



Council
12 September 2011

Subject	Civil Parking Enforcement.
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Report by:

Director of Neighbourhoods and Health

Contact Officer:

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Purpose / Summary:

This report provides an update on progress with Civil Parking Enforcement (CPE) and requests that Members make a number of amended resolutions in light of changes to the previously agreed format of CPE in Lincolnshire.

RECOMMENDATION(S):

- 1) That Members endorse the proposals detailed in items (a) to (e) below.
 - a) That Members resolve to undertake Civil Parking Enforcement for District Council owned/operated car parks within the administrative boundary of West Lindsey District Council, where Lincolnshire County Council will be responsible for on street Civil Parking Enforcement within Lincolnshire.
 - b) That Members resolve to authorise Lincolnshire County Council's application to the Department for Transport for Civil Parking Enforcement powers on behalf of this Authority.
 - c) That Members reiterate their previous decision to join: 'The Joint Committee of England and Wales for the civil enforcement of Parking and Traffic Regulations Outside London' in accordance with the requirements of the Traffic Penalty Tribunal. That Council nominate a Member and a substitute Member to the Joint Committee

- d) That Members authorise the setting of the level of differential penalty charge at Band 2 as stated in STATUTORY INSTRUMENTS 2007 No.3487, Road Traffic, England. The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 use the band 2 PCN level, discounted by 50% for payment within 14 days, and incremented by 50% for payment after the issue of a Charge Certificate
- e) That Members approve that the Public Protection Services Manager in consultation with the Member representative at (c) above be given delegated authority regarding future decisions relating to Civil Parking Enforcement.

IMPLICATIONS

Legal: Amended resolutions are necessary in order for the legal implementation of CPE to proceed. The application for the required powers must be in accordance with legislative requirements. CPE introduces an amended legal framework for parking control. Lincolnshire Legal Shared Service have been consulted regarding this report.

Financial : An earmarked reserve of £49,440 is in place for the set-up costs associated with this matter, thereafter an annual budget of £6,000 per year is allocated to Civil Parking Enforcement. A very small increase in income may be achieved (1%) from displaced off street parking. Agreement will need to be finalised on West Lindsey contribution towards the set up costs that the County Council would incur and it is anticipated that this would be cost neutral and be met from the increase in income. Finance officers have been consulted regarding this report.

Staffing : One existing staff member will be affected by the introduction of Civil Parking Enforcement.

Equality and Diversity including Human Rights :

N/A to this report.

Risk Assessment : If the Council does not wish to confirm agreement to CPE being applied to West Lindsey off street car parks then it will not be possible for on street parking enforcement to be carried out by the County Council. Responsibility for on street parking enforcement would remain with the Police, there is a risk that with this being a lower priority for the Police that there would be minimal control which may result in higher levels of non-compliant street parking. There could be a higher risk of traffic congestion and of blockage of short stay places and road loading bays which may impact on businesses reliant on customers being able to park on street for short periods. Failure to make the necessary resolutions could affect the reputation of the Council if unregulated on street parking occurred and may affect the partnership arrangements with the County Council. There are resource implications in moving to CPE and provision has been made for these. It is understood at the moment that there is no intention for on street pay and display places to be applied in West Lindsey if the CPE powers are agreed. To assist in managing the risk of any future changes to on street parking changes having an adverse impact on the local community the County Council could be asked to ensure that there are appropriate consultation arrangements with the Districts.

Climate Related Risks and Opportunities : None as a result of this report

Title and Location of any Background Papers used in the preparation of this report:

Minutes of a Meeting of Council held in the Council Chamber at The Guildhall, Gainsborough, on Monday, 27 July 2009 Item 38 and Report EDR. 11 09/10 for the Economic Development and Regeneration Committee of 02 July 2009.

The link to access the Committee Admin page and search for the required background papers is as follows :- [Meetings, Agendas, Minutes and Reports | West Lindsey](#)

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes No

Key Decision:

Yes No

1.0 Introduction

- 1.1 Members may recall that Civil Parking Enforcement (CPE) is the process whereby local authorities have the opportunity to take over the enforcement of most on-street parking contraventions that are currently the responsibility of the Police. In addition, the C.P.E. powers can be used to enforce parking restrictions in off-street car parks also. Parking enforcement is a low priority for the Police and this has led to a low level of enforcement in most parts of the County, with only City of Lincoln operating on-street Traffic Wardens.
- 1.2 Lincolnshire County Council and the District Councils had been working for a number of years to identify a way to jointly implement the process and a draft Memorandum of Understanding (MOU) is being formulated along with a draft Parking Policy also, to help identify where responsibilities sit. The specific contents of both these documents will be brought to Members attention at a later date once the application to the DfT has been submitted.
- 1.3 In order for progress to be made with the process of CPE, the County Council is required to apply to the Department of Transport (DfT) for adoption of the necessary powers. It is intended that the County Council will make an application to DfT in December 2011, with an anticipated implementation date in June 2012. In support of this, each authority must make a number of resolutions which are listed as 1a to 1e on the front page of this report.
- 1.4 Report EDR. 11 09/10 dated 2nd July 2009 is a background paper and explains the circumstances in relation to Civil Parking Enforcement (CPE) and requested various Member decisions to progress the introduction of CPE within the District. At that time, the proposal was that the Lincolnshire Districts took on responsibility for on-street as well as off-street parking enforcement; and that all seven Districts took part in CPE. This situation has changed such that the proposal is now that Lincolnshire County Council (LCC) will be responsible for the enforcement of on-street parking with Districts retaining responsibility for off-street enforcement within car parks owned or operated by them. Additionally, there is a possibility that one or more of the seven Districts may not now participate in CPE.
- 1.5 Legal advice has been sought regarding the suitability of the previous resolution made by Council on 27th July 2009. The advice received was that due to the aforementioned changes, and in order to avoid possible legal challenge of parking enforcement notices issued, it is to seek Council approval for an amended authorisation to allow for the proposed changes.

2.0 Summary of events to date

- 2.1 Between the period of January 2008 and January 2010, the introduction of CPE in Lincolnshire was being steadily progressed jointly, by LCC and the Districts, under the proposal that Districts would operate enforcement of on and off-street parking. Officers and Members (Cllr Parish) attended regular meetings.
- 2.2 Around January 2010 all parties could not reach an agreement as to how to proceed and the partnership group was dissolved and LCC took on full responsibility for implementing CPE.
- 2.3 Dialogue between LCC and the districts commenced again in December 2010 with the first formal meeting held in February 2011.

3.0 Financial Considerations

- 3.1.1 As noted in the financial implications above, an earmarked reserve of approximately £49,440 is allocated for set-up costs.
- 3.2 Set-up costs relate to legal changes to car parking orders, car park signage, tickets, uniforms and hand-held equipment etc, all of which need to be aligned with the CPE legislation.
- 3.3 The result of more effective on-street enforcement, can lead drivers to be displaced to council owned car parks which may result in a small increase in income from car parking charges, typically around 1% at other authorities.
- 3.4 It is important to note that under CPE the District Council will continue to retain all current income from car parking charges.

4.0 Operational arrangements

- 4.1 Implementation of Civil Parking Enforcement for West Lindsey will require the consideration of a number of operational issues. In particular these relate to appropriate signage on car parks, making of car parking orders and the use of a central processing unit for the administration of the penalty tickets issued, enforcement of off street parking and the consideration of the best approach to this and the possibility of TUPE transfer issues relating to one existing operational staff member.
- 4.2 It is suggested that the Public Protection Services Manager deal with the operating issues and all other matters relating to CPE in consultation with the Member representative.

5.0 Recommendations

- 5.1 Members are asked to make the following resolutions in support of the application of Civil Parking Enforcement and the powers under the Traffic Management Act 2004.

That Members endorse the proposals detailed in items (a) to (e) below.

- a) That Members resolve to undertake Civil Parking Enforcement for District Council owned/operated car parks within the administrative boundary of West Lindsey District Council, where Lincolnshire County Council will be responsible for on street Civil Parking Enforcement within Lincolnshire.**
- b) That Members resolve to authorise Lincolnshire County Council's application to the Department for Transport for Civil Parking Enforcement powers on behalf of this Authority.**
- c) That Members reiterate their previous decision to join: 'The Joint Committee of England and Wales for the civil enforcement of Parking and Traffic Regulations Outside London' in accordance with the requirements of the Traffic Penalty Tribunal. *This requires a Member nomination and substitute nomination.***
- d) That Members authorise the setting of the level of differential penalty charge at Band 2 as stated in STATUTORY INSTRUMENTS 2007 No.3487, Road Traffic, England. The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 use the band 2 PCN level, discounted by 50% for payment within 14 days, and incremented by 50% for payment after the issue of a Charge Certificate (Currently these charges are £70.00 for the more serious offences and £50.00 for the less serious offences).**
- e) That Members approve that the Public Protection Services Manager in consultation with the Member representative at (c) above be given delegated authority regarding future decisions relating to Civil Parking Enforcement.**