
CIVIL PARKING ENFORCEMENT

Responsible Cabinet Member – Councillor David Lyonette, Transport Portfolio

**Responsible Directors – Cliff Brown, Director of Community Services and
Paul Wildsmith, Director of Corporate Services**

SUMMARY REPORT

Purpose of the Report

1. The purpose of the report is to outline the principles of Civil Parking Enforcement and seek approval for the capital scheme to undertake preparatory work on the application and business transformation process.

Summary

2. The Traffic Management Act 2004 (TMA) places a number of duties on every local authority. The primary focus of the legislation is to ensure the expeditious movement of traffic on the network.
3. One of the Councils key objectives is to manage congestion. The enforcement of parking restrictions is a key component of effective traffic management and key to improving traffic flow. Part 6 of the TMA provides for the civil enforcement of most types of parking contraventions and some moving traffic offences.
4. Civil Parking Enforcement (CPE) is the name given to the parking regime after transferring the powers for parking enforcement from the Police to the Council. This report seeks approval in principle to introduce CPE and details the benefits that will be realised and the steps necessary to make an application for the powers to the Secretary of State.

Recommendation

5. Members are requested to:
 - (a) Approve the principle of introducing Civil Parking Enforcement and agree to officers taking all preparatory steps necessary to introduce CPE.
 - (b) Agree that the application be prepared on the basis that:
 - (i) The Borough be designated as a Civil Enforcement Area (CEA & a Special Enforcement Area (SEA).

- (ii) The application includes all the powers available under the Traffic Management Act, including immobilisation and removal of vehicles and moving traffic conventions.
- (c) Immobilisation and removal is not part of the initial implementation.
- (d) Moving traffic contraventions are considered at a later date.
- (e) Only roads excluded are the trunk roads that run through the Borough. These are the A1 (M) and the A66.
- (f) The draft application includes all off street car parks owned by the Council within the proposed CEA/SEA.
- (g) That the higher Band 2 level Penalty Charge Notices (PCN) are used for feasibility and the application.
- (h) A draft revised parking strategy is consulted upon to seek the views of the local community including the Police.
- (i) Civil Enforcement procedures be developed and brought back to a future Cabinet for approval.
- (j) The Traffic Regulation Order (TRO) review will not consider new requests but review existing restrictions.
- (k) That no new TROs other than those already in the process or associated with an approved scheme will be considered.
- (l) The scheme of delegation is amended to allow any objections that are received as part of the TRO process to be considered by a Cabinet Sub-Committee consisting of three members of Cabinet.
- (m) Delegated power is granted to the Director of Corporate Services in consultation with the Borough Solicitor to agree the terms of agreements with the DVLA, Traffic Penalty Tribunal, Traffic Enforcement Centre (TEC) and Debt Recovery Agents (bailiffs) and to enter into those agreements.
- (n) The negotiation of a capped fee level is approved on each PCN when employing debt recovery agents.
- (o) Members approve prudential borrowing of £400k and a Local Transport Plan (LTP) contribution of £200k from the 2009/10 allocation, release the funding for the capital scheme and authorise spend on any necessary set-up costs associated with the preparatory and business transformation work.
- (p) A further report is brought back to Cabinet outlining progress on feasibility, business transformation and the draft application for Members to consider submitting a formal application.

Reasons

6. The recommendations are supported by the following reasons:
- (a) At present the responsibility for parking enforcement is divided between the Council and the Police. It is recognised that split responsibility is not an efficient or effective way to enforce parking regulations. Civil Parking Enforcement will unify the vast majority of enforcement and enable the Council to demonstrate it is fulfilling its network management duty under the TMA and provide additional benefits.
 - (b) Deliver effective traffic management and enforce local transport policies to assist in the Council's strategy to manage congestion.
 - (c) Improve Road Safety by enforcing parking regulations that are in place to deter dangerous or obstructive parking.
 - (d) Improve the Local Environment by enforcing anti-social parking behaviour that is detrimental to the environment that the community enjoy.
 - (e) Improve the quality and accessibility of public transport by ensuring movement along bus routes and unobstructed access to bus stop locations.
 - (f) Meet the needs of disabled people, some of whom will be unable to use public transport and depend entirely on the use of a car, by enforcing blue badge spaces, dropped kerbs and other restrictions to ensure access is available.
 - (g) Manage and reconcile the competing demands for road space of road users by ensuring the infrastructure and facilities in place are managed to ensure access and ease of use.

Cliff Brown
Director of Community Services

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Director of Corporate Services

Background Papers

- (i) Department for Transport: Operational Guidance to Local Authorities: Parking Policy and Enforcement: Traffic Management Act 2004: published March 2008

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S17 Crime and Disorder	The transfer of powers from the Police to the Council will release Police resources to focus on other priorities of crime and disorder. There may be some benefits of an increased enforcement presence that Council enforcement staff will act as a deterrent to vehicle and other street crime.
Health and Well Being	CPE aims to improve Road Safety by enforcing parking regulations that are in place to deter dangerous or obstructive parking. It will also improve the Local Environment by enforcing anti-social parking behaviour that is detrimental to the environment that the community enjoy. The quality and accessibility of public transport will be improved by ensuring movement along bus routes and unobstructed access to bus stop locations. CPE will also meet the needs of disabled people, some of whom will be unable to use public transport and depend entirely on the use of a car, by enforcing blue badge spaces, dropped kerbs and other restrictions to ensure access is available.
Sustainability	CPE aims to reduce the environmental impact of congestion.
Diversity	An Equalities Impact Assessment will be undertaken as part of the project. However, CPE will meet the needs of disabled people, some of whom will be unable to use public transport and depend entirely on the use of a car, by enforcing blue badge spaces, dropped kerbs and other restrictions to ensure access is available.
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	The report does not recommend any changes to the Council's policy framework but changes to the budget will be referred to Council.
Key Decision	Yes
Urgent Decision	This is not considered to be an urgent decision.
One Darlington: Perfectly Placed	Transport has a key role to play across the themes of the vision and can contribute to achieving all of them. However, for the most part they will be managed under the Greener Darlington theme. Civil Parking Enforcement supports to this theme and also the Safer Darlington theme.

MAIN REPORT

Information and Analysis

7. The Traffic Management Act 2004 (TMA) places a number of duties on every local authority. The primary focus of the legislation is to ensure the expeditious movement of traffic on the network.
8. The TMA is the only area of highways activity and regulation where the Secretary of State has reserved powers to intervene if the Council fails or is failing to adequately perform the duty. Intervention is a rule-based performance indicator which, if met, would result in the Environmental block CPA rating being restricted to a maximum of 2 stars.
9. The Public Sector Regulatory Impact Assessment (RIA) accompanying the Order outlines the indicative costs to an authority of intervention by the Secretary of State as being between £12,000 where a Traffic Director is appointed only to monitor the activities of the Local Traffic Authority (LTA), and £245,000 where the Traffic Director is appointed to carry out the functions of an LTA. Such costs are recoverable from the authority concerned.
10. One of the Council's key objectives is to manage congestion. The enforcement of parking restrictions is a key component of effective traffic management and key to improving traffic flow. Part 6 of the TMA provides for the civil enforcement of most types of parking contraventions and some moving traffic offences.
11. Civil Parking Enforcement (CPE) is the name given to the parking regime after transferring the powers for parking enforcement from the Police to the Council.
12. At present the responsibility for parking enforcement is divided between the Council and the Police. It is recognised that split responsibility is not an efficient or effective way to enforce parking regulations. Civil Parking Enforcement will unify the vast majority of enforcement and enable the Council to demonstrate it is fulfilling its network management duty under the TMA and provide the additional benefits:
 - (a) Improve Road Safety by enforcing parking regulations that are in place to deter dangerous or obstructive parking.
 - (b) Improve the Local Environment by enforcing anti-social parking behaviour that is detrimental to the environment that the community enjoy.
 - (c) Improve the quality and accessibility of public transport by ensuring movement along bus routes and unobstructed access to bus stop locations.
 - (d) Meet the needs of disabled people, some of whom will be unable to use public transport and depend entirely on the use of a car, by enforcing blue badge spaces, dropped kerbs and other restrictions to ensure access is available.
 - (e) Manage and reconcile the competing demands for road space of the following road users by ensuring the infrastructure and facilities in place are managed to ensure access and ease of use:

- (i) Residents
- (ii) Shops
- (iii) Businesses
- (iv) Visitors
- (v) Pedestrians
- (vi) Delivery vehicles
- (vii) Buses, taxis, private hire vehicles and coaches
- (viii) Cars
- (ix) Bicycles
- (x) Motorcycles

13. At this stage, Members are requested to approve the principle of introducing CPE and agree to officers taking all preparatory steps necessary to introduce Civil Parking Enforcement.

The Process

14. In March 2008 the Department for Transport published instructions detailing what the Council must demonstrate as part of an application for Civil Parking Enforcement.

15. Subject to Members agreeing the principle of CPE there will be a significant amount of preparatory and business transformation work to be undertaken in parallel with the draft application. A brief guide on the fundamental principles of Civil Parking Enforcement is included at **Appendix 1** for information.

16. The process has been divided into a number of work streams to manage the complexity and detailed nature of the Department for Transport's requirements. These are:

- (a) The Application
- (b) Parking Management and Business Case
- (c) Traffic Regulation Order Review
- (d) Ticket Processing and Enforcement
- (e) Consultation Strategy
- (f) Communication Strategy
- (g) Moving Traffic Offences

17. Members are requested to approve details of each work stream and the basis of the feasibility and application as detailed in the following sections:

The Application

18. With Members agreement, the feasibility and draft application will be undertaken on the basis that the application will be for the Borough to be designated as:
- (a) A Civil Enforcement Area (CEA) – This defines the area where the powers will be transferred and enforced under CPE.
 - (b) A Special Enforcement Area (SEA) – being designated as an SEA allows the Council to enforce the prohibitions of double parking and parking at dropped footways as if they had been introduced using a Traffic Regulation Order. This will effectively mean Council parking officers will be able to issue penalty charge notices if a vehicle is parked more than 50cm from the kerb or parked across any dropped kerb area. For example, a pedestrian crossing or drive crossing. Careful policy development needs to be considered, consulted upon and publicised when undertaking enforcement of these contraventions.
19. It is also proposed that Members agree to accept the Department for Transport advice that the Council should apply for all of the powers available under the TMA. These powers include:
- (a) Immobilisation and removal of vehicles. It is however recommended to Members that the immobilisation and removal is not part of the initial implementation. CPE operation will be continually reviewed and if deemed necessary seek the necessary authorisation from the Department to implement these powers if it becomes obvious that they are required to address issues such as persistent evaders and situations that necessitate removal to enable the free flow of traffic.
 - (b) Moving traffic contraventions – The principle of enforcing moving traffic contraventions by CCTV is a relatively new concept. It is recommended to Members that in accordance with the Department for Transport's recommendation the powers are sought but introduced at a later date once motorists are familiarised with the concepts of civil parking enforcement. The feasibility will include a work stream on moving traffic contraventions.
20. There is the ability to exclude certain roads from the application and the Department for Transport require clear definition on which roads are to be excluded. It is recommended to Members that the only roads excluded from the draft application are the trunk roads that run through the Borough. These are the A1(M) and A66. These will remain the responsibility of the Highways Agency and the Police. These roads are high speed carriageways and better managed and enforced by the Highways Agency, their Traffic Officers and the Police.
21. It is also proposed that the feasibility and draft application include all off street car parks owned by the Council and these are included within the proposed CEA/SEA. Failure to include the off street car parks would result in the Council operating two separate parking systems and management operations.

22. The other requirements to be included in the application are products of the following work streams.

Parking Management and Business Case

23. **Financial Assessment:** The application requires a full financial assessment of the project. This will be developed over the forthcoming months with information from other work streams feeding into the process. There will be significant increased revenue costs associated with this process, these will hopefully be offset against business transformation efficiencies and any revenue generated from enforcement. The full financial assessment will be brought back to Cabinet for consideration prior to inclusion in the Application.
24. The level of the PCN is set by the Department for Transport. However, CPE introduces a two tier level of PCN and also two band ranges.

PCN levels outside London from 31 March 2008		
Band	Higher level penalty charge	Lower level penalty charge
1	£60	£40
2	£70	£50

25. Higher Level PCNS relate to contraventions that are generally more serious. For example, parking on double yellow lines. Whereas, the lower level fines relate to contraventions such as a Pay and Display Ticket has expired. The DfT set the level of the charge for each contravention and this cannot be altered by the Council.
26. All of the Tees Valley Authorities operate the Band 2 level of PCN. The DfT recommends consistency across neighbouring authorities. It is recommended that Members approve Band 2 level PCNs for feasibility and the application.
27. **Parking Strategy:** It is a requirement to review the Councils Parking Management Strategy to ensure it aligns with the principle of CPE and is still relevant with regards to the Council's wider transport policies. The Secretary of State recommends local consultation on the policy and must be demonstrated in the application.
28. It is recommend to Members that as part of the consultation work stream a draft revised parking strategy is consulted upon to seek the views of the local community including the Police.
29. The comments received will inform the final document that will be brought back to Cabinet for approval in June 2009.
30. **Civil Enforcement Procedures:** CPE should contribute to the authority's transport objectives. A good CPE regime is one that uses quality-based standards that the public understands, and which are enforced fairly, accurately and expeditiously.
31. It is also important that motorists and other road users understand how CPE operates and that it is consistent and transparent. It is recommended that once the Council have finalised their parking enforcement policies, they should publish and promote them openly.

32. It is proposed that the consultation work stream includes development of the Council's enforcement procedure. The comments received will inform the final document that will be brought back to Cabinet for approval in June 2009.
33. ***Review of Management Arrangements:*** The application must contain details of a Parking Management Review that has taken place as a result of considering the introduction of CPE.
34. A review of the existing arrangements will be undertaken as part of the feasibility work to align functions and responsibilities with the new business processes.
35. Detail will be brought back to Cabinet for information or any necessary approvals.

Traffic Regulation Order Review

36. Most regulations on the highway are introduced by processing a Traffic Regulation Order (TRO). This imposes a set of conditions or rules on the specified section of road.
37. Over the last century a significant number of separate TROs have been produced as Darlington has developed that potentially have different conditions and exemptions. Current estimates are that there are in excess of 400 separate legal orders applying regulation to the highway in the Borough.
38. To ensure enforcement is consistent and transparent it is a requirement to consolidate all of the existing orders into a standard form. This will result in a small number of legal orders that cover the whole Borough.
39. As part of this consolidation process physical checks need to be undertaken to ensure the markings and signs on the ground are consistent with the legal orders. Work packages or legal amendments will be undertaken to ensure consistency.
40. It is proposed that Members support the principle that the review will not consider new requests but simply review existing restrictions. Requests for new restrictions will be collated on a database and considered after CPE is operational.
41. Formal confirmation of the state of the TROs, signs, lines and road markings **MUST** be confirmed by a senior Council official six weeks prior to the CPE commencement date. A formal letter to the Department is required as part of the application process before the order is laid before Parliament.
42. Prior to the commencement of CPE all of these orders must be converted to remove reference to Police enforcement and introduce the terminology associated with CPE. This must be timed to convert the orders on the commencement date.
43. Given the complexity of this process it is proposed that approval is given to a moratorium on processing any new TROs other than those already in the process or associated with an approved scheme. There will be a period where new orders cannot be processed until the consolidation process is complete.

44. To enable maximum flexibility to deal with any objections it is also proposed that Members approve an amendment to the scheme of delegation to allow any objections that are received as part of the TRO process to be considered by a Cabinet Sub-Committee consisting of three members of Cabinet.

Ticket Processing and Enforcement

45. A process of business transformation is required to change the way we and enforce and process PCNs. Systems must be developed that make sure that processes for recovering outstanding penalties and handling challenges, representations and appeals are efficient, effective and impartial.
46. Processes must comply with all relevant primary legislation, regulations, traffic regulation orders and local byelaws. DfT encourage independent quality assurance of CPE processes.
47. To comply with requirements the Council must undertake significant development work on both procedures and ICT systems. Approval is therefore sought to enter into agreements with:
 - (a) DVLA – to secure electronic transfer of the details of the registered keeper.
 - (b) Traffic Penalty Tribunal - Is based in Manchester and will provide the Council with the required independent adjudication service necessary to operate CPE. They provide adjudicators who decide appeals against parking penalties. The Traffic Penalty Tribunal is the final stage of appeal for motorists or vehicle owners against a penalty issued by a Council. As part of the adjudication arrangements a joint committee is created called the Parking and Traffic Regulations Outside London Adjudication Joint Committee. There is a requirement to provide two members to attend this committee, which is based in Manchester. Further information on this requirement will be brought back to a future meeting of Cabinet or Council depending on where the function rests.
 - (c) Traffic Enforcement Centre (TEC) – This is a County Court in Northampton designed to bulk process all traffic related debt registration.
 - (d) Debt Recovery Agents (bailiffs) – The ultimate position for motorists failing to deal with the Council in resolving their PCN will be the registration of the PCN as a debt and the matter being passed to a debt recovery agent. Members instruct officers to negotiate a capped fee level on each PCN to avoid charges escalating.
48. Data Management Strategies and information sharing protocols are required for all of these arrangements.
49. **Review of the Constitution:** The independent reviews undertaken nationally on CPE have identified a number of issues. One issue has resulted in instructions from DfT that are very specific in that they direct:

50. *“Elected Members may wish to review their parking representations policies, particularly in the area of discretion, to ensure consistency with published policies. However, elected members and unauthorised staff should not, under any circumstances, play a part in deciding the outcome of individual challenges or representations. This is to ensure that only fully trained staff make decisions on the facts presented. The authority’s standing orders should be specific as to which officers have the authority to cancel PCNs. There should also be a clear audit trail of decisions taken with reasons for those decisions.”*
51. Parking Representation Policies will be developed and approved by Cabinet along with any necessary amendments to the Constitution.
52. **Exemptions, Waivers and Dispensations Policies:** The Council will be required to develop exemptions, waivers and dispensations policies as part of formulating their Civil Parking Enforcement Procedures. They must have regards for the:
- (a) Blue Badge (disabled persons parking) Scheme
 - (b) Diplomatic registered vehicles
 - (c) Application to HM forces and visiting forces
 - (d) Waivers - circumstances where vehicles need to be parked in such a way that they cannot comply with the regulations, for example removal vehicles or scaffolding lorries
 - (e) Dispensations for professional care workers
 - (f) Exemptions where parking places are suspended
 - (g) Miscellaneous exemptions for example vehicles being used for fire service, ambulance or police
 - (h) Purposes of bullion vehicles
53. Exemptions, Waivers and Dispensations Policies will be developed and brought back to Cabinet for approval.

Consultation Strategy

54. As part of the application for powers the Secretary of State expects local authorities considering major changes to their parking policies to consult fully with stakeholders.
55. The Guidance recommends, as a minimum, local authorities should consult the following groups:
- (a) those involved in the implementation and operation of parking, including the Police, neighbouring local authorities, the DVLA and the Traffic Enforcement Centre
 - (b) wider stakeholders with an interest in parking, including businesses, motoring groups and representative organisations; and those who will be affected, including residents, motorists and the general public

- (c) Authorities should include socially excluded groups
56. The guidance recommends that the consultation follows the DfT model of a 12 week consultation period.
 57. A Consultation Strategy is being developed on the following principles:
 - (a) To promote a wider understanding on why the Council are introducing CPE and the benefits that it will bring
 - (b) To obtain the necessary support from statutory consultees to include within the application
 - (c) We will be asking for views on the Parking Management Strategy
 - (d) Difficulties experienced to help inform Enforcement priorities
 - (e) Any concerns or issues to help develop and inform Civil Enforcement Procedures
 58. Any concerns or issues to help develop and inform Civil Enforcement Procedures.
 59. The consultation will not be about whether we introduce CPE. This is something that legislation is driving us to introduce to ensure we can demonstrate our duty under the TMA.
 60. The consultation activity and response will be documented as a requirement for the application submission.
 61. The comments received will help inform final documentation and the decision whether to submit a formal application.

Communication Strategy

62. It is important that the public understand why an authority has introduced CPE and what parking restrictions are in place. Motorists and other road users need to be aware that parking enforcement is about supporting wider transport objectives, in particular road safety and keeping traffic moving, rather than raising revenue. A communications strategy is being developed to help with this process.
63. The Consultation Strategy will be the first Communication launch with ramped activity towards the transfer of powers. It is essential that communications are maintained when the Council are enforcing.

Moving Traffic Offences

64. The report recommends that in accordance with the Department for Transport guidance the powers for dealing with moving traffic offences are sought but introduced at a later date once the Council familiarises itself with the concepts of civil parking enforcement.
65. This work stream will consider a future phase of CPE and ensure systems and procedures are as far as reasonably practicable 'future proofed' for the introduction of CCTV enforcement.

66. The Tees Valley Authorities have been operating CPE for a number of years and officers are part of a development team considering CCTV enforcement.

Financial Implications

67. Despite there being a number of unknown variables a best estimate of the project resource and project set up costs has been made of which details are shown in **Appendix 2**. In summary the capital set up costs which include the provision of signs and line markings and a procurement of the ICT system are £500k and the project resource costs total £200k.
68. The overall estimated preparation cost of £700k can be partly funded by LTP funding of £300k (£100k from 08/09 LTP has already been approved with a further £200k being sought from the 09/10 allocation) leaving a balance of £400k. It is suggested the £400k is prudentially borrowed over 10 years which would require an annual revenue contribution of £49k. Funding for the first 2 years has been earmarked from a previously allocated capital and it is anticipated there will be a net income stream once the project is fully established from additional parking fines.
69. Although this income stream is an unknown quantity and will need to absorb additional revenue expenditure including employee costs, software licensing and legal costs it is anticipated the net income from additional fines would cover the prudential borrowing costs for the following 8 years.
70. Members are requested to approve prudential borrowing of £400k and the LTP contribution of £200k from 2009/10 allocation, release the funding for the capital scheme and authorise spend on any necessary set-up costs associated with the preparatory and business transformation work to operate CPE.

Milestones

Timetable	Activity
Jan to May 2009	Preparatory work and business transformation work in readiness for CPE live date of November 2009. Consultation will need to be programmed between January and May. The DfT recommend a 12 week consultation period.
June 2009	Cabinet Report outlining progress on preparatory, business transformation work and the draft application. Consider submitting the Formal Application. Ensure the appropriate resolution to include within a Formal application is obtained. <i>(DfT insist this must be submitted a minimum 20 weeks before the proposed commencement date)</i>
June to November 2009	Continue implementing business transformation requirements.
September 2009	Submit Statement of TRO and signs and lines compliance. <i>(This must be complete 6 weeks before the Commencement Date).</i>

Timetable	Activity
November 2009	This is the earliest possible commencement date for CPE. The DfT control this date. The DfT must prepare an order to be laid before Parliament and independent consultation is undertaken based upon the application we submit. Early discussions with DfT indicate that they will not provide any provisional dates until substantial feasibility work has been undertaken. The DfT are currently re-drafting the application criteria (that they published in March 2008) and we expect this to be released by January 2009.

Outcome of Consultation

71. As part of the preparatory work a comprehensive consultation and communication strategy will be delivered.

Fundamentals of CPE

The regulations made under Part 6 of the Traffic Management Act 2004 enable the Council, once they have been given the relevant power by the Secretary of State, to enforce parking contraventions within a particular geographical area.

Enforcement primarily becomes the responsibility of the Council but the Police remain responsible for endorseable offences such as dangerous parking, obstruction, failure to comply with Police 'no parking' signs placed in emergencies, and any vehicle where security or other traffic policing issues are involved, including the need to close roads or set up diversions. Stopping offences at pedestrian crossings or zigzag lines may be enforced by the Police or the Council, but Police action takes precedence.

Civil Enforcement Officers (CEOs) employed directly or indirectly by the Council place Penalty Charge Notices (PCNs) on vehicles contravening parking restrictions and, when appropriately trained and entitled, can authorise the immobilisation or removal of vehicles.

If the penalty charge remains unpaid after the relevant time and processes, it becomes a civil debt due to the Council and enforceable through a streamlined version of the normal civil debt recovery process in the county court. The Council will need to enter into Service Level Agreements with the Traffic Enforcement Centre which is the bulk processing County Court for all traffic offences. Debt Recovery Agents (bailiffs) are employed by the Council to recover the debt, with their fees being added to what is owed by the motorist.

A motorist wishing to contest liability for a penalty charge may make informal representations to the Council and, if these are rejected, there are grounds to make formal representations to the Council. If these are rejected the motorist may have grounds to appeal to an independent adjudicator. The Council will have to join the Tribunal Service, which is based in Manchester but adjudicators hold local hearings.

The adjudicator's decision may be reconsidered by another adjudicator but there is no right of further appeal through the courts except to the High Court on an application for Judicial Review of the adjudicator's decision. The adjudicator may refer any case back to the Chief Executive.

The Council keeps any proceeds from penalty charges, which finance the enforcement and adjudication systems. The Council must only use any financial surpluses from on-street parking charges and on and off street penalty charges for the purposes set out in section 55 (as amended) of the Road Traffic Regulation Act and authorities need to keep separate accounts of PCN income from on-street enforcement and from off-street enforcement.

Outside the areas where the Council is responsible for civil parking enforcement all parking offences will remain subject to the criminal law.

The main advantages of civil parking enforcement are:

1. the Council can ensure that their parking policies are implemented effectively, with improved traffic flow, better management of overall traffic levels, fewer accidents, a fairer distribution of available parking places and a more pleasant environment;
2. integration of enforcement and parking policy responsibilities should provide better monitoring of the effectiveness and value of parking controls, so that parking provision becomes more responsive to the public's needs; and
3. the Council may use any revenue from parking charges and penalty charges to fund enforcement activities. They can use any surpluses to improve off street parking, or, where this is unnecessary or undesirable, for certain other transport-related purposes and environmental schemes.

Other Information

In recent years Parking Enforcement has been subject to significant criticism which has led to a number of high profile reviews and significant changes to the approach have been taken.

The main findings and procedural changes are summarised below:

- Civil Parking Enforcement is the new terminology for what was once called Decriminalised Parking Enforcement.
- Parking Attendants are re-branded Civil Enforcement Officers.
- A two tier system for parking penalties is introduced depending on the seriousness of the contravention.
- Power to serve PCNs by post if CEO has started to issue it but motorist leaves with the vehicle before it can be served.
- Enforcement cameras ('approved devices') to be certified by the Secretary of State.
- 21 day discount for PCNs sent by post with evidence from an approved device.
- Authorities must not immobilise within 30 minutes of the issue of a PCN in a parking place, with the exception of persistent evaders who may be clamped after 15 minutes of the issue of the PCN.
- Authorities must consider informal representations.
- Procedures to reissue Notices if payments cancelled after payment.
- Authorities must decide representations within 56 days.
- Adjudicators have the power to decide cases where procedural irregularity has taken place (for example, where a Charge Certificate has been issued before an appeal has been decided).
- Adjudicators have the power to refer back to the authority for reconsideration cases where a contravention took place but in mitigating circumstances.

- New powers and duties for authorities outside London currently only held by those in London enable them to:
 - send PCNs by post with camera evidence;
 - send PCNs by post when prevented from serving by violence;
 - enforce dropped footways in an SEA;
 - enforce double parking in an SEA; and
 - place a six month time limit on authorities serving a Notice to Owner.
- Authorities no longer need to demonstrate to the Secretary of State that parking enforcement would be self-funding.
- Authorities should publish parking policies.
- In situations where a contravention has occurred, but in mitigating circumstances, authorities should make and publish guidelines on their use of discretion which should be applied flexibly.
- Stronger emphasis on staff training.
- Authorities are encouraged to use photographic evidence obtained by CEOs as additional evidence that the contravention has occurred.
- Discouragement to immobilise vehicles except those of persistent evaders.
- Where a vehicle is parked in contravention and in an obstructive manner the vehicle should be removed rather than immobilised.
- Where an informal challenge made against a PCN within the 14 day 50 percent discount period is rejected, authorities encouraged to re-offer discount.
- Authorities should review their parking policies on a regular basis in consultation with local stakeholders and, once finalised, these should be made publicly available in an annual report.
- Authorities should publish certain items of financial and statistical information.
- More emphasis on monitoring.

Finance Plan

Civil Parking Enforcement Project
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Capital Set-up Costs	£000
Signs / Lines	150
Traffic Regulation Orders / Legal costs	50
Pay and display signs and premises costs	15
IT - Software	70
IT - Hardware	70
Vehicles	10
Recruitment and Training	15
H&S, equipment and stationery	13
Publicity and engagement	25
Contingency and risk @20%	82
SUB TOTAL	500

Project Resources Costs	£000
Project Management and support	60
Traffic Management	40
Legal	40
Parking	40
Consultation and Engagement	20
SUB TOTAL	200
TOTAL	700