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## **CIVIL PARKING ENFORCEMENT - IMPLEMENTATION OF THE TRAFFIC MANAGEMENT ACT 2004 (PART 6)**

### **1 SUMMARY**

- 1.1 This report explains progress towards the implementation of the requirements of the Traffic Management Act 2004 (Part 6) in the Rochford District.

### **2 INTRODUCTION**

- 2.1 The Council adopted powers to enforce on-street parking regulations under the terms of an Agency Agreement with Essex County Council in October 2004. Currently, over 150 Local Authorities in England and Wales have assumed responsibility for enforcement of on-street parking under the powers of the Road Traffic Act 1991.
- 2.2 From 31 March 2008, Part 6 of the Traffic Management Act (TMA) and the regulations made under it will replace Part II of the Road Traffic Act 1991 and sections of the London Local Authorities Act 1996 and the London Local Authorities and Transport for London Act 2003, to provide a single framework in England for the civil enforcement of parking, bus lanes, some moving traffic offences and the London lorry ban.
- 2.3 With the help of stakeholders and a working group of experts, the Government reviewed the existing system of Decriminalised Parking Enforcement (DPE) to identify how it could be improved. The Government's aim is to strengthen the existing system of DPE to secure a higher level of public compliance.
- 2.4 The Government is implementing the provisions in Part 6 in stages, beginning with parking. Under the TMA, Decriminalised Parking Enforcement (DPE) will become known as Civil Parking Enforcement (CPE). In recognition of their wider remit parking attendants will become known as Civil Enforcement Officers (CEOs).
- 2.5 The objectives of the TMA 2004 are to ensure a consistent approach to parking enforcement across England; achieve a high level of public acceptance and understanding of CPE; to ensure authorities have the necessary powers to secure a high level of compliance with Traffic Regulation Orders; and to ensure that CPE powers are exercised in a fair and reasonable manner by authorities.
- 2.6 The Agency Agreement with Essex County Council is unaffected by the changes.

### **3 MAIN CHANGES – PRESENTATION/BRANDING**

- 3.1 All references to the Road Traffic Act 1991, and terms used therein must be discontinued.

- Decriminalised Parking Enforcement to be called Civil Parking Enforcement;
- All Traffic Regulation Orders must be reviewed to ensure they refer to the TMA 2004;
- Parking Attendants to be called Civil Enforcement Officers (CEO);
- Special Parking Areas and Permitted Parking Areas to be called Civil Enforcement Areas; and
- National Parking Adjudication Service (NPAS) will become known as Traffic Penalty Tribunal (TPT).

#### **4 MAIN CHANGES - REGULATIONS**

4.1 Much of the operational side of the RTA 1991 remains largely unaltered, and where additional powers are available they will not impact on Rochford's operation, e.g. enforcement by way of "approved devices" (static cameras) and changes in clamping & removals procedures. The main changes to the regulations are listed below:-

- Differential parking penalties depending on the seriousness of the contravention (described as 'higher level' and 'lower level');
- New powers to serve Penalty Charge Notices (PCN) by post if the CEO has started to issue but driver leaves with the vehicle before it can be served;
- Details of procedures for representation and appeals to be included on PCN;
- Adjudicators will have the power to refer appeals back to the authority for reconsideration where a contravention took place but through mitigating circumstances;
- Send PCNs by post when a CEO has been prevented from serving by a motorist; and
- Place a 6 month time limit on authorities issuing a Notice to Owner letter.

#### **5 MAIN CHANGES – GUIDANCE**

5.1 The Secretary of State for Transport has issued guidance which explains how to approach, carry out and review parking enforcement. It attempts to strike the balance between as much national consistency as possible and a system that is fair to the motorist, but also be effective in enforcing parking regulations. Many recommendations in the guidance are already common practice within Rochford's parking enforcement administration; the key guidelines are as follows:-

- Authorities no longer need to demonstrate to the Secretary of State that parking enforcement would be self-funding;
- Authorities should publish parking policies;
- There must be a stronger emphasis on staff training;
- Authorities are encouraged to use photographic evidence gathered by CEOs as additional evidence that the contravention has occurred;
- Authorities should consider re-offering the 14 day 50% discount period when an informal challenge is rejected; and
- Authorities should publish financial and statistical information.

## **6 CURRENT POSITION**

- 6.1 There has been much delay from the government in publishing the regulations and all DPE authorities now only have 3 months to implement the new requirements of the TMA. A project plan is attached as appendix 1 to this report – the actions identified in the plan can be implemented by the start date in April.
- 6.2 Progress towards implementing TMA is proceeding smoothly with much of the work being driven by the new IT software that has been developed. The Council's parking software supplier (Langdale Systems Ltd) is currently working on the configuration of the enforcement system for all their customers and are confident of delivering the finished product in time for both testing and implementation. The Transportation team will have to run two systems (RTA 1991 & TMA 2004) until recovery action has ceased on RTA 1991.
- 6.3 The British Parking Association (BPA) has set up a working group to design new stationery for general use to ensure consistency of wording across the country.
- 6.4 Essex County Council, as Highways Authority, has responsibility to set, publish and advertise PCN charging levels. ECC has confirmed that all non-unitary boroughs and districts will use the higher band of charges, i.e. £70 higher level PCN, and £50 for the lower level PCN (the current PCN charge - £60).

## **7 RISK IMPLICATIONS**

- 7.1 The Road Traffic Act 1991 will be repealed on 31 March 2008, so it is imperative the Council has the required software, stationery and procedures in place to be compliant with the new legislation.

**8 ENVIRONMENTAL IMPLICATIONS**

- 8.1 The changes provided for in the TMA legislation will further assist in the effective enforcement of inconsiderate parking, thus ensuring the free movement of traffic throughout the district.

**9 RESOURCE IMPLICATIONS**

- 9.1 The new differential parking penalties are to be set by Essex County Council and they have selected the higher band option. This may have an impact on revenue dependant on how many PCNs are issued in the higher and lower bands and whether the motorist decides to accept the discounted amount for early payment. A calculation based on current trends indicates a break-even scenario for Rochford.
- 9.2 The main resource implication for implementation of TMA is in the development of IT software. This has been costed at £8,500 and will be met out of the IT Strategy Budget. The remaining costs will be met out of existing budgets.

**10 RECOMMENDATION**

- 10.1 It is proposed that the Board **RESOLVES** that, subject to comments from Members, the arrangements for the implementation of the requirements of the Traffic Management Act 2004 be agreed.

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**Background Papers:-**

Traffic Management Act 2004

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