

WYRE FOREST DISTRICT COUNCIL

CABINET
28th JULY 2005

Decriminalisation of On Street Parking

OPEN	
COMMUNITY STRATEGY THEME	A Better Environment
CORPORATE PLAN THEME:	Enabling Community Wellbeing
KEY PRIORITY:	Transport Infrastructure
CABINET MEMBER:	Councillor James Dudley
RESPONSIBLE OFFICER:	Head of Cultural, Leisure and Commercial Services
CONTACT OFFICER:	Andrew Dickens 01562 732900
APPENDICES	Colin Buchanan Wyre Forest DPE Feasibility Study – June 2005 <i>A copy of the Feasibility Study has been placed in Party Group Rooms and a public inspection copy is available on request. (See front cover for details).</i>

1. PURPOSE OF REPORT

- 1.1 To consider the financial and operating options available to the Council in relation to the Decriminalisation of On Street Parking within the Wyre Forest District.

2. RECOMMENDATION

The Cabinet are asked to **DECIDE** that:-

- 2.1 the principle of decriminalisation of on street car parking within the Wyre Forest District be accepted.
- 2.2 that the Head of Legal & Democratic Services, in consultation with the Head of Cultural, Leisure & Commercial Services, be authorised to negotiate with Worcestershire County Council the necessary revisions to Road Traffic Orders, signage and lining which will enable all the current and new restrictions to be fully enforced.
- 2.4 that the Head of Cultural, Leisure & Commercial Services in consultation with the Head of Financial Services and the Cabinet member for Environment &

Economic Regeneration be authorised to prepare a fully researched and costed option for the implementation of the Decriminalisation of On Street Car Parking, operated by a combined workforce which will enforce the Clean Neighbourhoods & Environment Act, Wyre Forest Car Park Places Order, the Dog Fouling of Land Act and any other relevant legislation in relation to environmental and parking enforcement.

- 2.5 The Council consider a request for the necessary financial resources to be made available when setting the budget for 2006-09.**
- 2.6 That the Environmental & Economic Regeneration Policy and Strategy Panel be asked to review the options prior to the Council considering the budget implementation.**

3. BACKGROUND

- 3.1 West Mercia Police and Worcestershire County Council are encouraging all Districts within Worcestershire to consider the Decriminalisation of On Street Car Parking. Wychavon DC and Worcester City Council have already Decriminalised their off street parking. Enforcement of Traffic Orders in relation to On Street Car Parking is not a key priority for West Mercia Police and this leads to inadequate resources being made available to fully enforce the current Road Traffic Orders and parking provisions, particularly within town centres. Indeed Worcestershire County Council support the transfer in their Local Draft Transport Plan 2005.
- 3.2 In order to progress this request, the Council has engaged consultants to advise on the cost and practicalities of decriminalising On Street Car Parking within Wyre Forest. Colin Buchanan & Partners Ltd were engaged to report on these matters. They compiled that report in June 2005 and a full copy of their report is available on the Council's intranet and website.
- 3.3 The report shows that Wyre Forest has some 522 kilometres of adopted road, of which 81 kilometres are the subject of Road Traffic Orders restricting parking, either by way of double yellow lines with total prohibition, single yellow lines with partial prohibition or limited waiting areas, giving maximum parking and return times.
- 3.4 Information provided by West Mercia Police indicates that there is a high incidence of either the Road Traffic Orders, road marking or signage relating to this provision being inadequate which leads to difficulties with enforcement. These inadequacies would have to be reviewed and rectified prior to decriminalisation being confirmed and transferred to the District Council and the consultants estimate the cost of this rectification work to be approximately £75,000.
- 3.5 The consultants point out the law of diminishing returns that goes with better and increased enforcement. As members will be aware some authorities are currently experiencing a substantial drop in income from Penalty Charge Notices due to increased supervision and surveillance, which inevitably results in greater compliance with Road Traffic Orders and, in some cases, this has led to a significant drop in income to the point where schemes have had to be subsidised by local authorities. This remains a risk for all such schemes.

4. LEGAL PROVISIONS

- 4.1 The Road Traffic Act 1991 permits the decriminalisation of most non endoresable parking offences for specific areas in the UK.
- 4.2 The legislation allows local Highways Authorities to apply to the Secretary to State for Orders decriminalising offences within a specific geographic area. Within Worcestershire, the Highways Authority is Worcestershire County Council and they have been successful in applying for orders within the geographic areas covered by Worcester City Council and Wychavon District Council. The County Council has indicated that they do not wish to be involved with the direct supervision or policing of decriminalised road traffic offences and have therefore requested that the District Councils in each area consider the enforcement of On Street Car Parking, following decriminalisation.
- 4.3 Section 55 of the Road Traffic Act 1984, as amended by the Road Traffic Act 1991, allows Authorities to keep the penalty income arising from any enforcement of decriminalised on street car parking, to be used for adjudication, enforcement and other Road Traffic purposes as set out in the Act, as well as improvements to the public transport network, highway improvements and the enhancement of off street car parking facilities.
- 4.4 Following decriminalisation of on street car parking, the issuing of penalty charge notices, dealing with obstructions, the making of new orders and the policing of parking on street for special events, becomes the responsibility of the Highways Authority, in this case delegated to Wyre Forest District Council. A twenty four hours a day, seven days a week service will be required.
- 4.5 The 1991 Act did not cover all offences e.g. parking within restricted areas, at pedestrian crossings, double parking, parking on footpaths and parking within school clear areas. However under subsequent legislation (The Traffic Management Act 2004) it is possible for the Authority to add in other offences including parking at Taxi stands and near pedestrian crossings. It is important that the appropriate Statutory authorities for these additional offences are identified at an early stage and included in the application to the Secretary of State.
- 4.6 Following decriminalisation, recovery will no longer be via the Criminal courts, Enforcement will be through Civil Recovery Procedures including via certificated bailiffs. The authority must set up an adjudication and appeals service which can either be done at a local level through the appointment of adjudicators, or by engaging national organisations such as the National Parking Adjudication Service which is considered the most cost effective method of dealing with adjudication and appeals against penalty charge notices. The Authority would be required to appoint a Member to sit on the NPAS. A new enforcement regime inevitably attracts a great deal of correspondence and the peak of work is likely to be in the few months after the new operation has started, when the new systems are under their greatest strain and staff are least familiar with how to deal with the workload. Crucial to the new system is a dedicated I.T. System to process the high volume of PCN's issued. The I.T. System would need to deal with inter alia; credit card payments, cheques wrongly completed, bounced cheques, refunds processed, DVLA requests, manual VQ5's received, notice to owners sent, notice to owners returned undelivered, charge certificates sent,

returned and delivered, debt registration sent, returned and delivered, statutory declarations made, bailiff warrants issued, warrants unable to be executed, representations received, meter checks made, TRO/Site visits, suspension details checked, pocket books checked, map checks made, appeals received, appeals refused, appeals not contested, cancellations, etc.

A High degree of automation is essential for efficient enforcement and collections.

5. **STAFFING**

- 5.1 A number of options can be considered for staffing, with the consultants recommending, as a minimum, the merger of on street and off street car parking supervision and enforcement. They considered that to undertake the duties, seven days a week, 24 hours a day, with a visit of 6 times per day to key enforcement areas, such as town centres, and once a day in other areas, six days a week, would require a staffing structure of 16 additional employees which will be in addition to the current Off Street Car Parking Management and Supervision establishment of 6.
- 5.2 In order to mitigate some of the financial risks of implementing decriminalisation and to, more efficiently, use the Patrol Officers engaged, a number of options have been considered.
- 5.3 The options include:-
- (a) Establishing a dedicated team of On Street Parking Supervisors for the decriminalisation of On Street Parking.
 - (b) Merging the workforce for On Street and Off Street car parking provision within the District.
 - (c) Engaging a multi purpose task force who would deal with environmental protection, litter enforcement and on/off street car parking throughout the District.
- 5.4 As part of the option review process that West Mercia Police be requested to transfer the current budget for on street parking enforcement in Wyre Forest to this Council
- 5.5 That further enquiries be made with Worcestershire County Council to establish if there are any cost benefits in transferring any of the current inspection duties from the HPU to the new work force.
- 5.6 The most cost effective option, subject to detailed costings within the service option which meet the Council's key priorities relating to environment and economic regeneration, in particular the targets to keep the environment safe and clean, is considered to be option (c), to engage a multi purpose disciplinary workforce, capable of implementation and issuing of fixed price penalties for on and off street car parking, littering, dog fouling, fly posting, graffiti, sales of cars on the highways and other related environmental protection and enforcement matters.
- 5.5 The Legal Division would be required to provide a case review prior to submission of cases to an Adjudicator, to ensure that the evidence has been properly presented and

the representations are properly considered and addressed, this would have staffing implications.

6. FINANCIAL IMPLICATIONS

- 6.1 The consultants have estimated that the cost of the decriminalisation of On Street Car Parking within the District of Wyre Forest can be made self financing, based on each Car Parking Supervisor or Patrol Officer issuing a minimum of eight Penalty Charge Notices per day worked.
- 6.2 However, the model they have used is so sensitive that, if the number of penalty charge notices reduces to six per day, the scheme would fall into deficit. Examples from other Authorities show that the number of Excess Charge Notices issued per Patrol Officer per day can be as low as 4 and, therefore, this will need careful consideration when establishing the potential costs of the scheme and the detailed service option.
- 6.3 It is proposed that the service option costs be based on the model of an integrated workforce undertaking environmental enforcement and on street and off street car parking enforcement, therefore creating a multi disciplined workforce that will have a wide range of powers to improve the environment, particularly in town centres.

9. LEGAL AND POLICY IMPLICATIONS

- 7.1 The Council has a current commitment to investigate the potential for the decriminalisation of On Street Car Parking and increased environmental enforcement. Therefore the proposals within this report meet current Council policies and expectations.
- 7.2 The Council has the legal power to undertake the work proposed within this report, however, they are reliant on others such as Worcestershire County Council in its Highways Authority role to undertake the application for decriminalisation, as well as establishing a scheme of delegation within the Wyre Forest District Council.

8. PRINTING

- 8.1 PCN processing involves a production of a large volume of formal documents. Model documents are included in LA Circular 195. In some authorities, these are prepared and printed by the internal Print Unit. However, with the advent of cheaper laser printers, many Councils are moving away from pre-printed documents, and are printing the complete form in a single pass on the printer. Another option is to use Printer Mailhouses which will take files electronically and produce documents to an agreed design containing the required information then post them out on the authority's behalf. This type of operation is useful as it removes one significant type of task which is in itself very repetitive. When this is done in batches internally, the inevitable consequence would be peaks of telephone calls a few days after posting the latest batch of formal documents pursuing debt.

9. RISK MANAGEMENT

- 9.1 There are some significant financial risks in undertaking the decriminalisation of On Street Car Parking as, quite clearly, increased enforcement will lead to higher compliance and therefore a reduction in potential offences and income to service the necessary Patrol Officers and admin. support systems.
- 9.2 There are also significant risks relating to public perception and the image of the Council in becoming a direct frontline enforcement service; this can lead to significant public dissatisfaction and press criticism.

9. CONSULTEES

- 9.1 CMT/Cabinet

10. BACKGROUND PAPERS

- 10.1 Colin Buchanan & Partners Ltd, Wyre Forest DPE Feasibility Study – June 2005
- 10.2 Road Traffic Act 1991
- 10.3 Road Traffic Act 1984
- 10.4 WCC LTP2 Draft 2005
- 10.5 Conservative Manifesto 2004!!!

AD/JHL
06 July 2005

**RECOMMENDATIONS FROM ENVIRONMENT AND ECONOMIC
REGENERATION POLICY AND SCRUTINY PANEL**
29TH June 2005

Re: Opportunity Bewdley

Background

Whilst planning their Work Programme for the municipal year 2004-2005 at their first meeting on the 8th September 2004 the Environment and Economic Regeneration Policy and Scrutiny Panel's members identified Opportunity Bewdley as a scrutiny exercise which they wished to undertake.

Accordingly the project was incorporated into the Panel's Work Programme and at its meeting on the 1st December 2004, the Panel agreed to undertake a scoping exercise and appoint a Task and Finish Group to conduct a scrutiny review of the role of Opportunity Bewdley.

On the 9th February 2005 the membership of the Task and Finish Group was altered in line with the Panel Chairman's request and the Panel's approval was given.

The first meeting of the Task and Finish Group took place on the 23rd February 2005 and Members agreed the Terms of Reference of the group, identified site visits, drafted a questionnaire and agreed whom to invite to future meetings.

The site visits were undertaken on the 2nd and 3rd March 2005. On the 9th March 2005 the second meeting of the Task and Finish Group took place and Members reported back on their site visits to St. George's Hall and Shawhedge Road Play area. Members agreed to meet with the Financial Services Manager to discuss the financial profile of Opportunity Bewdley. Councillor Clee attended the meeting to provide members with a positive insight into the work undertaken by Opportunity Bewdley.

On the 16th March 2005 the Policy and Scrutiny Panel met Gail Fenton, Programme Manager for Opportunity Bewdley and she gave a presentation on the work of Opportunity Bewdley. Members also considered a progress Report from the Chairman of the Task and Finish Group of the work that had been undertaken to date. The Chairman of the Task and Finish Group requested an extension to the date by which to finish the scrutiny exercise.

On the 18th March 2005, 3 Members of the Task and Finish Group met with the Financial Services Manager (Audit and Benefits) to discuss the financial profile of Opportunity Bewdley.

On the 24th March 2005 the third meeting of the Task and Finish Group took place. Gail Fenton, Programme Manager - Opportunity Bewdley attended the meeting to respond to members' final queries. Two of the three Members who had attended a meeting with the Financial Services Manager (Audit and Benefits) were present and confirmed that they were confident that Opportunity Bewdley had been audited correctly and that they had no further concerns.

On the 3rd May the Task and Finish Group's draft recommendations were circulated to Members of the Environment and Economic Regeneration Policy and Scrutiny Committee for their consideration prior to them sending their recommendations to Cabinet.

RECOMMENDED to Cabinet:

- (a) The Media and Marketing Officer liaise with the Programme Manager for Opportunity Bewdley to ensure that she is fully aware of NewsWyre deadlines, and to make space for future publications to include updates from Opportunity Bewdley;**
- (b) The Media and Marketing Officer liaise with the Programme Manager for Opportunity Bewdley to suggest other communication channels to promote Opportunity Bewdley, including the Bewdley publication 'The Bridge'; Council and Museum noticeboards;**
- (c) The Economic Development and Tourism Manager work with Opportunity Bewdley to improve partner bodies and others, to enable continued commitment to and management of its activities and expectations;**
- (d) The Economic Development and Tourism Manager liaise with Opportunity Bewdley to ensure that it regularly updates Town, District and County Councils;**
- (e) The relevant Council officers, including the Head of Planning, Health and Environment, Tourism Officer, Streetscene Manager and Museum staff, to continue to support and promote the implementation of the Local Distinctiveness plan;**
- (f) The Economic Development and Tourism Manager monitor progress regarding the potential Load Street redevelopment;**

- (g) The Environment and Economic Regeneration Policy and Scrutiny Panel continue to receive annual accounts of Opportunity Bewdley together with details of the outcome of external audits of the Market Towns Initiative monies;**
- (h) The recommendations number (a) – (d) above are also actioned for the Stourport Forward project;**
- (i) Lessons learned for Stourport Forward would be for the Environment and Economic Regeneration Policy and Scrutiny Panel to receive regular progress reports on the project from the Programme Manager and the appointed Council representative; and**
- (j) A full report on the scrutiny exercise be published on the Council's website.**

