

West Wiltshire District Council

Cabinet

29 September 2004

Decriminalised Parking Enforcement (DPE)

1. Purpose of Report

To bring to Cabinet the recommendations of the Parking Policy Project Group (PPPG) on DPE and gain approval for the next steps.

2. Background

- Police presently responsible for on-street enforcement.
- Low priority given to parking enforcement, all traffic wardens re-deployed to higher priority tasks.
- Enforcement through magistrates' courts creates no funding for enforcement.
- Current restrictions ignored, creating traffic management problems for vulnerable road users, public transport (both operators and users) taxi drivers, businesses dependent on quick turnover on street parking, and residents.
- Transfer of parking enforcement on a decriminalised basis to local authorities is accelerating starting in London and spreading throughout the country including predominately rural areas such as Dorset.
- New Traffic Management Act provides for compulsory adoption.
- It is considered that application now will have the best chance of capital funding contribution through the Local Transport Plan.
- Salisbury DC has already adopted DPE. The County Council and remaining Districts are working together to consider adoption of DPE at minimum cost.
- It often takes two years from the date of decision to implementation.

3. Key issues

The Decriminalised Solution

- Contraventions become a civil matter enforced through a special county court with penalties received by the enforcing authority.
- Allows combination of on and off-street enforcement increasing efficiency.
- Provides responsive local accountability, comprehensive parking control.
- Facilitates residents parking protection.
- The system is required to be self-funding in the longer term.
- One advantage is improvement in the turnover of on-street short-term spaces benefiting retail business. Spaces estimated in each town are: Bradford on Avon 70, Melksham 54, Trowbridge 153, Warminster 29, Westbury 62.

- In two tier areas DPE has to be adopted by the County Council but in most cases an agency is given to the District Councils for enforcement; we need to decide whether we wish to be involved and accept an agency.

Advantages of being involved

- Increases ability of this authority to achieve it's car parking aims; the County Council being likely to focus on more traffic management while our focus is more likely to be on helping business and residents.
- Unifies enforcement with consequent economies. Separate enforcement agencies would seem foolish to Council Tax payers.
- Facilitates the achievement of objectives in the development of our town centres in accordance with the District Plan.
- Introduction of DPE likely to increase off-street income between £25,000 and £50,000. The lower figure has been taken into account to calculate break-even.

Disadvantages of being involved

- Car parking enforcement is contentious, and can become confrontational. A bigger operation is therefore likely to increase the number of incidents.
- Even though the County Council fixes any on-street charges this authority will receive the criticism from enforcing them.
- There can be a financial risk so careful negotiation of the agency agreement is needed.
- There is a considerable amount of preparation work needed requiring input from Commercial Services, Legal, Finance, Personnel, IT staff and Vivista. Members will also need to be kept involved and the retention of the PPPG is suggested for this purpose.

Consultation already undertaken

- Peoples voice December 2001 74% in favour of adoption of DPE, but 70% against any on-street charges to pay for it.
- Parking Policy Project Group have considered the issue in detail, and resolved to recommend Cabinet to work towards a detailed proposal. (Appendix 1)

Administrative implications

- Arrangements would be detailed in the agency agreement to maximise responsiveness, efficiency and reduce costs. In our case a single "back office" for the County would probably deal with all penalty charge recovery. Complaints and first appeals however have to be dealt with by this authority.
- Common uniforms, equipment and training provide economies of scale and reduce public confusion.

Financial implications

In two tier authorities the County Council usually covers set up costs and initial enforcement deficits with the intention that the system is self-funding after five years. A very detailed financial model has been created which indicates that after the anticipated increase in off-street revenue an annual deficit of about £6,000 would occur without on-street charges. Imposition of on street charges at the current off-street tariff in Trowbridge would, as an illustration, be expected to turn this into a net

annual surplus of £44,000. Any surpluses have to be spent on transport issues, but there is no reason why this authority should not seek to influence the issues on which a surplus would be spent.

Legal issues

Any agency agreement will need to be carefully negotiated and dependent on it's provisions there may be additional work. Since the National Parking Adjudication Service (a rigorous but straightforward procedure) deals with second appeals there will no longer be any need to present cases at the Chippenham Magistrates Court.

Human Rights

The human rights implications of the actions recommended in this report have been considered and are acceptable and the checklist has been addressed.

4. Options

Provided a satisfactory agency agreement can be negotiated the advantages of participating in DPE outweigh the disadvantages for the businesses and residents of West Wiltshire. To be satisfactory an agency agreement would ensure this authority;

1. Does not bear any start up costs,
2. Would not bear any initial revenue deficits,
3. Can designate and manage residents parking zones, and
4. Can influence the transport issues any surplus is spent on.

Next Steps

From the date all districts agree in principle to participate it is expected to take 18 months to implementation. The draft agency agreement will need to be debated by the PPPG before submission for approval by Cabinet. This will be followed by the Charge Level Policy. This is a major project affecting many parts of the authority and extensive public relations. It is anticipated that the PPPG will need to meet at 8-10 week intervals.

5. Key Decision

Statement of reason for key decision	To provide a parking enforcement service in the best interests of residents and businesses
Options considered and rejected	Not participating with the County Council and other district councils in providing this service
Date of implementation	Negotiations are expected to commence in October.

6. Background Papers

Wiltshire County Council Study Report 'Decriminalised Parking Enforcement in Kennet, North Wilts and West Wilts'. Volumes 1&2 - RTA Associates. March 2004.

Notes of the Parking Policy Project Group meetings 18/02/03 and 24/03/04.

7. Recommendations

These recommendations reflect the view of the Parking Policy project Group given below.

1. That Cabinet supports detailed negotiations to develop proposals for a satisfactory agency agreement and administrative arrangements with this authority to implement decriminalised parking enforcement.
2. That the Parking Policy Project Group be retained to oversee the details of agreements and implementation with representatives of each community area, residents, and business with the Portfolio Holder as Chair.

 **Plain English Guidance Given** TS 14/09/04

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Date of Preparation of Report: 14 September 2004

Appendix 1. Recommendations of the Parking Policy Project Group

The Group agreed that the following relevant recommendations should be made to Cabinet:

- That Cabinet agrees to continue working with either or both Kennet and North Wiltshire District Councils, and the County Council with a view, subject to further consultation, to adopt Decriminalised Parking Enforcement. If a joint scheme is agreed then this should be subject to consultation with local councils, community organisations representing disabled groups, town centre groups, residents, and business representatives.
- That membership of the Group should be widened to increase the members representing each community area.