



DECriminalISATION OF ON STREET PARKING DRAFT REPORT

1. INTRODUCTION

1.1 At Council on the 24 February 2003 it was resolved that Officers be requested to:-

”Begin discussions with Hampshire County Council and the Police on the decriminalisation of on-street parking and undertake local enforcement and take appropriate steps to pursue this matter subject to reference back of details.“

This report sets out the results of those discussions and seeks the necessary Cabinet approval to implement Decriminalised Parking within the District.

2. BACKGROUND

2.1 In order to improve traffic management within the District, with particular reference to the management of parking, the Council has set itself the targets of

- Improving the management of its off street car parks by the introduction of a clock scheme and charges
- Introducing Decriminalised Parking to improve and co-ordinate the managing of off-street parking
- The introduction of Decriminalised Parking will give the District Council more flexibility and influence to determine new traffic management measures such as residents parking schemes and waiting restrictions. The introduction of Decriminalised Parking will also assist in working with other agencies, for example the Forestry Commission. This will be of particular assistance in co-ordinating traffic management/parking regulations throughout the District.

The first target has been implemented and gives a financial and administrative base to allow progression to the next stage of traffic management, the implementation of Decriminalised Parking.

3. BENEFITS OF DECRIMINALISED PARKING

3.1 The making of Orders and their enforcement will be undertaken by the same organisation.

3.2 Under decriminalisation parking offences become a civil matter with a national adjudication service. This will relieve the criminal courts of the need to deal with comparative minor motoring offences.

3.3 Relieving the Police of the need to deal with on-street parking matters will allow them to concentrate on more serious problems, which require their specialist skills.

- 3.4 Combining on and off street parking enforcement / management will allow for better use of resources.
- 3.5 The design of future schemes such as residents permit schemes, for which there is a demand, could be undertaken in the knowledge that parking controls would be enforced in a manner decided by the Council.
- 3.6 Parking enforcement would become more locally accountable and adaptable.
- 3.7 Once decriminalised parking had become established, improved compliance would be observed within permitted parking spaces. The knowledge of fair and routine enforcement would encourage compliance.
- 3.8 Decriminalised Parking will bring together the enforcement and regulation making of on and off street parking enabling a more strategic overview of traffic management to be taken.

4. RISKS AND PROBLEMS ASSOCIATED WITH DECRIMINALISED PARKING

- 4.1 The public, and particularly residents of the District, will expect better enforcement of on - street parking regulations and their parking problems solved. The Council will need to be in a position to respond to these increased expectations
- 4.2 The on-street account should break even. It is important to bear in mind that at the present time the only sources of income are from penalty notices and the percentage shift of vehicles from on to off-street car parks. The forecasting of income from these sources has been provided by the consultants using information from other authorities. This may not be an exact model of driver behaviour.

The levels of PCN notices are determined by Central Government, however there is a potential for additional income from on street parking through the introduction of residents parking schemes and on street charges. Essentially decriminalised parking is a traffic management measure and should not be thought of as a way of raising income.

- 4.3 By entering into the Agency Agreement with the County, this Council will become financially responsible for the enforcement of on-street parking regulations, the County will not be liable to contribute towards the cost of carrying out this function.

5. THE POLICE VIEW

- 5.1 Officers have had an exploratory meeting with the Local Police Divisional Commander. The Police locally and at county level wish to encourage local Authorities to take on the responsibility for the enforcement of on- street waiting regulations. The principle reasons being.
 - Decriminalisation will unify the order making and enforcing process. This will avoid any differences of views or priorities between those responsible for the enforcement and those responsible for making them.

- Not having the responsibility for the enforcement of On-Street waiting restrictions will allow the police more time to concentrate on issues of greater importance that require the specialist skills of the Police.

6. LEGAL AND ADMINISTRATIVE ACTIONS REQUIRED TO ACHIEVE DECRIMINALISED PARKING WITHIN THE DISTRICT.

6.1 Before decriminalised parking can be introduced a number of legal and administrative procedures must be completed and agreed by the Cabinet. All recommendations of this report need to be agreed by Cabinet in order to proceed with the project.

6.2. Application to Secretary of State

In order to decriminalise parking an application needs to be made to the Secretary of State and an Order made in Parliament. The application will be jointly made by Hampshire County Council and this Council.

6.3 Agency agreement with Hampshire County Council.

The Council is required to enter into an Agency Agreement with the County Council. This agreement sets out the duties and financial agreement of each council.

6.4 National Parking Adjudication Service (NPAS)

As part of the application to the Secretary of State the Council will need to make an undertaking that it will become a member of NPAS. NPAS act as the legal adjudication service in the event of a dispute between the Council and a member of the public issued with a Charge Notice.

In joining NPAS the Council has to make an undertaking that it will nominate a representative to attend meetings of the Joint Council Committee responsible for running the Service.

7. SETTING PENALTY/CHARGE LEVELS

7.1 Charge Notices.

The Council is legally obliged to set charge levels. The amounts that can be charged are set out by regulation. The Range of charges that can be levied are defined in Department of Transport Circular 01/95 and set out below.

Table1

Amounts Payable by a Motorist issued with a Fixed Penalty Notice (FPN) or a PCN					
	Level of FPN/PCN	Paid Within 14 Days	Paid between 15 Days and service of Notice to Owner	Paid between issue of Notice to Owner and service of charge certificate	Paid after service of charge certificate
1	FPN £30	£30	£30	£45	£45
2	PCN £40	£20	£40	£40	£60
3	PCN £50	£25	£50	£50	£75
4	PCN £60	£30	£60	£60	£90

7.2 The Consultants model has assumed that the highest level of charges will be levied. It appears that other Districts in Hampshire have opted for the higher charge rate. Opting for any other rate would prejudice the financial viability of the scheme.

7.3 Level of Charges for Removal of Vehicles.

There may be occasions when it is necessary to remove vehicles. The maximum fees are set by the Secretary of State but these must be adopted by the Local Authority before they can be levied.

The fees prescribed by the Home Secretary are set out below .

Vehicle Removal £105

Vehicle Storage £12 for each 24 hours, or part thereof, that the vehicle is impounded

Disposal of unclaimed Vehicle £50

8. ROAD TRAFFIC MANAGEMENT BILL

8.1 The above Bill is currently going through the Parliamentary Legislative Process. Appendix 1 sets the Department of Transport Summary of the bill. In essence it allows for more civil enforcement (Local Authority) of parking offences with the inclusion of some moving traffic offences.

9. MANAGING THE PROJECT AND TIME TABLE

9.1 The amount of work involved in the implementation of decriminalised parking should not be underestimated; given this a target date of January 2006 has been set for implementation.

- 9.2 Approximately 1300 traffic orders will have to be reviewed. The review will consist of checking signs and lines on the highway to make sure they are legal and in accordance with the appropriate traffic order. If any discrepancies are found the necessary amendments will need to be made, this will either be to the lining /signing on the Highway or amending an order.
- 9.3 There will be significant staffing issues to be resolved particularly relating to the transfer of Traffic Wardens from the Police to this Council.
- 9.4 The work involved to implement this project will be undertaken by In-House Staff and Consultants. The consultants primary role will be to undertake the review of the traffic orders, set up the orders on GIS mapping and provide specialist training and advice.

10. FINANCIAL IMPLICATIONS

- 10.1 The introduction of decriminalised parking is a traffic management/environmental measure rather than an opportunity to generate income. In revenue terms the on-street account should break even.

10.1.1 Set Up Costs

The County Council will contribute £120,000 towards the introduction of decriminalised parking which will leave a balance of £131,970 to be funded by this Council. The following table indicates the net cost to the Council by financial years. Formal agreement to the County's contribution will need to be obtained as a prerequisite to the project proceeding.

	2004/5 £	2005/6 £	2006/7 £	TOTAL £
Set-up costs	34,700	154,090	63,180	251,970
HCC Contribution	-34,700	-85,300	-	-120,000
NFDC Costs	-	68,790	63,180	131,970

- 10.2 Set out below is a table showing projected revenue income and expenditure

10.2.1 Projected Revenue Income/Expenditure

	Second 12 Months	Third 12 Months	Fourth 12 Months	Fifth 12 Months
Income	-238,400	-242,310	-242,310	-242,310
Expenditure	234,830	236,740	240,370	242,310
Surplus	-3,570	-5,570	-1,940	-

(first 12 months reflected in set up costs see 10.1.1)

- Income is derived from:

Penalty Charge Notices, additional off street income due to displacement, income from County Court Judgments.

- Revenue Costs derived from:

Salaries, IT costs, Adjudication Service Fees and general running expenses.

- Surpluses

The surplus decreases because an allowance has been made for inflationary increases in costs but not income. The reason for this being that any increase in penalty notices is determined by Central Government and it is not possible to predict when these may be altered.

Surpluses on the revenue account can be used to reimburse the start up cost and any deficits incurred by the Council. Once these have been cleared any surplus, with the agreement of the County Council, can be used for only traffic management matters.

10.3 Expenditure Plans

Should the Council decide to proceed with decriminalised parking the net expenditure will be reflected in future expenditure plans. If additional traffic management measures are undertaken for example Residents Parking Schemes and on street charging additional income may be generated.

11. CRIME AND DISORDER IMPLICATIONS

11.1 Because parking attendants are working in the Town Centres they are able to report vandalism or other criminal activity and could be in a position to provide invaluable information to the Police. Attendants will be provided with communication facilities to allow them to pass on information quickly to the Police or CCTV control room as appropriate.

11.2 Not having to deal with parking offences will free Police time to deal with more serious issues that require specialist police skills.

12. ENVIRONMENTAL IMPLICATIONS

12.1 Decriminalised parking gives the opportunity to improve the environment of our Town/Village centres by reducing the number of illegally parked vehicles. It also gives the Council greater influence concerning the introduction and enforcement of new traffic orders.

13. CONCLUSIONS

13.1 The introduction of Decriminalised Parking is a complex process requiring a number of Legal and Administrative procedures to be undertaken and an ongoing commitment to maintain the enforcement process. In the long term the on-street parking account should remain in balance, these new duties should be

undertaken for traffic management reasons rather than considered as a method of raising revenue. The benefits of decriminalisation include, better enforcement of regulations, a single organisation responsible for the enforcement and making of regulations, greater local influence concerning the levels of enforcement and creation of new parking regulations.

- 13.2 An important aspect, that should not be ignored, is that it does relieve the Police of a duty that does not require their specialist skills.

14. PORTFOLIO HOLDERS COMMENTS

- 14.1 With the direction given by Central Government, parking and the associated problems are increasingly being passed up the agenda in the eyes of the community.
- 14.2 The advent of decriminalisation and the proposal that the District takes on this function does, in the early stages, represent a significant cost to the Council. However, by taking on this role, it will enable a joined-up strategy for both public and residential parking and, for that reason, I fully support the proposals set out in this paper.

15. RECOMMENDATIONS

- 15.1 The benefits of decriminalised parking have been set out in this report. In order to initiate the process of introducing decriminalised parking throughout the District it is recommended that the following resolutions be agreed by the Cabinet.
- 15.2 That Cabinet recommend to Council that in partnership with Hampshire County Council, Decriminalised Parking be introduced throughout the District, the target date for introduction being January 2006.
- 15.3 That the set up and ongoing revenue costs shown in 10.1.1 and 10.2.1 of this report be incorporated in future expenditure plans.
- 15.4 That Cabinet recommend to Council that, in partnership with Hampshire County Council, an application for the introduction of decriminalised parking be made to the Secretary of State. The application to cover the setting up of Special Parking Areas (SPA) / Permitted Parking Areas (PPA) to cover the whole of the District except for designated Trunk Roads or Motorways.
- 15.5 That Cabinet recommend to Council that an Agency Agreement be entered into with the Highway Authority (Hampshire County Council) to facilitate the introduction of decriminalised parking. Terms to be agreed by the Head of Resources.
- 15.6 That Cabinet recommend to Council that the Head of Legal and Democratic Services be given authority to enter into an Agreement under Section 101 of the Local Government Act 1972 to join the National Parking Adjudication Service.
- 15.7 The Council will nominate two members, one to act as representative on the Joint Committee of NPAS.

15.8 The Cabinet recommend to Council that the District Council will adopt the higher level of charges set out in table 1 of 7.1 in this report.

15.9 That Cabinet recommend to Council that the following levels of charges, as prescribed by the Home Secretary be adopted in the event of the Council removing a vehicle under the Road Traffic Act 1991.

Vehicle Removal	£105
Vehicle Storage	£12 for each 24 hours, or part thereof, that the vehicle is impounded
Disposal of unclaimed Vehicle	£50

Further Information:

John Bull
Parking Manager
Tel: 023 8028 5949
Fax: 023 8028 5626

Background Papers:

Minutes of Council Meeting
24 February 2003
Road Traffic Act 1991

**DEPARTMENT OF TRANSPORT SUMMARY OF
ROAD TRAFFIC MANAGEMENT BILL**

Civil enforcement of driving and parking offences

Part 6 of the Bill will enable the consolidation of civil traffic enforcement legislation covering parking, bus lanes, some moving traffic offences and the London night time lorry ban. It will extend the scope for local authorities to take over traffic enforcement from the police. It will enable authorities outside London to be given civil enforcement powers to cover a number of moving traffic offences (such as ignoring the rules at box junctions and banned turns). Penalty charge notices will be issued to owners of vehicles on the basis of camera recordings of contraventions or the statement of a civil enforcement officer employed by an authority.

Building on London experience the Bill will enable extension to authorities outside London of the ability to issue parking penalty charge notices by post, use of cameras to detect parking contraventions, and issue penalty charges for parking within the area of a pedestrian crossing. The Bill will also create a specific offence to deal with double-parking within a local authority civil enforcement area. New regulations to be made under the Bill will enable authorities to challenge the veracity of statutory declarations so they cannot be used as a way of avoiding payment of parking penalty charges.

To encourage greater take up of parking enforcement powers by local authorities the Bill includes a reserve power to enable the Secretary of State or National Assembly for Wales to direct authorities to apply for civil parking enforcement powers. The Bill will give all authorities the additional freedom to spend any surpluses from their parking account, on local environmental improvements, and enable high performing authorities to be given freedom to spend such surpluses on any of their functions.