

# Overview and Scrutiny Committee

No Direct Ward Relevance

13th January 2010

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## Report on Implementation of Civil Parking Enforcement (CPE)

### 1. Background

- 1.1 Attention is particularly drawn to the Report of the Task and Finish Group on Civil Parking Enforcement, dated 2nd March 2007.

### 2. Current Situation

- 2.2 The Council formally commenced CPE on 31st March 2009. For the first two weeks, no formal Penalty Charge Notices (PCNs) were issued, these being replaced with 'warning notices', to drivers contravening Traffic Regulation Orders (TROs). This action gave drivers additional warning of CPE, to supplement the advance public and press notices. After this period, Civil Enforcement Officers (CEOs) issued formal PCNs, where applicable.
- 2.3 The formal arrangements, whereby Wychavon District Council (WDC) operate CPE on behalf of this Council, has to date, worked extremely well. In my opinion, it is an excellent example of how a successful partnership arrangement between adjacent Local Authorities can work effectively, to benefit all parties concerned.

### 3. Initial Issues of Concern

- 3.1 TROs are made and implemented by the Highway Authority over a period of many years, with one of the main purposes being, to ensure that highway safety is not compromised by the parking of vehicles at strategic locations on the public highway, such as junctions, narrow carriageways etc.
- 3.2 Unfortunately, since the introduction of CPE, a number of drivers have become suddenly aware that they cannot park their vehicles at locations, where perhaps they have been doing so for some considerable time. This usually results in them receiving a PCN, and in some cases more than one PCN has been issued to the same driver within a short space of time. On the whole however, the majority

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of drivers were quick to grasp the fact that CPE was here to stay. Quite pleasingly, we have received many comments from the general public welcoming the introduction of the Service.

- 3.3 Prior to the introduction of CPE, visitors to the Mosque in Archer Road, were able to park more or less where they liked, despite them contravening TROs. Minimal enforcement was undertaken by the Police and their appointed Traffic Warden, giving the false impression that this was an acceptable practice.
- 3.4 When CPE commenced, the Mosque representatives requested special dispensation, to allow them to continue their 'parking arrangements', on the grounds, that as the Police had turned a 'blind eye', then this Authority should do the same.
- 3.5 To maintain the effectiveness of CPE, we must always ensure that everybody is treated equally. Consequently, a number of meetings have taken place between Members, Officers and Mosque representatives, where our position was reiterated. Such meetings proved to be worthwhile, and happily our position was accepted. The matter now appears to be resolved, with alternative 'private' parking arrangements being found, off the public highway.
- 3.6 There have been a very small number of isolated instances, whereby a CEO has been verbally abused by driver, who has just found that he had been issued with a PCN. Of course, as CEOs can unfortunately expect this type of distasteful behaviour on occasions, normally they are able to deal with such confrontations in a professional manner. However, there have been instances where they have felt vulnerable, consequently they instantly call for Police assistance. I am pleased to report that on such occasions, the Police have acted promptly, and then taken the appropriate action. This is either the issue of a 'warning' to the driver concerned, or a Fixed Penalty Notice.
- 3.7 The Town Centre pedestrian area encompassing Market Place, Alcester Street and Church Green East, is presently covered by a TRO which does not allow our CEOs to undertake any enforcement action with regards to the unauthorised parking of vehicles, which should not be parked within this pedestrian area. The Police are the only Authority who can undertake such action. In recent

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months, I have liaised closely with the relevant Police Officers to 'encourage' such enforcement action, but this has only resulted in them taking limited action. It is most discouraging for our CEOs not to be able to take action, when they are constantly being reminded by members of the public, that they should take action on this area, probably more than any other area.

- 3.8 Happily, recent meetings have taken place with the County Council and the Police, whereby an informal agreement has been reached, which will allow the County Council to 'amend' the existing TRO, resulting in the CEOs being able to undertake the appropriate enforcement. This amendment to the TRO, will of course follow the required consultation route.

## **4. Penalty Charge Notices**

- 4.1 The applicable tariffs for PCNs are currently set at either £70 or £50, depending on the seriousness of the contravention. If payment is received within 14 days, the fine is automatically reduced by 50%. Non payment of PCNs, will ultimately result, after the issue of statutory reminders, in Bailiffs being engaged to obtain the outstanding monies from the drivers' responsible. To date, there are 160 cases of unpaid Penalty Charge Notices which Bailiffs will be instructed to recover within the next few weeks.
- 4.2 Contrary to public opinion, the CEOs are not set targets to ensure that a certain number of PCNs are issued to drivers.

## **5. Civil Enforcement Officers**

- 5.1 There are currently four CEOs employed by WDC, who patrol all areas of the Borough where TROs exist. The CEOs are managed by WDC's Parking Administration Supervisor, who undertakes regular Performance Management Reviews with the CEOs, to ensure the quality of the Service is maintained. I am pleased to report that the performance of these Officers has been exceptional.

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- 5.2 The CEOs have a difficult job, particularly when they have to issue a PCN, and the vehicle driver returns to his/her vehicle, and confronts the CEO. If the PCN has already been issued, then the CEO cannot cancel it. However, if the procedure has not been completed, then the PCN can be cancelled, but only if the CEO considers that this is the correct course of action, in the particular circumstances.
- 5.3 CPE enables enforcement to be undertaken where drivers contravene TROs. Currently, for other traffic offences, such as causing an obstruction by parking in front of a vehicular crossing, where no TROs exist, then such offences must still be dealt with by the Police. CEOs will report such offences direct to the Police, if they witness these incidents during their daily routes.

## **6. Residents' Parking Schemes**

- 6.1 Around the Town Centre, there are currently five Residents' Parking Schemes (RPS) in operation. They are in Archer Road, Other Road, Oakly Road, Prospect Hill and Smallwood. Such schemes allow residents to park their vehicles at all times on the highway in the vicinity of their property, in preference to other highway users. For this facility residents pay a small charge for a permit for their vehicle (see 16). In addition, each property is entitled to one Visitors' Permit, at no cost.
- 6.2 These schemes are very advantageous, particularly where the properties are generally of older construction, and do not have off-street car parking facilities. Also, where such properties are located close to the Town Centre, the RPS restricts the parking of vehicles by drivers, who are either visiting the Town Centre for shopping purposes or actually working there.
- 6.3 If residents feel that they would benefit from the introduction of RPS, they are informed that they should consult with their Local County Councillor in the first instance, who will, if considered appropriate, and meeting the necessary criteria, put forward the request to the County Council's Traffic Management Team.

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6.4 Since the introduction of the first RPS, some years ago, the cost of an individual Parking permit has remained at £5. The income received, should meet the administration costs incurred by the Council. With CPE now running effectively, there is obviously a greater demand for Permits, and consequently the current income does not meet the Council's costs.

6.5 After discussions with the County Council, as it is their Scheme, an agreement has been reached whereby the cost of Permits will be raised to £10 each, as from 1 April 2010. It should be noted that, the County Council initially recommended the cost to be set at £30, to reflect a consistent approach across the County.

## 7. **Pay and Display Car Parks**

7.1 With the introduction of CPE, this Council now has the Service necessary to monitor and enforce Pay and Display Car Parks. Consequently, Members resolved to make the appropriate Order for the Town Hall and Trescott Road car parks to become Pay and Display facilities, at weekends only. These are to commence operation as from 9 January 2010.

## 8. **Author of Report**

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## 9. **Appendices**

Appendix A – Financial Report.

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## APPENDIX A

### Financial Report

The third quarter financial report is shown below. Upon completion of the first operating year, a detailed financial report will then be made available to Members.

### Penalty Charge Notice (PCN) Report for third Quarter (13 April 2009 – 20 December 2009)

Number Issued	5,317
Outstanding	751
Paid	3,800
Cancelled	424
Written Off	84
Part Paid	258
Collection Rate (%)	76.36
Total received (£)	<u>139,425</u>