
CIVIL PARKING ENFORCEMENT

Responsible Cabinet Member - Councillor David Lyonette, Transport Portfolio

Responsible Directors - Cliff Brown Director of Community Services

Paul Wildsmith Director of Corporate Services

Richard Alty Assistant Chief Executive (Regeneration)

SUMMARY REPORT

Purpose of the Report

1. The purpose of the report is to provide an update on preparatory work and seek authority to submit a formal application to the Secretary of State for the powers to enforce parking under the Traffic Management Act.

Summary

2. At the 6 January 2009 meeting of Cabinet, detailed information was presented relating to legislation and anticipated benefits of introducing Civil Parking Enforcement (CPE).
3. This report provides an update on the timetable for implementation, preparation work and seeks approval to make an application for the powers to the Secretary of State.

Recommendations

4. Members are requested to:
 - (a) Approve the submission of a formal application to the Secretary of State substantially in the terms set out in **Appendix 1** to this report to introduce Civil Parking Enforcement and Bus lane Enforcement throughout the administrative area of the Council.
 - (b) Authorise the:
 - (i) Assistant Chief Executive (Regeneration) to agree the final version of the Parking Strategy in consultation with the Cabinet Member with the Transport Portfolio.

(ii) Director of Corporate Services to:

- agree the final versions of the Application and business case, Civil Parking Enforcement Procedures, The Exemptions, Waivers and Dispensations Policy and Parking Representation Policy in consultation with the Cabinet Member with the Transport Portfolio.
- complete all relevant order notices and revocations where such powers are not delegated to officers under the Council's Scheme of Delegation.

Reasons

5. 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 Traffic Management Act (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

Paul Wildsmith
Director of Corporate Services

Richard Alty,
Assistant Chief Executive (Regeneration)

Background Papers

- (i) Department for Transport: Operational Guidance to Local Authorities: Parking Policy and Enforcement: Traffic Management Act 2004: published March 2008.
- (ii) Civil Parking Enforcement Report to Cabinet 6 January 2009.
- (iii) Yellow Lining in the Town Centre report to Economy and Environment Scrutiny Committee 23 April 2009.

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cc

S17 Crime and Disorder	<p>The transfer of powers from the Police to the Council will release Police resources to focus on other priorities of crime and disorder.</p> <p>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.</p>
Health and Well Being	<p>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.</p> <p>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.</p>
Sustainability	CPE aims to reduce the environmental impact of congestion.
Diversity	An Equalities Impact Assessment is being developed 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.
Key Decision	Yes
Urgent Decision	This is not considered to be an urgent decision.
One Darlington: Perfectly Placed	<p>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.</p>
Efficiency	<p>Most of the benefits arising from the scheme are realised post commencement date.</p> <p>The project will explore efficiencies associated with:-</p> <ul style="list-style-type: none"> • Business Process Re-Engineering. • Efficiencies through Technology. • Efficiencies in patrolling.

MAIN REPORT

Information and Analysis

6. At its meeting of 6 January 2009 Cabinet were presented with detailed information relating to legislation and anticipated benefits of introducing CPE.
7. Members approved the principle of introducing CPE and agreed that officers should take all preparatory steps necessary to introduce Civil Parking Enforcement.

The Timetable

8. In March 2008 the Department for Transport (DfT) published guidance detailing what the Council must demonstrate as part of an application for Civil Parking Enforcement.
9. Following the drafting of the 6 January Cabinet report the Department of Transport issued a draft revised section of guidance, which related to the application process. Clarification has recently been received from the DfT on this revised guidance. This has implications on the proposed milestones and the commencement date reported to Cabinet in January 2009.
10. Prior to the revised guidance the DfT insisted on a 20 week period from receiving the application to the commencement date. They now insist on a minimum 20 week period from the point that the application has been approved. In effect a vetting period has been introduced by the DfT, which is not defined in length and impacts on when the 20 week period is started. The DfT will not agree a commencement date until they approve the application.
11. Members will recall that the anticipated start date of the project was November 2009. The revised guidance has resulted in a potential delayed introduction. Until the DfT receive our application it is not possible to fix a commencement date but efforts remain focussed for an introduction as soon as practicably possible and the Council's milestones have not changed in relation to the submission of the application.

Update on Preparation Work

12. Considerable preparation work has been undertaken and an update is included below:
13. ***The Application:*** An application has been drafted that includes the decisions resolved at the Cabinet of 6 January 2009. An extract from the resolutions made at the 6 January 2009 meeting of Cabinet are included at **Appendix 1** along with the latest draft application.
14. ***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.
15. The review has identified that parking queries are generally multi-faceted with input required from a number of services, whether it be policy related, day to day management of the highway or from an enforcement and processing perspective.
16. The review will be taken forward as part of the efficiency agenda with the aim of improved customer focus, reducing the points of contact for queries and ensuring a consistent service to the customer. There will also be benefits from improved alignment of existing functions

within the appropriate service areas. The improvements will be bolstered by the introduction of improved web provision and ICT developments in the ticket processing and parking permit service areas.

17. ***Ticket Processing and Enforcement:*** Significant development work has taken place in developing new systems in preparation for operating under the requirements of the Traffic Management Act:
 - (a) Ticket processing documentation has been designed and is being quality assured.
 - (b) Developments to the ICT infrastructure are being progressed.
 - (c) Training packages and reviews of operational arrangements are being developed.
 - (d) Electronic links to the DVLA have been secured and introduced.
 - (e) The Traffic Penalty Tribunal has confirmed that the Council will be able to join their service for the provision of independent adjudication of parking appeals.
 - (f) The Traffic Enforcement Centre (TEC) have conformed that the Council will be able to access their service for the bulk process all traffic related debt registration at the County Court in Northampton.
18. ***Consultation & Communication:*** A comprehensive consultation was held between February and May 2009, the outcome of which is detailed later in this report.
19. The Consultation Strategy was the first round of communication to explain why the Council is proposing to introduce CPE. Increased activity will be programmed towards the transfer of powers and afterwards. It is essential that communications are maintained when the Council is enforcing.
20. ***Parking Strategy & Civil Enforcement Procedures:*** Both of these documents were the subject of the consultation exercise detailed in this report. The consultation closed on 7 May 2009 and analysis of the consultation is being undertaken to examine whether any issues raised can be incorporated into the strategies. The consultation also asked for views on how we should develop our exemptions, waivers and dispensations policies. It is not anticipated that these documents will require major changes. However, views from the consultation need to be taken into account when finalising the documents. The Parking representation policy will be developed from the finalised documents.
21. As detailed earlier in the report the timescales for introducing CPE are dependant on the ability to submit a formal application to the DFT in June 2009. To ensure we progress this project as close to the original milestones as we can it is recommended that the Assistant Chief Executive (Regeneration) and the Director of Corporate Services agree the final versions of the Parking Strategy, Civil Parking Enforcement Procedures, Exemptions, waivers and dispensations policies and Parking representation policies in consultation with the Cabinet Member with the Transport Portfolio.

22. **Traffic Regulation Order Review:** On street surveys are virtually complete and packages of work to refresh lining and signing are commencing. The process of consolidating the existing orders is also well advanced. Progress was reported to the Economy and Environment Scrutiny committee on 23 April 2009 under a report titled yellow lining in the town centre.

Financial Implications

23. The delivery of the project is progressing within the agreed budget and feasibility work has been developed looking at potential increases in revenue costs against the potential increased income from additional charge notices.
24. This financial model is being developed as work is finalised on the parking management review. However, at this stage it is intended that the operation of CPE will be cost neutral.
25. A summary of assumptions on income levels and increased costs are included at **Appendix 2.**
26. Significant elements of preparatory work are anticipated to be completed during May and early June to refine the application and business case. To ensure we progress this project as close to the original milestones as possible and submit the application in June 2009 it is recommended that approval be given for the Director of Corporate Services to agree the final versions of the application and business case to be submitted to the Secretary of State in consultation with the Cabinet Member with the Transport Portfolio.

Outcome of Consultation

27. A comprehensive consultation exercise has been undertaken between February 2009 and May 2009 with the aim of:
- (a) promoting a wider understanding on why the Council are introducing Civil Parking Enforcement (CPE) and the benefits that it will bring;
 - (b) obtaining the necessary information from statutory consultees to include within the application;
 - (c) seeking views on the Darlington Parking Strategy; and
 - (d) advising on how the Council intend to operate CPE and invite comment to help develop and inform Civil Parking Enforcement Procedures.
28. Details of whom and how we consulted and the responses we received are included at **Appendix 3.** The comments received will be used to inform the final versions of the Parking Strategy, Civil Enforcement Procedures and our application to the Secretary of State.
29. Feedback will be provided in an article in the August Town Crier and via the website.

Extract from Resolution from 6 January 2009 Cabinet meeting.

RESOLVED –

- (a) That the principle of introducing Civil Parking Enforcement, be approved, and officers be authorised to take all preparatory steps necessary to introduce Civil Parking Enforcement.
- (b) That the application be prepared on the basis that:
 - (i) the Borough be designated as a Civil Enforcement Area (CEA) and a Special Enforcement Area (SEA); and
 - (ii) the application includes all the powers available under the Traffic Management Act, including immobilisation and removal of vehicles and moving traffic conventions.
- (c) That immobilisation and removal of vehicles be not part of the initial implementation.
- (d) That moving traffic contraventions be considered at a later date.
- (e) That the trunk roads that run through the Borough, namely the A1 (M) and the A66, be the only roads excluded from the scheme.
- (f) That all off street car parks owned by the Council within the proposed Civil Enforcement Area/Special Enforcement Area be included within the draft application.
- (g) That the higher Band 2 Level Penalty Charge Notices (PCN) be used for feasibility and the application.



DRAFT

Application for Civil Parking Enforcement, Bus Lane & Moving Traffic Contraventions

June 2009

Abbreviations

DVLA	Driver & Vehicle Licensing Agency
ECN	Excess Charge Notice
GUIDANCE	Operational Guidance to Local Authorities: Parking Policy and Enforcement Traffic Management Act 2004 – March 2008.
HHC	Handheld Computer
TPT	Traffic Penalty Tribunal (formerly National Parking Adjudication Service (NPAS))
NTO	Notice to Owner
PCN	Penalty Charge Notice
PPA	Permitted Parking Area
TMA	Traffic Management Act 2004
RTA 1991	Road Traffic Act 1991
RTRA 1984	Road Traffic Regulation Act 1984
CEA	Civil Enforcement Area
SEA	Special Enforcement Area
TEC	Traffic Enforcement Centre
TRO	Traffic Regulation Order

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State the Authority applying for CPE powers

This is a formal application by Darlington Borough Council for Civil Parking Enforcement powers (CPE) under the provisions of Part 6 of the Traffic Management Act 2004.

The Council is applying for powers to enforce parking and moving traffic contraventions and is requesting that the whole Borough be designated a Civil Enforcement Area (CEA) and a Special Enforcement Area (SEA) under Schedule 10 paragraph 3(1)-(4) of the TMA as per section 12.5 of the Guidance.

This document is also the Council's application for bus lane enforcement powers under the provisions of the Transport Act 2000.

State here whether the Council intends to use these powers from the outset of civil enforcement coming into effect.

It is understood from the Guidance that the Department expects the Council to apply for powers to:-

1. Enforce bus lanes and moving traffic offences
2. Immobilise and Remove vehicles

This application does apply for these powers. However, The Council intends to undertake feasibility and consultation in relation to the introduction of Bus Lane and moving Traffic contravention enforcement before it is introduced. It does not intend to introduce these powers from the outset of civil enforcement coming into effect. The Council will undertake further consultation and formal agreement from Durham Constabulary and the Department for Transport before introduction.

Similarly, the Council does not intend to introduce powers of immobilisation and removal from the outset of civil enforcement coming into effect. The Council will only consider using the powers for situations such as persistent evaders and situations that necessitate removal to enable the free flow of traffic in line with section 12.3 of the Guidance. The Council will undertake further consultation and formal agreement from Durham Constabulary and the Department for Transport before introduction.

Proposed commencement date

The proposed commencement date for introduction of CPE is to be agreed with the Department for Transport upon assessment of this application as per the revised draft guidance issued in December 2008.

Definition of CEA/SEA and excluded roads

In consultation with the Highways Agency the Trunk Roads within the Borough Boundary will be excluded from the application. These will remain the responsibility of the Highways Agency. These roads are high speed carriageways and better managed and enforced by the Police, Highways Agency and/or their Traffic Officers.

The CEA and SEA will include all streets/roads in the Borough of Darlington except:-

The A1(M) within the Borough of Darlington from the boundary of County Durham to the boundary with North Yorkshire.

The A66(T) within the Borough of Darlington from the boundary of Stockton-on - Tees to the boundary with North Yorkshire.

The CEA and SEA will not include any of the slip roads or circulatory carriageways at the following junctions:-

A1(M)

Junction 58 – Burtree interchange

A66 (T)

Sadberge Interchange.

Little Burdon Roundabout.

Darlington Eastern Transport Corridor Roundabout.

Morton Palms Roundabout.

Blackwell Roundabout (junction with the A67/A167)

Confirmation required that all off-street car parks owned by the district(s)/ borough(s) council(s) are included within the proposed CEA/SEA.

The Council can confirm that all off street car parks owned by Darlington Borough Council are included within the proposed CEA/SEA.

If military roads are not defined within the excluded routes the Department requires confirmation that this is the case.

No Military roads are contained in the CEA/SEA

A map of the proposed CEA / SEA and all of the excluded roads is included at **Appendix A.**

TRO confirmation

The Council is undertaking a formal review of the Traffic Regulation Orders (TROs), traffic signs and road markings within the council's entire proposed Civil Enforcement Area/Special Enforcement Area (CEA/SEA).

Legal modifications and work packages are being issued to rectify any highlighted deficiencies.

The completion of this review will be confirmed by a Senior Council Official at least six weeks prior to the proposed commencement date in accordance with the Guidance.

Alteration of equipment

The Council will ensure that all pay-and-display equipment, including all parking meters, are altered to use the term 'penalty' instead of 'initial' or 'excess' no later than six months after the introduction of CPE.

Parking management strategies and policies

Provide a summary of the Council's parking management strategy as set out in the Council's LTP.

The Parking Strategy for Darlington sets out a management framework up until 2021, along with details of how it should be implemented. It is intended to replace the "Car Parking Strategy for Darlington October 2002" and updates that document in view of local needs that have arisen since then and changes introduced by national policy including the Traffic Management Act 2004.

The Strategy draws together a broad range of issues including supply and demand for parking, pricing, safety and security and quality of provision. It also provides a key link between parking and land use planning and the delivery of the Transport Strategy. It includes parking in off street car parks, on street parking (both free and charged for), parking restrictions and their enforcement, and parking associated with new developments.

The purpose of this Parking Strategy is to provide a balanced package of measures to achieve the following:

- **Support the local economy** – through the provision of appropriate parking for retailing, business, tourism and leisure – in the town centre, local centres and on development sites throughout the Borough.
- **Reduce congestion** on Darlington's roads by keeping them free of obstruction caused by inappropriate parking, in line with the Network Management Duty.
- Provide strong encouragement to people to **change their travel behaviour** by improving sustainable travel choices and influencing the level of travel by car for short 'in town' journeys.
- **Improve accessibility** for all through the provision of appropriate parking facilities and rigorous enforcement.
- **Effectively manage** the car park asset, through a programme of maintenance and improvements.
- Underpin the **introduction of Civil Parking Enforcement**.

The Strategy has, in conjunction with the proposed Civil Parking Enforcement Procedures, been the subject of an extensive public consultation exercise which was concluded on the 7 May 2009.

Parking management review

Outline the scope of the parking management review that has taken place as a result of current enforcement problems and the impending introduction of CPE.

Policy document – strategy and procedures
To be finalised

Civil Parking Enforcement

Explain the current level of parking provision in place for both on and off-street.

There are currently 3694 publicly-available car parking spaces in and around the town centre. Some of these spaces lie outside the ring road. However, only around 1685 spaces are within the ring road and these are short stay spaces. Under the Government's maximum parking standards set out in PPG 13 (Annex D) Darlington's retail floorspace would justify up to 5,800 parking spaces to support the retail floorspace alone, with further spaces for the various employment, leisure and other uses.

However, Darlington's Parking Strategy does not aim to increase the overall level of parking provision in the town centre, acknowledging its good accessibility by means of transport other than the car and the constraints of the physical fabric and road capacity, but instead to make qualitative improvements and carry out geographic redistribution to increase the number of spaces which will be useful and attractive to shoppers and other short stay visitors. These are the kind of spaces that will most assist the economy of the town centre and allow it to compete effectively with other centres. A greater emphasis on provision within multi storey car parks, integrated where possible with other uses, will ensure optimum use of town centre land and enable the release of a number of existing surface car parks for development which will benefit the centre in other ways. The result will be a smaller number of larger, better-located, purpose-designed car parks meeting high modern standards and better serving the needs of the town centre, its businesses and its customers.

The overall maximum utilisation of all short stay town centre car parks is around 67% which means that there are normally around 800 empty off-street short stay spaces available. The figures for Saturdays in all short stay car parks shows an overall maximum utilisation of around 89% which means around 250 empty spaces are available even at peak times on most Saturdays.

There are some 828 long stay parking spaces in 10 car parks all of which are owned and operated by the Borough Council. These car parks are located outside of the Inner Ring Road to the north and east of the town centre. They specifically provide for the needs of commuters and other motorists who wish to visit the town for longer periods.

In the year August 2007 to August 2008 the overall maximum utilisation of the long stay car parks was 44% on weekdays and 43% on Saturdays which means that there are normally around 460 empty spaces available at peak times on most days.

The enforcement picture after the introduction of CPE

Explain why the introduction of CPE will help to improve parking management within the Council's administrative area. Include a paragraph here outlining the projected levels of parking provision both on and off-street in the five year period that will follow the introduction of CPE.

To be finalised

Financial assessment

Provide confirmation here that the Council has considered the financial implication of CPE.

A full financial assessment should be included at Appendix B and this should incorporate an assessment of income and expenditure during the first five years of CPE. Any significant changes in financial performance expected in the following years should also be noted.

To be finalised

Documentation

Explain here who will be responsible for providing and designing the necessary documentation (i.e. forms, notices, letters, PCNs, NtOs and Charge Certificates).

Darlington Borough Council will be responsible for providing the documentation and have designed the necessary documentation taking into account the requirements of the TMA, Guidance and all other relevant legislation.

The work undertaken by the "Independent Committee on the Review of Parking Documentation and Notices in relation to the Traffic Management Act 2004" has also been used as a basis for our design. This Committee was chaired by Stephen Sauvain Q.C and consisted a group of experts in this field.

Quality assurance has been undertaken by both the Council's Legal Services Department and independent specialist Counsel.

Notice processing

Who will be responsible for processing the notices?

Darlington Borough Council will be responsible for processing the notices.

Contravention codes

Which version will be implemented?

The Council will employ the standard contravention code list issued by the London Councils as set out in the DfT Operational Guidance to Local Authorities : Parking Policy and Enforcement March 2008, and Guidelines on Levels of Charges Order 2007 (SI 2007 No. 3487)

PCN numbering system

Confirm the PCN numbering system

A ten digit system will be used.

The Traffic Enforcement Centre has been contacted and they have allocated a prefix DK to Penalty Charge Notices issued in Darlington. These will be the first two alphabetic characters of the numbering system.

The following 7 (Seven) numeric characters will be allocated an individual number.

The final character will be an alpha-numeric check digit that will be calculated by the Ticket Processing System based on the recommended algorithm.

Civil Enforcement Officers

Explain how many CEOs will be required and how they will be deployed on and off-street.

To be finalised

There are a number of pieces of work ongoing at the moment to plan the enforcement activity.

This consultation will inform us of where people consider enforcement is needed.

We are undertaking also finalizing a comprehensive review of the location of all parking regulations, the days of the week they operate and the times of day.

Whilst some parking regulations operate 24 hours a day, seven days a week a significant majority do not and this analysis will help us determine the levels of enforcement we need at certain times of the day and where they are needed. For example, Resident Parking and Pay and Display only operate Monday to Saturday from 8am to 6pm.

Training

Include a section here detailing the extent of the training that will be provided for existing and newly recruited Civil Enforcement Officers.

All Civil Parking Enforcement officers and members of the processing team will receive accredited training from recognised training supplier. Elements of on-street supervision will be built into the programme.

The Council participates in the Investors in People scheme, which includes an annual Performance Development Review where, both career and personal development needs are assessed and the present level of competency is reviewed. An interim review is undertaken midway through the year to monitor progress and objectives.

Uniforms

Describe what type of uniform will be worn by CEOs, how will CEOs be identified from other CEOs and confirm whether they will be carrying or wearing an ID.

When exercising prescribed functions identified in Section 78(2)(a) and (b) and section 79 of the TMA and Section 99 of the RTRA 1984 the Civil Enforcement Officer must in accordance with section 76(3)(a) wear a uniform.

The uniform will be readily distinguishable from those worn by the Police and PCSO's and clearly show:

- That the wearer is engaged in Parking Enforcement.
- The name of Darlington Borough Council.
- A personal Identity Number.

The Civil Enforcement Officer will carry a photo identity card showing the personal identity number and that the CEO is a Darlington Borough Council Employee. The card will not contain the name of the employee as recommended in the Guidance.

The above identifying features will be on display at all times. Headgear will be part of the uniform and the CEO will be responsible for wearing at all reasonable times, but this maybe relaxed in certain circumstances. The required features of identification on the uniform will be visible on other parts of the uniform to ensure a PCN is valid even if issued by a CEO not wearing headgear.

Equipment

Describe the equipment that CEOs will be provided with for the purposes of communication.

A radio communication system is in place for the Civil Enforcement officers.

The new Handheld computer system will have communication facilities and lone worker systems are being considered as part of the procurement.

PCNs - Penalty Charge levels

Include a description of the Penalty Charge levels that will be used from the outset of the Council's CPE scheme. This should include the penalty charge level that is applicable at all of the stages after the PCN is first issued, and whether any variable charge levels will apply.

The Penalty Charge level has been set to align with neighbouring and local authorities in the region. The charge will be set at £50 for lower level contraventions and £70 for higher level contraventions. This is in line with those specified by the Secretary of State and will be advertised in local press before enforcement commences.

A discount of 50% will be received if the PCN is paid within 14 days of service of the PCN.

If the penalty is unpaid and no successful representation or appeal is made within the framework and timescales of the statutory process, the penalty charge will be increased by 50% and a Charge Notice being served.

Payment methods

Include a bullet point section here detailing the range of payment facilities that will be available to customers.

To be inserted following completion of Management Review and ICT procurement

Exemptions and dispensation notices

What type of vehicles or group of individuals will be eligible for exemptions? Include descriptions here of how the system of exemptions/dispensation notices will work in practice for each vehicle type/group of individuals.

To be finalised

Pavement parking

What plans, if any, does the Council have to enforce pavement parking contravention.

The Council does not propose to enforce pavement parking on a Borough wide basis as the practicalities of processing the orders and introducing the required signs on every footway are not feasible.

Careful consideration needs to be given as to where Traffic Regulation Orders are introduced to prohibit footway parking. The introduction of such an order may not be the best solution and could create further parking and traffic problems in the street or simply displace the problem.

It is proposed that locations will be considered on an individual basis after the agreed commencement date.

Dropped-kerb parking

Explain the Council's plans to enforce parking contraventions at dropped kerbs (if any).

The Council is developing a policy on the basis that a contravention will be issued:-

- Where the dropped crossing is clearly for pedestrian crossing purposes.
- Where the vehicular access has been identified by a white bar marking across the length. The provision of the marking is either at the request of the property owner or deemed necessary by the Council.
- Where a resident has contacted the council and advised that their driveway is being obstructed. Where this is the case consideration should be given to providing a white bar marking.

Notes:-

Residents who request protection markings should be aware that they also may be liable to the issue of a contravention notice.

A carefully considered policy is needed as in some streets with capacity issues parking on the highway in front of the drive crossing can improve the capacity of the street.

To be fully developed and agreed

Double parking

Explain the Council's plans to enforce parking contraventions more than 50 cm from the kerb (if any).

There may be specific locations within the Borough where this contravention maybe enforced. The following circumstances are being considered as possible criteria:-

- Vehicles double parking to make deliveries impeding the free flow of traffic causing congestion.
- Narrow streets where parking more than 50cm away from the kerb can impede the free flow of traffic.
- Parking more than 50cm away from the kerb where this is considered to be a road safety concern or cause an obstruction to traffic flow.

To be fully developed and approval sought

Vehicle immobilisation and removals

Explain the Council's policy on the practice of vehicle immobilisation as a measure for enforcing parking contraventions and at what stage is the Council intending to implement immobilisation. State whether the Council will comply with TMA regulations and guidelines.

The Council does not intend to introduce powers of immobilisation from the outset of civil enforcement coming into effect. The Council will only consider using the powers for situations such as persistent evaders in line with section 12.3 of the Guidance. The Council will undertake further consultation and formal agreement from Durham Constabulary and the Department for Transport before introduction.

Explain whether the Council intends to use vehicle removal as an enforcement measure from the outset of the introduction of CPE. Also state whether the Council will comply with current TMA regulations and guidance accordingly.

The Council does not intend to introduce powers of removal from the outset of civil enforcement coming into effect. The Council will only consider using the powers for situations that necessitate removal to enable the free flow of traffic in line with section 12.3 of the Guidance. The Council will undertake further consultation and formal agreement from Durham Constabulary and the Department for Transport before introduction.

Representations and appeals

Informal representations

Council are now obliged to consider informal representations and should set out how they propose to deal with them, including the processes associated with this form of appeal.

Informal representation will be dealt with in house by the Council's Parking & Licensing Manager, with advice from the Legal Services Department where necessary.

The Parking & Licensing Manager or their direct line management will be the authorised officers with power to set aside Notices. The Scheme of Delegation will be amended to reflect this policy.

Formal representations

Detail the format in which formal representations will be accepted and handled (i.e. whether representations will be dealt with by post/and or electronically).

Formal representations will be dealt with both by post or electronically, or in person, particularly where the vehicle owner may have communication difficulties.

The Council will work with TPT to set up a formal appeal process through TPT to enable appeals 'on line'

Adjudications

Confirm whether the Council has joined the Traffic Penalty Tribunal (TPT) and applied for the necessary powers to undertake adjudications.

Confirm the venue/venues that will be used for carrying out adjudication services and provide evidence that TPT have approved the venue.

The Council have corresponded with the Traffic Penalty Tribunal (TPT)

A memorandum of participation is to be provided.

Discussions are underway to agree a venue

PCN recovery

Provide evidence that the Council has liaised with both the Driver Vehicle and Licensing Agency (DVLA) and the Traffic Enforcement Centre (TEC), and append consultation responses confirming that both agencies are content with the Council's arrangements for the requesting of information on registered vehicle keepers and for requesting the registration of charge certificates and the granting of authority to prepare warrants of execution.

The Council have corresponded with both the DVLA and TEC. Copies of the correspondence are included at **Appendix C**

Publicity

Describe in bullet form the different elements that will be included within the publicity programme for the implementation of CPE. When will the publicity be conducted and for what length of period.

The comprehensive consultation exercise undertaken between February 2009 and May 2009 (Appendix C) was the first stage of the publicity campaign for the implementation of Civil Parking Enforcement.

Feedback on the results of the consultation are to be provided via the Website and an Article in the August Town Crier, which is free council publication delivered to every household and business in the Borough.

When a commencement date is set a programme of publicity with ramped intensity will be initiated approximately 6 weeks prior to the commencement date. This will include:-

- Press Releases.
- Town Crier Articles.
- Leaflets.
- Posters.
- Warning signs and notices advising of the transfer of power and change in the system.
- Presentations at meetings.

The Publicity will continue after the commencement date to ensure motorists are aware of the new system and how they can deal with PCNs that they may receive.

Consultation

List all the consultees with regard to the introduction of CPE Powers.

The following **MUST** be consulted:

Neighbouring local authorities

Police

Highways Agency DVLA and TEC Government Office

Traffic Penalty Tribunal (TPT)

A copy of the consultation material and replies is included at **Appendix C**

Statistics collection

The Council must confirm that it will report annually to the Secretary of State on the financial results of civil parking enforcement, and any action the Council takes in respect of any deficit or surplus on the on-street parking account.

Reporting is an important part of accountability. Monitoring is in place and will be reviewed to take into account the new statutory processes. Management information is analysed for performance evaluation to help to identify where improvements are needed.

An annual Parking Report will be produced that will contain both Financial and Statistical information as recommended by the Guidance.

An annual return will also be made to Government on Enforcement action.

Legal documentation

The Council must supply evidence of its current legal name(s) along with the legal names of the borough(s)/district(s) where CPE will be introduced.

Darlington Borough Council

A copy extract from the appropriate legal instrument or resolution that grants the Council its name in law is included at **Appendix D**.

Appendix A – Map

Attach a detailed map of the entire area covered by the CEA/SEA here, including a list of all the excluded roads.

To be inserted into the final application

Appendix B – Financial assessment

Attach a copy of the Council's full financial assessment here.

To be inserted

Appendix C – Consultation

Attach copies of consultation documents here. All consultation responses should indicate that the party consulted is content with the Council's application and that any contentious issues have been fully resolved.

Consultation responses from the DVLA, TPT and the TEC should all include details of the arrangements that have been made/need to be made between the Council and the relevant body prior to the introduction of CPE.

A copy of the Consultation report to be attached

Appendix D – Legal name(s)

Confirm the Council's legal name here and include a copy extract from the appropriate legal instrument or resolution that grants the Council its name in law. Where a county council is applying on behalf of one or more borough or district councils, confirm the legal names and include copy extracts from the appropriate legal instruments or resolutions for all of these councils.

To be inserted

Attach a copy of the Council's resolution to take up CPE powers here. Where a county council is applying on behalf of one or more borough or district councils, include copies of the appropriate resolutions for all of the councils.

Resolution from 6 January 2009 Cabinet
and 2 June 2009 Cabinet to be inserted

Financial Implications

Summary of Projected Income Assessments

Approximately 13,000 tickets are issued per year in car parks and areas where DBC are responsible for enforcement on-street.

At present VAT is payable on tickets issued in car parks. Once CPE is introduced VAT is not required on Penalty Charge notices and this will result in approximately £23k additional income based on current levels.

An assessment has been undertaken on historical Police ticket issue levels on the restrictions in Darlington and it is estimated that DBC may issue an additional 2,000 to 3,000 tickets.

Civil Parking Enforcement operates as a two tier fine level and an assumption has been made that 85% will be tickets at the Higher Level and 15% at the Lower Level.

A series of scenarios have been considered based on evidence from other authorities and DfT guidance looking at the proportion of people who will pay at the discounted rate, the full rate and how many will be cancelled.

It is estimated that if 2,000 additional PCNs are issued per year then this may generate approximately £60k. If 3,000 additional PCNs per year are issued then this may generate an additional £88k approximately.

It is recognised that there will be an unquantifiable amount of increased parking revenue as a result of improved compliance with parking regulations.

It is anticipated that increased revenue could be in the region of £83k to £111k.

The projected income levels are based on a series of assumptions and scenarios. Once operational, monitoring will be required to establish how close the projections are to reality.

A five year financial plan is being developed for inclusion in the application.

Projected Increased Costs

Item	Cost	Comment
Processing & Enforcement Staff Costs	To be finalised	There are staff implications are within the enforcement and processing team. Options are being developed. Formal consultation needs to be undertaken with staff regarding the proposals. However, it is intended that the operation starts with minimal increases to staff levels and efficiencies are considered to deliver the additional duties.
Increased Cost On Street Maintenance	15k	Maintenance of signs and lines.
Software support	11k	New ICT system increased support and maintenance costs.
General repairs/ equipment	10k	Increased maintenance and development fund to improve parking services.
DVLA enquiries	2k	Charge per electronic enquiry to bureau.
Debt Reg at TEC	4k	£5 each time - assume 5% - 800 tickets based on 16,000 = £4k
Traffic Penalty Tribunal Charges	9.6k	TPT charge £0.60 for every ticket issued. Assuming 16,000 tickets = £9.6k
Transport cost	2k	One vehicle annual lease costs for transport to Rural and outer fringe areas.
Fuel costs	2.5k	Annual Estimate.
Additional Printing and Stationery	4k	Increased requirement for Pre-printed forms and increased volume
Additional Postages	1k	First class requirement for certain Documents and increased volume
Prudential Borrowing	To be finalised	Funded from Capital for years 1 and 2 of operation. Years 3 to 10 funded from additional revenue. Final draw down dependent on final project costs. Worst case scenario £50k from year 3 to 10.
Legal Services	Reduction in costs	There will be a reduction in Legal Services involvement in the parking service as prosecutions will no longer be taken through court. The parking processing staff will manage adjudications.
Additional Costs	61.1k	Plus staff elements and prudential borrowing to be finalised before the application is submitted in June 2009.