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## **SOUTHEND ON SEA BOROUGH COUNCIL – CONSULTATION ON PARKING DECRIMINALISATION**

### **1 SUMMARY**

- 1.1. A letter has been received from Southend on Sea Borough Council, seeking the Council's views in respect of a proposed application for decriminalised parking enforcement powers.
- 1.2. This report requests Members' views on the proposals and a formal decision as to whether or not the Council has any objections to the application.

### **2 THE APPLICATION**

- 2.1. A copy of the proposed application is attached as Appendix 1 of this report.
- 2.2. As Members will recall, the Essex County Council is also considering this issue and this Council has agreed in principle to the County Council carrying out more detailed work on the concept.
- 2.3. In view of the above, it would be appropriate to offer no objections to the Southend on Sea Borough Council seeking to take such action.
- 2.4. Any Member observations on the detail of the proposals may be incorporated in the Council's response.

### **3 RECOMMENDATION**

It is proposed that the Committee **RESOLVES**

- (1) To offer no objections to the application by Southend on Sea Borough Council for decriminalised parking enforcement powers.
- (2) Determine any comments in respect of the details of the proposals. (CD(F&ES))

Roger Crofts

Corporate Director (Finance & External Services)

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#### **Background Papers:**

None

For further information please contact Roger Crofts on (01702) 546366



**Southend on Sea Borough Council**

P.O. Box 8, Civic Centre, Victoria Avenue, Southend on Sea, Essex, SS2 6ER

Director of Technical Services

David Wells MRTPI, FRICS, FIMgt

This matter is being dealt with by: Mr G Dene

Our ref: TRP/18078

Your ref:

25th August 2000

DISTRICT OF ROCHFORD
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Dear Mr Warren,

**Application for Decriminalised Parking Enforcement Powers**

The Council of the Borough of Southend on Sea intends to apply to the DETR for the powers relating to parking enforcement under the Road Traffic Act 1991.

It is expected that the powers will be implemented in May 2001.

The intention is that the whole of the Borough will fall within the Special Parking Area. A full description of our proposals with regard to this project implementation is given in the attached draft SPA/PPA Application which is being developed and discussed with the DETR. We wish to submit the formal Application by the end of October 2000.

As a neighbouring Council, I would be grateful for any comments you may have in relation to this Application, and your confirmation that you have no objections to such a move. Your response by the end of September 2000 would be greatly appreciated.

If you require any further information concerning this notification, please do not hesitate to get in contact with me.

Yours sincerely,

Director of Technical Services

Mr P Warren  
Chief Executive  
Roehford District Council  
Council Offices  
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122



# Southend on Sea Borough Council

## APPLICATION FOR A SPA/PPA

August 2000

Draft

## 1 INTRODUCTION

1.1 The Borough Council of Southend on Sea has resolved that The Council will apply to the Secretary of State for the powers to undertake on-street parking enforcement, as made possible through the Road Traffic Act of 1991.

1.2 The Borough Council ("The Council") has carried out, or has set in motion, all of the necessary steps required to enable proper and successful implementation of the new powers. Specifically it has:

- started an extensive review of its traffic regulation orders (TROs), to relate the restrictions and prohibitions more closely to the needs of decriminalised parking enforcement. An extensive programme of on-street review and consolidation of all TROs is being undertaken, in conjunction with their incorporation onto a Geographic Information System. The objectives of this exercise are:

- a) to provide clear, unambiguous TROs for the National Parking Adjudication Service, which will be utilised by the Council;
- b) to ensure the accuracy of the representation on the ground of the TROs, including signs and lines;
- c) to make the TROs accessible to our own staff such that subsequent work in relation to the TROs which arises from the new enforcement and associated procedures can be carried out quickly and accurately;
- d) to make the TROs accessible to any contractor brought in to help with the management of the enforcement operations;
- e) to make the TROs easily accessible to our staff handling appeals and representations.

This work will be completed before the requested commencement date.

- prepared decriminalised SPA (Waiting and Loading) Restriction, CPZ and other relevant traffic management orders, as required by paragraph 4.29 of the Secretary of State's Guidance on Decriminalised Parking Enforcement Outside of London ("Guidance");
- consulted and liaised on both the SPA and PPA proposals with various organisations, noted in the section below on consultation;
- set up procedures for implementation, which includes the procurement of operational services for integrated parking administration for:
  - \* the employment of parking attendants.

- \* part of the processing of penalty notices,
  - \* the management of the necessary computer systems, interfaces and databases.
- reviewed and revised its own internal operations to prepare for the new powers.
  - identified to the National Parking Adjudication Service that the Council will wish to join the service, and that appeals hearings will be required as a consequence of the commencement of enforcement.

1.3 The Council will publish the levels of additional charges as stipulated by the Secretary of State in Guidance. Also by the Commencement Date for the powers:

- \* all relevant parking places orders and waiting and loading restriction orders will have been reviewed and where necessary, modified;
- \* all necessary signing and plating amendments will have been completed;

1.4 The Council has considerable experience in parking enforcement and management upon which it is able to build, to develop a successful future operation. Specifically:

- it already has over 9,000 off-street parking spaces, plus controlled parking zones covering all on-street spaces in the Borough. Paid for on-street parking is already used by the Council, and this method of control is likely to be extended during the life of the enforcement contract currently being tendered. The regulations in all off-street and on-street parking places where charges apply are currently enforced by a team of Council enforcement staff.
- It has an internal team of staff within the Council which processes all aspects of the Excess Charges currently issued. When the new powers are available, this group will assume the role of a client side section to consider Representations, to deal with cases for the adjudicator, and to handle cases which the Authority wishes to pursue to the county court.
- It has an in-house management team with a depth of experience in all aspects of parking operations, including management and monitoring of operations.

## 2 CONSULTATION

2.1 In preparing this application, the Council has developed plans to consult with other organisations; these are:

- \* Essex County Council
- \* Rochford District Council
- \* Castle Point Borough Council
- \* The National Parking Appeals Service

- Essex Police
- The Essex Fire Service
- The Essex Ambulance Service
- DYLA
- Northampton County Court

2.2 NB: Results of these consultations are summarised at Appendix B, and attached as a result of the receipt of responses from these organisations.

2.3 The Council has consulted in detail with the Essex Police on this Application. Liaison with the Police by both the Council and its contractor will continue to ensure the success of the enforcement operations. As there are no trunk roads within the Borough, it has not been considered necessary to consult with the Highways Agency

### 3 DETAILS OF APPLICATION

#### 3.1 Extent of Special Parking Area/Permitted Parking Area

3.1.1 The SPA/PPA will cover the area administered by The Council, with exemptions as listed below. A map of these roads is appended.

##### *List of exemptions:*

This definition has been agreed between the Council and Essex Police as a rational, logical area where the responsibility for parking enforcement for decriminalised parking offences can be cleanly and completely handed over from one agency to another, leaving only those parking offences which remain criminal as the responsibility of the police.

3.1.2 The SPA/PPA will include those off-street locations currently enforced by The Council.

3.1.3 A map defining this area is included. Following detailed checks, it can be confirmed that there are no places where regulations cross the boundary of the SPA.

3.1.4 It is also understood that the Police do not wish to exclude any areas from this definition where contraventions would remain criminal other than those listed in 3.1.1 above.

#### 4 Parking Review of Southend on Sea

4.1 It is likely that The Council will, over the medium term, undertake significant changes to the parking restrictions in the Borough with consideration being given to the additional introduction of on-street paid-for parking areas in various areas within the Borough, and by the extended use of permit parking restrictions where they are determined by Members as being required.

4.2 An extensive public information exercise is planned to be undertaken in order to prepare drivers and residents for the introduction of changed enforced procedures and the Council's policies.

4.3 The adoption of the decentralised parking enforcement powers is a policy of the Council as set out in the Borough's Local Transport Plan (LTP). The LTP strategy was developed using a Partnership of over 200 organisations representing residents groups, businesses and transport operators in the area.

4.4 Detailed proposals for the adoption of the powers have been considered by a Steering Group, and a decision has been reached to press ahead with consideration of the implementation of the parking enforcement powers.

## 5 Parking Policy

5.1 The key objectives of The Council's parking policy as provided for in the Local Transport Plan for Southend on Sea 2000/1 to 2004/5, and other policy documents are:

5.1.1 Parking Prohibitions will be introduced and maintained in on-street parking areas only where it is necessary to:

- a) prevent or reduce accidents;
- b) reduce traffic congestion.

5.1.2 Parking charges and short-term waiting will be used to encourage a turnover in on and off street parking, particularly in shopping and leisure areas, taking into account the economic and environmental needs of the area. They will also be used to discourage long term parking.

5.1.3 Permit parking schemes will be considered for use in areas where long stay and commuter parking impact or could impact on residential areas.

5.1.4 To provide and improve facilities for the disabled and those with other special needs, whose mobility without a car would be significantly reduced.

5.1.5 Safe, attractive and secure public car parking, together with suitable pedestrian access to that parking will be provided.

5.1.6 To ensure that parking standards and committed parking provision applied to new developments reflect the wider policy objectives, meet the operational needs and maximise the multiple use of spaces.

## 6 Penalty Charge Level

6.1 It is proposed to use the £40 Penalty Charge, being one of the options recommended in Guidance. If a higher charge level is subsequently available,

consideration will be given to its immediate adoption. This Charge Level will apply to all infringements of all parking places and yellow lines. The Charge Level will be discounted by 50% to £20 for payment within a minimum of 14 days, and will be incremented by 50% to £60 on issue of a Charge Certificate. Following rejection of a formal representation, the Council will offer a further 14 days for the payment of a Penalty Charge Notice at the discounted rate.

6.2 Such an application will result in the charge to a keeper of £20 for a contravention, if paid promptly. This in our opinion, coincides most closely with the current £20 cost of a Fixed Penalty Notice, and is therefore the most logical Charge Level to select.

6.3 If and when such services are introduced, the Council will use the clamp, removal, storage and disposal charges recommended in Guidance, or as subsequently modified by advice from Government.

## 7 Parking Operations

### 7.1 PCN Processing

7.1.1 It has been decided that the work of the administration of the parking function in relation to PCN processing will be retained in-house. These staff will be responsible for the receipt of payments, for the processing of Notices and Charge Certificates, and for dealing with first and second stage correspondence in response to the issue of penalty charge notices. The client side section will also deal with subsequent stages of correspondence relating to penalty charge notices, including handling representations, dealing with cases called for by the adjudicator, dealing with cases which the Council wishes to pursue to the county court, and any subsequent action.

7.1.2 The contractor will manage a comprehensive IT service to support all of the above services, and will handle any automated interfaces to external organisations including the DVLA, the County Court and the National Parking Adjudication Service.

7.1.3 The Council will use the offence codes, offence descriptions, and PCN numbering system as currently used by the London authorities.

7.1.4 It will be possible for members of the public to pay for their PCNs in person at the Council's personal payment facility, and via the contractor, by the use of debit or credit cards on the telephone, or by post. Payments will be accepted in cash or by cheque in the case of postal payments, and by cash, cheque, credit or debit card for personal payments. Sterling travellers' cheques will be accepted by post or in person. The personal payment facility is being designed as a dedicated Parking Counter within the reception to the main payment point for the Borough Council, at the administrative centre for the Council.



## 7.2 Clamping

7.2.1 The Council does not intend to introduce the use of clamping at an early stage, believing that it is an unnecessary measure to control contraventions of the regulations, at this time. However, this application includes a request for the powers to introduce clamping at some time, should the Council agree it is necessary.

7.2.2 The enforcement contract being let will have within it, the capability for the Council to start clamping illegally parked vehicles within 3 months of a decision by Council to do so.

7.2.3 When such a decision be made, it is confirmed that the service provisions as described and required within Guidance will be fully met, in order to provide a service which is sensitive to public needs, and responsive to the requirements of those who have been clamped.

## 7.3 Vehicle Removals

7.3.1 As with clamping, the Council believes that there is not a recognised need for it routinely to undertake the removal of illegally parked vehicles, at this stage. Consideration will be given to the use of vehicle removals in areas and times of peak parking difficulties, such as the weekend parking pressures in the summer season, when it is considered that there may be a safety hazard in certain areas of the Borough resulting from an excess of illegally parked vehicles.

7.3.2 The Council wish to include in this application a request for the necessary powers to remove vehicles parked in contravention, and to release the removed vehicle only when the PCN and associated charges have been paid.

7.3.3 When the Council decides to introduce removals, the service provision will meet the stipulations laid out in Guidance as to the needs of the driver in all respects. As noted above, the enforcement contract will contain the provisions for the commencement of removals of illegally parked vehicles.

## 7.4 PCN Enforcement

7.4.1 A service provided under contract will be established to cover the enforcement of yellow lines, permitted parking places and other "SPA/PPA" contraventions, in addition to the enforcement of the off-street and paid-for on-street places which is the role of the in-house parking enforcement team at present. This service will provide on-street resources at all times required by the Council, but initially at least, it will cover the hours of 0700 to 2300, on six days per week, and a limited service on Sundays. Experience with the results of this enforcement will determine any changes to this schedule.

7.4.2 It is anticipated that up to around 40 Parking Attendants eventually will be deployed in this task. Their objectives will be established to achieve a certain frequency of patrol to the varying types of restrictions and permitted space. Parking Attendants will be on duty throughout controlled hours, as applied to the various areas within the borough, plus certain other hours outside of normal controlled hours, as needs dictate.

7.4.3 The PCNs will be issued using computerised hand-held ticket issuing devices.

7.4.4 This service will be subjected to an open tender procedure in accordance with BC procurement rules over the coming months, with the contract being in place three months prior to the date for the transfer of the powers.

#### 7.5 Alteration of Equipment

7.5.1 The Council is responsible for pay and display machine maintenance and for changing parking charge equipment to use the term "penalty" and not "excess". The Council will also be responsible for the re-planting of the machines. This will be completed prior to the start of new operations on May 1<sup>st</sup> 2001.

#### 7.6 IT Provision

7.6.1 The contract specification requires the contractor to provide a fully integrated IT service for his own use, and to provide a service to Council staff who have a need to access enforcement related data. The new system will be installed for operational use well in advance of the commencement of local authority on-street enforcement, and will include facilities to issue PCNs, to process them in accordance with the relevant legislation, and, when appropriate, to control the clamping and removal of vehicles.

7.6.2 This IT system will also include a capability to link to the TRO geographic information system to assist in the management of parking equipment, and the management of the service. It will interface to DVLA and the PEC (Parking Enforcement Court), and will exploit the advantages of image processing for correspondence management. Copies of the consultation with DVLA and with the PEC on this matter are appended.

#### 8 Publicity

8.1 A comprehensive programme of publicity is currently being prepared by the Council. The aim of this will be to advise motorists and residents of the forthcoming changes in parking control and enforcement, and what this will mean to them, as well as offering advice on how and where to park legally.

8.2.A range of media will be used in the publicity campaign, and this is likely to

include the local press and radio networks, the Council's own newspaper - Civic News - which is delivered to 76,000 homes in the borough twice a year, and notices/advertisements at parking points around the borough. There are a number of tenants and residents associations, and other community groups, who will be asked to help in the dissemination of information.

8.3 The Council will also use this opportunity to make people aware of the Council's parking policies, including the enforcement priorities, and how these relate to the Council's Transport Strategy.

**9 Documentation**

9.1 The Council's new Parking Contractor, subject to Council approval, will design and produce all of the necessary forms, notices, letters, etc. Such documentation will take note of Guidance, standards set in the Code of Practice for Parking Enforcement (COPPE) and by the steering bodies for parking management within London. When, in due course, the NPAS develop their own procedures, we will comply with their documentation standards. The Council places great emphasis on proper documentation design and its user-friendliness.

9.2 The PCN, Notice to Owner and Charge Certificate will be based on existing documents already in use in other authorities where decriminalised enforcement has been successfully introduced, with only minor modifications for local identification.

9.3 All documentation will be ready for use by May 1<sup>st</sup> 2001.

**10 Training**

10.1 Training to recognised standards for Parking Attendants will be carried out by the Parking Contractor, to their own standards. Within the contract, all new Parking Attendants will be required to work towards NVQ assessment and certification as a condition of their contract of employment, and the objective will be to have all Attendants at the certificated level within two years of the commencement of their employment with the contractor.

10.2 Attendants will be trained, and will conduct themselves, in accordance with Section 7.6 of Guidance.

10.3 The in-house team will be trained by, and will have defined procedures prepared for their use by an experienced consultant.

**11 DVLA and PEC Access**

11.1 The Council's Parking Contractor will be responsible to obtain DVLA data via the direct DVLA service or a third party service, whichever is the most operationally and financially advantageous. The Contractor's IT system will also directly interface to the PEC for the registration of appropriate cases at the County Court. Both of these organisations have been consulted as part of the preparation for this application.

and their responses are appended.

**12 Bailiff Services**

12.1 For cases which remain unpaid after the registration of debt at the County Court, and for which there are no outstanding items of correspondence, representations, or appeal to the adjudicator, the Council will consider the issue of warrant registration proceedings and the appointment of bailiffs to recover the debt.

**13 Uniforms**

13.1 Parking Attendant uniforms will be required to be worn in accordance with Section 7 of Guidance. The design of the uniform will be in accordance with the stipulations of the Parking Attendants (Wearing of Uniforms) (London) Regulations 1993 (SI 1993/1450). The Attendants will carry a personal photo-identity card.

13.2 Attendants will also carry personal voice radios to maintain a constant contact with their base, in order to request assistance for any reason.

**14 Representations**

14.1 The consideration of representations against a Notice to Owner and the sending of letters of acceptance/rejection will be conducted by Council staff. It is planned that this will take no longer than fourteen days from receipt.

14.2 Representations will only be received by post and dealt with by post.

**15 Adjudication**

15.1 The Council has registered its intention to undertake decriminalised enforcement with the National Parking Adjudication Service, and intends to use this service.

15.2 Subject to agreement with the NPAS, we will plan to have hearings take place at a convenient location within Southend on Sea. Access to an adjudicator will be arranged through the defined NPAS set of procedures.

15.3 The Parking IT system will enable the evidence required for adjudication to be assembled for transfer from the Council to the Adjudication Service. Initially this will be via paper copies and later, if feasible and justified, by direct link to any Adjudication Service computer system. The Adjudicator will be supplied with the necessary data in accordance with the guidance laid down, and as specified in relevant procedures.

**16 Waivers and Dispensations**

16.1 Waivers to allow parking in special circumstances determined by the Council will be issued by the Council's contractor. A form based upon Appendix 2 of the PCHL Code of Practice, will be used. The IT facility will include the ability to

produce such documents, and to maintain a database of their allocation for management purposes.

**17 Special Category Drivers**

17.1 The review of on-street parking provision will incorporate in its design, provision for those with special needs such as disabled drivers, and doctors. The parking policies and operational instructions for the Parking Attendants will include the special policies to be applied in the cases of disabled drivers, diplomats, and exempt vehicles. In this respect, the recommendations of Guidance will be adopted.

**18 Signage and Plating**

18.1 All parking regulations will be signed in accordance with DETR regulations. A review of signing of yellow lines is taking place as a part of the review process described earlier. The implementation of any changes will be completed by May 2001.

**19 Financial Assessment**

19.1 An assessment of income and expenditure has been made and a summary is attached as an Appendix.

19.2 The revenue projection from PCNs is based upon the following assumptions:

- about 35,000 PCNs will be issued in a full year;
- 65% of these will be paid, of which:
- 75% will be paid at the discounted level;
- 5% will be paid at the surcharge level;
- 20% will be paid at the full rate;

19.3 In accordance with Guidance, the Council will report annually to the Secretary of State on the financial results of decriminalised on-street enforcement, and any action which the Council will take in respect of any deficit or surplus on the on-street parking account.

19.4 The Council will also comply with the request for an annual return to the Home Office, as specified in section 11 of Guidance.

**20 Customer Care**

20.1 The Council places great stress on Customer Care in all its forms. The Council operates policies aimed at maximising customer care and public understanding. These principles are embodied in our operational procedures. For example:

- a high standard for replying to correspondence has been set and will be maintained in line with the Council procedures.

- warning notices will be issued for certain offences; for example, a motorist holding a resident's permit which has recently expired;
- all staff will undergo comprehensive training to achieve nationally recognised standards of competence.
- the Council also has in place a corporate complaints procedure.

APPENDIX A:

FINANCIAL ASSESSMENT

*To follow in formal submission.*

APPENDIX B:

SOUTHEND ON SEA BOROUGH COUNCIL  
SPA APPLICATION  
SCHEDULE OF CONSULTATION

The following organisations and their associated responses are given for information:

ORGANISATION	RESPONSE
Essex Police	
The Essex County Fire Service	
The Essex Ambulance Service	
DVLA	
Northampton County Court	
National Parking Adjudication Service	
Essex County Council	
Rochford District Council	
Castle Point Borough Council	



APPENDIX C:

MAP OF THE SPECIAL PARKING AREA / PERMITTED PARKING AREA,  
SHOWING EXCLUDED ROADS.

PLEASE SEE PLAN OVERLEAF

