

**REPORT TO THE OVERVIEW & SCRUTINY
COMMITTEE**

Report No.8

Date of Meeting	
Title of Report	UPDATE ON PARKING SERVICES WORKPLAN UNTIL VESTING DAY
Portfolio	Built Environment
Link to Corporate Priorities	Communities (transport)
Public Report	Yes

Summary of Report

To update the committee of the work plans for Parking Services until vesting day.

Officer Recommendations

That the committee note the report.

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
NONE	NONE	NONE	NONE	NONE

Contact Officer	Chris Major, Senior Parking Officer 01249 706285 cmajor@northwiltsgov.uk
------------------------	--

1. Introduction

- 1.1 This report is prepared by the Senior Parking Officer to update members of the Overview and Scrutiny Committee to the work plans for Parking Services until vesting day 1st April 2006. It is designed to highlight projects and tasks to give a clear understanding on the role of Parking Services.

2. Options and Options Appraisal

- 2.1 Option 1: For the committee to note the report.

3. Information

- 3.1 **Charges in NWDC owned car parks:** The charges implemented within the NWDC owned car park in April/May 2007 have raised income as forecasted within the budget. At this time no further increases of charges are recommended by Parking Services. The new Unitary Authority that will be created in 2009 will be required to reflect the priorities as set by the Local Transport Plan. The Local Transport Plan is produced by Wiltshire County Council and states that parking charges should be higher in urban areas and lower in out of town car parks and also should be set to encourage a modal shift away from the private motor car as a means of transportation.

- 3.2 **Town Centre Reviews:** Town centre reviews are the review of all parking restrictions i.e. Double Yellow Lines or Limited Waiting Areas within a town centre. Wiltshire County Council was unwilling to undertake a full parking restriction review of any town prior to the introduction of Decriminalised Parking Enforcement in September 2006 as greater enforcement may cause dispersion of existing parking and cause new problem areas. Once Decriminalised Parking Enforcement was implemented a period of time was required to assess the difference caused by enforcement of the restrictions.

The previous Lead Member (prior to the elections in May) and the Car Parking Working Group highlighted Chippenham as the main urban area and area with the most communicated need of a review. The consultants GaryKaySmith Ltd were appointed by WCC to undertake the work necessary and at a meeting on 6th December 2007 this was fed back to the new Lead Member and Parking Services. Small alterations were suggested and will be acted upon before the changes and new Traffic Regulation Orders are sent for formal consultation.

- 3.2 **Traffic Regulation Orders:** The TRO is the legal order upon the highway which allows the marking of restrictions and the enforcement of said markings. The procedures for making a TRO are laid down by the Secretary of State and must be observed strictly and are outlined below:

i) Formal consultation is initially carried out with various statutory consultees including the Police, Fire Brigade, Ambulance Service, County Councillors, local Councillors and the County surveyor. Any objections received from the statutory consultees would have to be addressed and if the objections cannot be resolved then the scheme may have to be abandoned.

ii) If no objections are received to the initial consultation, or if any are received and can be overcome, the proposed scheme is advertised for public comment for a period of three weeks.

iii) If objections are received at either of these two stages then these must be considered by the relevant committee.

iv) If there are no objections, or once the committee approves an amended

The likely timescale for implementation of the proposal assuming there are no objections is approximately 26 weeks. If objections are received then the implementation can take nearer to 40 weeks. The cost of this process is several thousand pounds. Once this process is complete the resource then has to be arranged with the Area Office to provide the Lining gang to mark upon the highway the new restrictions and signs. Until this has been completed no enforcement can be undertaken.

- 3.3 **Private car park management:** North Wiltshire District Council is not responsible for the enforcement of any privately owned car parks or any owned car parks that are leased on a long term arrangement to a supermarket operator e.g. Sainsbury's in Calne. Supermarkets, such as Somerfield in Wootton Bassett and Iceland in Chippenham are free to employ any car park management company as required and authorise enforcement as deemed necessary.

NWDC can provide advice to Doctors Surgeries, private businesses etc on how to monitor car parks but we are not authorised to undertake enforcement.

- 3.3 **Residents Parking Scheme:** Parking Services, in partnership with Wiltshire County Council have completed the consultation on a Residents Parking Scheme for the Marshfield Road/Park Lane/Parkfields area of Chippenham. When the responses were collated the number of residents in support of the scheme was too low to make the scheme viable. Therefore the scheme in its current form has been abandoned. However, GaryKaySmith Ltd has been asked to investigate further to see if a viable scheme can be proposed for at least some of this area for the benefit of those residents how are disadvantaged by the parking restrictions in their street. Feedback is expected by the middle of February 2008.

A no response is taken to be a no vote as the Council must have a majority of the residents in favour of the scheme to implement the scheme. It would be wrong to implement a scheme when only a small number of responses were received even if they were all in favour as the scheme will, if implemented, have a financial cost to any resident who wishes to park their vehicle within the zone. The questionnaire clearly states no return will be classes as a no vote to ensure anybody who is in favour of the scheme does respond..

GaryKaySmith Ltd will also be undertaking consultation on a Residents Parking Scheme for Hawthorn Road and Tugela Road in Chippenham on behalf of NWDC and WCC in early 2008. Once responses are collated a decision will be taken on the viability of the scheme and whether it proceeds to the next stage of the process.

GaryKaySmith Ltd will also be undertaking consultation on behalf of NWDC on a proposed scheme to introduce Time Limited parking on the High Street, Wootton Bassett. This scheme, if supported, would be introduced prior to a full town centre review of Wootton Bassett scheduled for 2009 at the earliest.

- 3.5 **Service planning:** The Senior Parking Officer has been seconded to Parking Project Manager as part of the Transition team for Wiltshire Council as from 1st January 2008. The Senior Parking Officer has been requested to continue with the strategic planning and overview of the Parking Services department at NWDC in addition to his full time secondment and this has been agreed by all parties. The aim of the project is to integrate all 4 existing districts Parking Services departments into one department for the vesting day. All 4 districts must be integrated due to the unique identifying prefixes used by Parking Departments and the County Court system and is a requirement in both the Road Traffic Act 1991 and the Traffic Management Act 2004. The unique identifier of the existing districts will be invalid upon dissolution of the District Councils on the 31st March 2009. Therefore if the software is not integrated

upon vesting day no enforcement will be able to be undertaken within the County as no unique will be able to be supplied to the Penalty Charge Notice.

A new role of Enforcement Officer has been created to oversee the day to day running of the department. This role will be advertised on the 14th January and interviews planned for 5th February 2008. This role will have the delegated powers to make decisions on Penalty Charge Notices. It is suggested at the time of writing this report that the role will report to the Senior Customer Liaison Officer for all staffing and internal issues while liaising the Senior Parking Officer for technical queries.

The role will also be involved in the implementation of the Traffic Management Act 2004 on the 31st March 2008. This will be the main focus of the department in the lead up to and during the early months of the changeover to the new legislation.

As highlighted previously, Parking Services will in addition be working on the Chippenham Town Centre review, the Residents Parking Schemes in Chippenham and Wootton Bassett High Street waiting restrictions whilst continuing to provide a Parking Service that exceeds best practice guidelines. Parking Services are also implementing a parking scheme for schools within NWDC owned car parks.

3.6 The Traffic Management Act 2004: The Traffic Management Act (TMA) 2004 was made in July 2004. It was issued in 7 parts. Part 6 is the Civil Enforcement for Road Traffic Contraventions and the statutory instruments were laid in parliament on the 17th December 2007. This is further split into three main areas

- Civil Parking Contraventions
- Civil Moving Traffic Contraventions
- Civil Bus Lane Contraventions

Operational Guidance has also been produced to replace the 1/95 circular previously used to inform Local Authorities how to set up and run Decriminalised Parking Enforcement. Circular 1/95 was found to be wrong in a number of areas and has been the subject of various legal challenges and High Court decisions. The Regulations implementing these provisions were published in December 2007 and will come into effect on 31 March 2008. The changes in legislation under which parking contraventions are enforced requires a number of changes to the parking orders in place upon the car parks and significant work for the Legal Services Department and large changes to the Penalty Charge Notice software.

From a Local Authorities perspective the biggest change under the TMA is the introduction of differential parking charges. As from the 31st March 2008 there will be a higher and a lower PCN rate for different contraventions. The higher rate is to be used for contraventions deemed to be more serious i.e. parking on Double Yellow Lines or in a Disabled Bay. The lower rate is to be used on contraventions deemed less serious i.e. overstaying in a car park or not displaying a P&D ticket. The contravention codes are set by the Department of Transport and all Local Authorities across England have to abide by them. Outside of London the Secretary of State has agreed the following PCN bands:

- Band A: £60 higher rate £40 lower rate
- Band B: £70 higher rate £50 lower rate

Discounts of 50% still apply to these amounts if paid within 14 days and an increase of 50% is payable if no payment is received within 56 days. If no payment is still not received the debt is registered at County Court and ultimately with bailiffs.

The holders of the SPA agreement with the Secretary of State (in NWDC's case Wiltshire county Council) are free to choose the band that suits the authority best for all on street contraventions. The new rate has to be publicised at least 14 days before the new charges are introduced on the 31st March 2007 in at least 1 local paper. WCC have indicated that they will be requesting the use of Band B for all Parking Departments in Wiltshire. Use of Band B will reduce income to the Council compared

to the previous year by 15%. Use of Band A will increase losses against income from the previous year by 32%.

A report has been submitted to the Executive for the meeting of 17th January 2008 requesting the use of Band B in all NWDC owned off street car parks to ensure the off street PCN charges are set at the same level as the on street charges to reduce confusion for the public. This report contains more information on the financial impact of the changes in legislation.

Other requirements include the publication of all policies and procedures on the web site to encourage transparency, more consultation on how and what the department prioritises and the publication of an annual report highlighting the areas of benefit for the community.

Appendices:	None
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• Parking Strategy Phase 1- Residents Parking• Part 6 of the Traffic Management Act 2004

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
<ul style="list-style-type: none">• None		