

## **DECRIMINALISED PARKING ENFORCEMENT – PROGRESS REPORT**

### **1 SUMMARY**

- 1.1 Members to consider the report of the Head of Revenue and Housing Management on progress towards implementing Decriminalised Parking Enforcement (DPE) in the Rochford District.
- 1.2 Members to re-affirm the Council's agreement to the 1 October 2004 go-live date and the £60.00 Penalty Charge Notice (PCN).
- 1.3 Members to agree that the Council formally seeks to join the National Parking Adjudication Service (NPAS) and that a Member of this Committee, and a Substitute, be nominated to serve on the Joint Committee.
- 1.4 Members to also consider the level of dispensations to be charged by the Council.
- 1.5 DPE is scheduled to be introduced on 1 October 2004. At a meeting of this Committee on 4 February 2004 Members agreed that updates should be provided every three months in view of the increasing activity.

### **2 BACKGROUND**

- 2.1 The Road Traffic Act 1991 provides for the decriminalisation of certain non-endorsable parking offences in London and allows Local Authorities outside London to apply to the Secretary of State for similar powers. These mainly include parking offences on yellow lines and on-street parking spaces. It does not include endorsable parking offences and offences related to obstruction, for which Essex Police continue to be responsible.
- 2.2 DPE powers allow Local Authorities to take over responsibility for enforcing parking contraventions from the Police and to retain revenue received from penalty notices to fund enforcement activities.
- 2.3 The Council has an agreement with Essex County Council to adopt powers to enforce on-street parking regulations with effect from 1 October 2004.
- 2.4 At a meeting of this Committee held on 5 June 2003 an action plan was agreed that would see the introduction of DPE to an agreed timetable. In October the Head of Service and Transportation Manager met with Essex County Council (ECC) representatives and the consultant acting on behalf of the County Council to make final adjustments to the financial model for Rochford District Council. The model makes projections about the cost of service delivery and income generation.

- 2.5 The full financial model (and previous versions) runs to around 30 pages and is available in the Members' Library.

### **3 CURRENT POSITION**

- 3.1 Progress towards implementing DPE is proceeding smoothly and in accordance with the action plan. As reported previously, extracts from the financial model have been included in the 2004/5 Budget and Essex County Council Highways advise that the review of the District's traffic regulation orders is nearing completion.
- 3.2 The Transportation Staff have moved into the former Meeting Room 3, which has undergone a thorough re-fit and re-decoration. In turn, the room formerly occupied by Transportation Staff has been converted to storage and an operational and messroom for Car Park Patrol Officers.
- 3.3 Job Descriptions and Adverts have been prepared for the additional posts and officers are currently working on routes and rotas for the Parking Attendants. Due consideration will be given to the suggestions/recommendations offered by Members last year in respect of 'parking hotspots'.
- 3.4 Purchase orders for the necessary upgrades to the parking enforcement system have been sent to the current IT software supplier (Langdale Systems Ltd). Langdale Systems have a proven track record in DPE implementation for Local Authorities and the new enforcement software is programmed for testing in August 2004.
- 3.5 Although Members re-affirmed their commitment at the last meeting, Essex County Council have asked that specific mention is made of the go-live date of 1 October 2004 and the £60.00 Penalty Charge Notice. This charge is reduced to £30.00 if paid within 14 days and increased to £90.00 if paid after 28 days.
- 3.6 Essex County Council propose to send their Special Parking Area (SPA) application to the Department of Transport in April and are therefore asking for the Council to reconfirm its position at this meeting.

### **4 NATIONAL PARKING ADJUDICATION SERVICE (NPAS)**

- 4.1 Members should be aware that the Road Traffic Act 1991 provides motorists with opportunities to challenge liability on specified grounds. If a PCN remains unpaid for no less than 28 days, the Council will send a Notice to Owner (NTO) and the motorist is entitled to dispute this by submitting a formal representation within 28 days. The NTO details full particulars of the grounds of appeal and the procedures that follow.

- 4.2 If the Council does not accept the representation it will issue a Notice of Rejection (NOR). This will explain the reasons for the decision and will provide information regarding the further rights of appeal under the Act. Essentially this gives the motorist the opportunity of having the case heard by an adjudicator who is legally qualified and independent. The Adjudicator's decision is binding on both parties and there is no charge to the motorist for the hearing. Adjudications are administered by the National Parking Adjudication Service (NPAS) - a body that is independent of Local Authorities. The motorist is required to give NPAS notification of appeal within 28 days of the NOR.
- 4.3 The principles of the process are therefore determined by law and Council Staff will be delegated to deal with PCNs in accordance with the law and with the detailed procedures determined for use throughout Essex.
- 4.4 Members are therefore requested to note the above procedure and the provisions that have been put in place to undertake this overall responsibility and agree that the process must not be the subject of interaction with the staff responsible for the carrying out of the statutory duty.
- 4.5 Membership of NPAS is compulsory for Authorities assuming DPE powers and therefore Authorities must appoint a Committee Member, together with a Substitute, to represent the Council on its Joint Committee. This meets once a year. NPAS also requires the Council's Solicitor to be authorised to sign the formal agreement setting out the operating arrangements.

## **5 DISPENSATIONS**

- 5.1 Upon written application on a form (currently under design) provided by the Council and payment of the appropriate fee, a dispensation may be granted to the applicant restricted to a specified parking place or single yellow line. Dispensations may be granted for funerals, weddings, maintenance to adjacent buildings, furniture removals and any other reason accepted by the Council.
- 5.2 Applications for dispensations must be received by the Transportation Section at least 10 working days prior to the required date. If granted, the dispensation will be issued by way of written authority that must be clearly displayed in the vehicle while parked.
- 5.3 A charge, per vehicle, per day, may be made, although this can be waived for funeral directors and wedding cars. Consultation with other Essex Districts reveals a consistent approach in charging £15.00 for the first day and £5.00 per day thereafter. These charges cover the element of administrative work in processing the applications and the duties of the Parking Attendants in coning-off spaces in readiness for and after such occasions.

**6 FINANCE AND RESOURCE IMPLICATIONS**

- 6.1 ECC are providing start-up capital and start-up expenses on an interest-free loan basis, which will be repaid through a £2.00 'bounty' for each PCN issued. The Head of Service and ECC consultant estimate that PCN issues should plateau at around 5,900 each year, resulting in an annual repayment figure to ECC of £11,800. The County Council is also prepared to meet the cost of any 'unavoidable losses' in the management of on-street parking enforcement, but the Head of Service does not envisage this will be required.

**7 RISK ASSESSMENT**

**7.1 Strategic Risk**

The Council is required to be a major force of influence in car park administration and should demonstrate its commitment to delivering the aims and objectives of its agreement with ECC.

**7.2 Resources Risk**

The Council is a major landowner in the District with its car parks producing the only substantial source of income (around £600,000 in 2003/4) available. The introduction of DPE across the District should encourage greater use of car parks. This has been factored into the financial model. Failure to provide adequate resources to successfully run DPE would jeopardise the programme.

**7.3 Reputation Risk**

DPE has now been successfully implemented in around 65% of Local Authorities. Rochford District Council would not wish to be seen as the 'first to fail'.

**8 RECOMMENDATION**

8.1 It is proposed that the Committee **RESOLVES**

- (1) That the Council enters into an agency agreement with Essex County Council to manage the Decriminalisation of Parking Enforcement within the District.
- (2) That the Council adopts and implements Decriminalised Parking Enforcement throughout the District with effect from 1 October 2004.
- (3) That the Council formally seeks membership of the National Parking Adjudication Service (NPAS) and that the Council's Solicitor be authorised to sign the Agreement.

- (4) That a Member of this Committee, and a Substitute, be nominated to serve on the NPAS Joint Committee.
- (5) That the £60.00 Penalty Charge level be approved, together with the dispensation charges outlined in this report.
- (6) That in all other respects, the progress report be noted.

Steve Clarkson

Head of Revenue and Housing Management

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**Background Papers:**

None

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