



Report to Cabinet

Subject Decriminalisation of Parking Enforcement

Date 13 January 2005

Author Head of Engineering & Property

1. PURPOSE OF THE REPORT

To advise Members of the County Council's proposals for decriminalisation of parking enforcement in the County and to consider the implications for the Borough Council.

NOTE: There will be a presentation by Peter Lowe of RTA Associates to explain the proposals and the implications for the Borough Council.

2. BACKGROUND

2.1 The Road Traffic Act 1991 provided 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 powers relate primarily to parking offences on yellow lines and in parking spaces. Decriminalised Parking Enforcement (DPE) powers allow local authorities to take over responsibility for enforcing parking contraventions from the Police and to retain the funds received from penalties to fund their enforcement activities.

2.2 There is evidence that the Police are already withdrawing resources from the enforcement of parking offences to concentrate on other activities and could decide to pull out of enforcement activities altogether in the near future. For example, Leicestershire Police are about to withdraw from parking enforcement in April 2006 irrespective of the local authority's progress with DPE. Over

60 local authorities outside London are currently operating DPE powers.

- 2.3 Prior to applying for the powers to take over parking enforcement, the highway authority must reach formal agreement with the District Councils regarding the off-street enforcement and the method of operation, which will be covered in the application. Neither the County Council, nor the District Council may act independently in the process and the Secretary of State may determine any dispute. The Secretary of State is keen to see DPE introduced and will accordingly agree to applications for powers where there is appropriate support from the relevant local authorities. Where there is lack of support in an area, the Secretary of State is likely to rule in favour of the introduction of DPE unless there were compelling reasons to do otherwise. The police must be involved in negotiations and support any application the County Council may make.
- 2.4 Nottinghamshire County Council commissioned a feasibility study into the implications of DPE in the County (excluding the City, of course) operating through a County/District partnership. The study included an assessment of off-street parking so that the overall financial implications could be assessed. Each District co-operated fully with the County's consultants, who produced a model and outcomes for each District. The model for the Borough Council (where off-street parking is free of charge) showed that the cost of enforcement of DPE would always exceed the anticipated income and accordingly the Direct Services Portfolio Holder informed the County Council that the Borough Council had no interest in running the service at a net loss to the Gedling Council taxpayer.
- 2.5 The results of the feasibility study were considered by the County Council's Cabinet on 21 April 2004 and it recommended approval in principle to the introduction of DPE and for consultation with the District Councils prior to the County's application for the relevant powers. To start the formal consultation process, the County Council convened a meeting of relevant senior officers in October. Their consultants (RTA Associates) made a presentation on the County's proposals, which include the hope that general agreement will be forthcoming from the Districts by February 2005 to allow the application to the Secretary of State in March and the introduction of DPE in 2006.
- 2.6 The County Council has offered to pay for the services of their consultant in making further presentations to District Council Members and officers. This has been arranged to coincide with the

meeting and give the opportunity for detailed questions to be raised. The County Council also volunteered the services of the consultant in making assessments of potential income from car parking charging and the presentation will therefore also include such indication. It has been stressed to the consultant, and to the County Council, that the Borough Council has made no decision on the introduction of car park charging and hence any financial projections will be purely speculative at this stage. The inclusion of off-street charging is for the sake of completeness, as the Secretary of State will expect the combination of on-street and off-street parking enforcement to be considered in the application.

- 2.7 Should the County Council's application to the Secretary of State be successful and the Borough Council not be involved in the running of DPE, the County Council could take over the enforcement activities for off-street parking with the agreement of the Borough Council. They would therefore derive income from both on and off-street offences but would not be entitled to income should charging be made for off-street parking. The disadvantage of this approach is that the Borough Council would have no control of any enforcement regime and the resources allocated to it, which could have an adverse effect on the effective operation of the off-street car parks.
- 2.8 Should the Borough Council be minded to support the introduction of DPE and for the Districts to manage and operate the regime, there is still the opportunity for the enforcement and administration of the notices to be sub-contracted. These could be to an outside contractor, who may work for several Councils, or to another District Council. There are numerous advantages of sub-contracting, not the least of which is to avoid human resources issues like sickness absence or working out shift rotas, but the cost of doing so would probably be greater than running the service from an in-house section

3. **SUMMARY OF DETAILS AND BACKGROUND OF THE FEASIBILITY STUDY**

- 3.1 The feasibility study recommendations were:
- On and off-street DPE to be introduced by County Council in all Districts.
 - Districts to manage operation at local level.
 - Introduction only where proven at no financial burden, which may involve cross subsidies.

- Districts to review/introduce off-street parking charging
- Central notice processing to be investigated.
- Earliest start of July 2006.

3.2 The way forward:

- Cabinet (County) approved to proceed in principle obtained April 2004.
- County to formally consult Districts October 2004.
- Agreement on financial principles
- Above items to be concluded by February 2005.
- Review of TROs to commence as soon as possible.
- Decision on implementation process
- Regular progress reports to be submitted.

3.3 Conclusions on DPE:

- Decriminalisation is a traffic management opportunity
- Better enforcement of parked vehicles
- Traffic regulations will have a greater significance
- It helps to provide a better environment
- It prepares the way for continued growth in traffic demand
- It provides vital support to Nottinghamshire transportation strategies
- It can be self-financing overall.

3.4 General:

- The County wants all districts to participate in the partnership and believes there are real benefits to be gained.
- There are clear signs of general Police disengagement in relation to provision of traffic wardens, etc., although Nottinghamshire Police have not given any indication of this and are supportive of and in agreement with the County approach. Copies of the consultant's overall report will be provided to Districts.
- The County Council has obtained local transport plan (LTP) funding to enable a review of all TROs to be undertaken and has also obtained funding to transfer records to an IT database.
- An application was made for LTP funding in 2005/06 to cover the capital costs of implementation (but it is understood that this bid was unsuccessful and that the County Council will have to fund this from other sources).

4. RESOURCE IMPLICATIONS

RTA Associates initial financial model for the Borough shows that DPE would always run at an annual deficit (albeit relatively small) unless other factors, which could include charging for car parking, were introduced. The consultant has formulated a new model that includes charging and will be presenting both models at the meeting.

5. RECOMMENDATIONS

- i) That Cabinet confirms the previous view of the Direct Services Portfolio Holder that Decriminalised Parking Enforcement should not be operated at a net loss to the Borough Council's Council Tax payer.
- ii) That the Borough Council would be willing to manage and run Decriminalised Parking Enforcement, provided that any financial deficits be underwritten by the County Council, or than any cross-financing would not be to the detriment of the Borough Council's budgets.
- iii) That consideration be given in conjunction with the County Council and the other district councils for enforcement and administration of the notices to be sub-contracted.

C. W. GROVES
Head of Engineering & Property
4 January 2005