket unit to process the Payment of all Penalty Charge Notices issued within the County and the utilisation of specialist / same staff across the County will produce savings.
- 4.6 There will be 8 Special Parking Areas / Civil Enforcement Areas applied for by the County Council, one for each District Council. This may be achieved through a single application to Parliament, but having separate Special Parking Areas which will avoid delays if particular District Councils are not ready to commence on the same days.
- 4.7 The proposal from the DfT at present is only to transfer parking offences but there are already proposals to transfer across, moving traffic offences and pedestrian zone offences.
- 4.8 The new regime will allow this Authority to ensure that parking policies in South Derbyshire are implemented effectively with consequent benefits to parking flow, better management of overall traffic levels. Evidence shows that increased on street parking enforcement results in increased use of car parks.
- 4.9 The integration of enforcement and parking and ultimately traffic policy will provide better monitoring of the effectiveness of parking controls and enable the local authority to be responsive to the public demands and the District Councils views being put forward to County Council.

- 4.10 If SDDC opted out of the proposal then the numbers of Police Traffic Wardens which are presently dwindling would continue to dwindle as they either transfer to the new contractor or are found other duties by the Derbyshire Constabulary. In addition if the Authority wished to introduce parking fees or enforcement on their own car parks, having opted out of the proposal then this could be prohibitively expensive.

OPTION A

- 4.11 The District Councils responsibility will revolve around the number of hours of enforcement time (presently agreed at 16 hrs per week) and where the contracted street wardens would operate in the district. In addition we would be responsible for initial appeals against parking tickets and subsequently preparing paperwork for the National Parking Adjudication Service, for any subsequent appeal, if lodged.
- 4.12 Following the development of a detailed financial model for each Local Authority (South Derbyshire attached at Appendix 1 – overview of financial model) Derbyshire County Council concluded that it would be financially viable to pursue criminalisation across the whole County.
- 4.13 This Council will incur one-off costs in setting up enforcement of on street parking offences (this does not include any proposal for council off street car park enforcement at present which will incur additional costs). The on street parking will produce a predicted loss in the first year. After the first year the on street parking scheme is expected to break even with a balance between income and expenditure. A more detailed financial projection is detailed in the report and in summary at Appendix 1.
- 4.14 However, if the predicted scheme fails to break even or not make a small profit then with option A the additional costs / losses would be borne equally between SDDC and the County. This does not include any potential losses that might occur if enforcement took place on our own car parks.
- 4.15 Parking Offence Tickets would be issued in the name of SDDC, and an officer of this Council would be involved in the decision whether to continue in the enforcement of that ticket or not. SDDC officer time would be required to deal with the appeals against the issue of allegedly incorrectly issued tickets.
- 4.16 The advantage of proceeding down the partnership agreement model Option A is that South Derbyshire District Council will have a voice in future road management within South Derbyshire and certainly the enforcement of road provision and restrictions. The County have said they still wished SDDC to remain an active partner even if we go decided on option B.

OPTION B

- 4.17 The responsibility for the enforcement of road traffic offences lies with the Traffic Authority, (Derbyshire County Council). It is therefore their responsibility to enforce the legislation relating to illegal parking on the highway. If SDDC decides that it does not wish to take on this responsibility then the County at their full cost will undertake this work. Other district Authorities that have chosen this approach are Bolsover and North East Derbyshire.
- 4.18 Option B in relation to on street parking therefore presents SDDC with no set up costs, no staff costs and no potential for 50% of the short fall costs if the scheme fails to achieve it projected fee income. This results in an initial saving of £10,500.
- 4.19 The County still wish SDDC to have an input into the overall scheme, and for us to provide them with information as to the parking offence hot spots and to attend management board meetings where both on street and off street parking and future road developments would be considered.
- 4.20 Off street parking would require the same financial input in relation to setting up Council Owned car parks, i.e. signs and floor markings, whether option A or B was adopted.
- 4.21 The County have already stated that they would manage the enforcement provisions of any order that we sought, in relation to off street parking through the contractor . As in option A we would agree the number of hours that we wished the contractor to be employed on our car parks, but the management of them would be via the County Council rather than District Council. Tickets would be issued in the name of the County and any driver appeals would be dealt with by the County officers rather than our own. Parking ticket fees would go into the central fund paying for the contractor hours and an administrative fee charged by the County. Both of these are likely to be small as the number of hours required for enforcement activities on, off street parking would be minimal. We would additionally be able at a later date to increase or reduce the number of hours as required. Maintenance of the SDDC car parks would remain the responsibility of SDDC.

5.0 Financial Implications

- 5.1 Derbyshire County Council has agreed to cover the substantive set up and management costs. South Derbyshire District Council will be asked for a contribution of up to £6,266 towards the initial set up costs, which will be found from last years under spend, if Option A is chosen.
- 5.2 The ongoing costs, estimated on the basis of on street enforcement only, suggest a potential for a small deficit (£4204) in the first year if option A chosen with a small profit (£634) in subsequent years. Budgets have not been adjusted for this small uncertain amount. There is a potential for a greater loss to be made with option A and any losses in the future will be on 50/50 basis with the County and SDDC
- 5.3 The costs of the central processing unit would be appointed 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 number of hours requested, if option A chosen
- 5.4 If Option B chosen, no costs incurred for on street parking offences as this will be totally covered by the County. For off street parking in our car parks, would be

identical to option A except for some additional administrative fees paid to the County Council for the management of Contractor and driver appeals.

- 5.5 A financial model developed by a reputable consultant is available in summary 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

the potential for integration of on-street with off-street parking (car park) enforcement

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.