



Report to Cabinet

Subject Introduction of Decriminalised Parking and impact on off Street enforcement

Date 11th July 2006

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Purpose of the Report

To update Cabinet on progress.

To seek guidance on the options following Nottinghamshire County Councils programme slippage.

1. Background

Following the Cabinet Meeting of Thursday 18th August 2005 it was resolved that: -

- 1) The position be noted and that negotiations with the County Council continue with a view to the Borough Council participating in the proposed County scheme for civil enforcement of on-street parking.
- 2) To aim to implement the arrangements with effect from January 2007.

2.Current Position

Partnership agreement

The County Council have now produced a Draft partnership agreement, which we are currently considering.

Finance and legal are also considering the various issues with regard to these proposals.

A working group of officers made up from the District Councils affected by the agreement is meeting to discuss these proposals.

We have not yet made a formal response to the County Council but the following two issues are of particular concern and further clarification is necessary.

- **Section 5.3** the level of any on street charges levied by the County should be in agreement with the District as this will need to be comparable with the off street charges levied by the District. perhaps a similar provision to that included at 5.4 requiring the District to consult with County about its off street charges should apply
- **Section 8 Financial** The proposed model appears to allow for the use of off street Penalty Charge Notices (PCNs) and pay and display income from Gedling Borough Council to be used to cross subsidise shortfalls arising from other Districts. More information is required such as a financial model for the whole of the County providing a financial forecast and giving an indication of the amount of likely deficits/surplus for the first 5 years and the amounts required to meet expenditure. This information would be useful to demonstrate to Members the amounts involved. Alternatively individual Councils to be responsible for their own proportion of costs from the income generated from the on and off street enforcement in its own area.

Furthermore the agreement does not specify the following obligations/conditions, which we feel, should apply to the County Council: -

- Information reporting to the District Councils on performance of Enforcement contractor and Central Ticket Unit and undertaking that County will take action on any breaches of contract by enforcement contractor
- Involvement of the District councils in the tendering and selection of the Enforcement contractor
- Access by the Districts to the central PCN'S database

Recent correspondence from the County Council has indicated that they are not yet in receipt of the DfT approval and the expected implementation date is now April 2007. As opposed to the originally predicted January 2007 a possible three month delay.

Previously the Council had decided to time the implementation of the off street pay and display charging so as coincide with the implementation of on street decriminalised parking to take advantage of the opportunity for joint enforcement.

In light of this advice, I have been looking at the options for the Council as to whether to continue or delay this project.

3. Options

Background to Options

The enforcement of pay and display parking is fundamentally different to the current car parking enforcement we carry out.

Currently we employ a Car park inspector who in essence monitors the length of time vehicles are in the car park and issues a notice for payment (in effect an invoice) when a vehicles stay exceeds the free period and goes into the chargeable period.

With the pay and display enforcement we will be issuing fixed penalty notices (PCN's) for breaches of the terms and conditions relation to the Road Traffic Order covering the car park. To enable us to do this under the legislation (RTRA 1984) we will require a Parking Attendant.

A Parking Attendant is some one who has had the necessary training to provide accurate, fair and consistent enforcement (the training requirements are described in the guidance to the act)

A Parking Attendant has also to be in uniform. (the requirements are again set out in the guidance to the act.

The Training requirement also applies to the attendant's supervisor.

- **Option 1**

Change introduction date to coincide with the introduction of decriminalised parking.

The main result of this option would to remove the income stream for the financial year 2006/7.

The ticket machines and civil engineering works will still need to be carried out in 2006/07 although this may be delayed from the planned late Autumn installation to February and March 2007.

- **Option 2**

Introduce Pay and Display on schedule.

Negotiate with a neighbouring authority, the County Councils proposed Contractor or another suitable contractor to provide enforcement to cover the gap between January 2007 and the date which the Decriminalised Enforcement of parking comes into force.

Any attendant will have to be correctly uniformed (Identified as Gedling Borough Council) and suitably trained.

The short term nature of the contract together with using the using the agents PCN processing is likely to be reflected in the cost.

Timing

Consideration has also been given to bringing the pay and display implementation date forward, it was felt however that the proposed dated had been widely publicised, and the legal process was unlikely to be completed in advance of the initial programme.

3. Financial Implications

Assume a three month gap (February, March and April 2007) between Pay and Display charging being introduced and the on and off Highway Decriminalised parking enforcement commencing.

| Option | Expenditure for providing Enforcement. | | | Income from Pay and Display Charging | | |
|--------|--|------------|------------|--------------------------------------|------------|------------|
| | Feb 2007 | March 2007 | April 2007 | Feb 2007 | March 2007 | April 2007 |
| 1 | Nil | Nil | Nil | Nil | Nil | Nil |
| 2 | £9500* | £8000 | £8000 | £35,000 | £35,000 | £35,000 |

*Including initial set up costs

5. Recommendations

- 1) Proposed Partnership Agreement with Nottinghamshire County Council.

Cabinets Views and guidance are sought to form part of the response to and ongoing negotiations with the County Council.

- 2) Timing of Introduction of off highway Pay and display Parking.

That the Cabinet approves the adoption of option 2. and authorises officers to carry out the necessary negotiations and enter into a short term agreement to provide enforcement of parking restrictions in the council's car parks.