

# Chair's Foreword

## **Civil Parking Enforcement**

As Chair of the Task and Finish Group I commend this report to the Executive Committee, but the Environmental Overview and Scrutiny Committee were split on the question of endorsement. As a result the Overview and Scrutiny Committee unanimously decided to ask the Executive Committee, and possibly Council in due course, to carefully consider the findings of the Task and Finish Group and its recommendation that some public consultation should take place.

**Councillor Antonia Pulsford, Chair, CPE Task and Finish Group**



**Civil (Decriminalised) Parking Enforcement**

# Environmental O&S Committee

**Task and Finish Group  
Membership** Councillor Antonia Pulsford (Chair)  
Councillor Jack Cookson  
Councillor Jack Field  
Councillor David Hunt  
Councillor Diane Thomas

**Committee Membership** Councillor Iris Beech (Chair)  
Councillor Debbie Taylor (Vice Chair)  
Councillors Michael Chalk, Dot Dudley, David Enderby, Nigel Hicks, David Hunt and  
Antonia Pulsford

**Co-opted Members  
from the Borough  
Tenants' Panel** Mr Adam Bobowski, Mrs Hazel Simons and Mrs Joan Tyers

**Officer Support** Pete Liddington, Head of Asset Maintenance

**Overview and Scrutiny  
Support** Ivor Westmore



**Civil (Decriminalised) Parking Enforcement**

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# Executive Summary

## Civil Parking Enforcement

The Task and Finish Group was charged with investigating the benefits, or otherwise, of introducing Civil (Decriminalised) Parking Enforcement (CPE) in Redditch, to make proposals that were self-financing for the Authority, and to make recommendations to the Environmental Overview and Scrutiny Committee

Our research has showed us that the current parking situation is unsatisfactory, and that there is no opportunity for improvement, without action by Redditch Borough Council (RBC) itself. Discussions with Wychavon District Council (WDC) have revealed, that they would be fully prepared to operate the Service in its entirety for this Authority, with our contribution consisting of a small amount of Officer time (approximately 5-10 hours per week), a computer terminal and a Rest Room for the Parking Attendants (located centrally e.g. Town Hall).

WDC would also be prepared to finance 50% (£70,000) of the initial Start-up costs, now reduced to £140,000, as a result of working in partnership with WDC. The remaining 50% (£70,000) has been secured by a contribution from Worcestershire County Council (WCC), which forms part of their Local Transport Plan (LTP) budget. WDC is confident, that it can recover its share of the Start-up costs from income received from the issue of Penalty Charge Notices (PCNs), though it would require an undertaking from RBC, that should this not occur, RBC would cover the financial shortfall.

**The recommendation of the Environmental Overview and Scrutiny Committee is that the Executive Committee should carefully consider the findings of the Task and Finish Group. The Committee also recommends that public consultation on the introduction of Civil Parking Enforcement should take place.**



# Recommendations

The Committee is asked to

- (1) carefully consider the findings of the Task and Finish Group; and, subject to the outcome of this consideration; and

**RECOMMEND** that

- (2) public consultation on the introduction of Civil Parking Enforcement should take place.



# Introduction

**1. Aims** A Task and Finish Group consisting of Councillors Cookson, Field, Hunt, Pulsford and Thomas was set up by the Environmental Overview and Scrutiny Committee on 11th September 2006

a) to further investigate the benefits or otherwise of introducing Decriminalised Parking Enforcement (DPE hereafter called Civil Parking Enforcement – CPE),

b) to aim that any proposals are self-financing for the Borough

c) to make appropriate recommendations to the Environment Overview and Scrutiny Committee at the outcome of the review.

Consequently the two questions the Task and Finish group needed to answer were:

Would the introduction of CPE Borough-wide by the Borough Council benefit Redditch?  
and

If the Borough Council is minded to go ahead with CPE, what would be the best way of managing it?

**Chair** Councillor Antonia Pulsford was appointed Chair at the first meeting.



# Background

## 2. Legislative Background

- 2.1 The starting point for CPE was the Road Traffic Act 1991, which enabled the Highway and Traffic Authority, which is in our case WCC, to take over responsibility for virtually all parking enforcement within a Special Parking Area (SPA) from the Police. If RBC decided to work with WCC to implement these powers, they would be delegated to RBC via an Agency Agreement;
- 2.2 Some Local Authorities have shown little enthusiasm for taking up these powers, which the Police would be delighted to relinquish. It should be noted that there can be substantial financial benefits to the Operating Authority, where the Service functions together with Pay and Display controlled car parks, and in some cases, on street parking (parking meters);
- 2.3 The Traffic Management Act 2004, besides widening the powers available to Authorities operating CPE and relaxing the constraints on spending any financial surplus, has given the Department for Transport (DfT) power to require Authorities to introduce CPE. It seems inevitable that the DfT will use these powers sooner or later.

## Local Transport Plan

- 2.4 WCC Local Transport Plan 2006/2011 was accepted by Redditch Borough Council (RBC) on 21 April 2004. An essential part of its Parking Strategy, paragraph 4.5.1.3, is the introduction of CPE throughout the County, and Policy PARK 1 commits the County Council to work with District Councils to ensure that CPE is rolled out across the County by 2011.



# Background

## **Consideration of CPE by Redditch Borough Council**

- 2.5 On 15 September 2004, Environmental O&S Committee chose Parking Problems Across the Town as its first major review topic from three proposed by the Chairs Steering Committee. However, on 8 November 2004, the Committee decided that work on Off-street Parking Provision and In-Curtilage Parking, Parking Problems on the Estates, School Parking and On-street Issues, should precede any consideration of CPE. Consequently, no real work was undertaken on CPE until 11 January 2005, when, after presentations from PC Julian Turner (West Mercia Police) and Mr Khash Dadwar (Worcester City Council), the Committee decided to use its own funds to commission Consultants to research the feasibility of CPE within the Borough, and then report back to the Committee.
- 2.6 RTA Associates Ltd (RTA) were commissioned, and produced their report in March 2005, which was considered by Environmental O&S Committee on 13 April 2005. By a majority vote, it was decided not to recommend that the Council proceed with CPE at that time.
- 2.7 On 18 May 2005, the Executive Committee decided to refer CPE to the new Executive Environmental Advisory Panel for further consideration. Unfortunately, no further work took place and, therefore, on 27 June 2006, the Chairs Steering Committee referred the matter back to Environmental O&S Committee which set up the current Task and Finish Group.





# Discussion

## 3. The Current Situation

- 3.1 Parking in Redditch is at the moment largely uncontrolled and, therefore, existing Traffic Regulation Orders (TROs) are generally not enforced. The Police have confirmed, on several occasions, that when their one and only Traffic Warden retires, they will eliminate this post entirely. This will result in no enforcement being available within Redditch, as Police Officers have also been quietly 'advised' by their Superiors not to issue relevant enforcement notices, as their priorities lie elsewhere.
- 3.2 There are considerable problems with inconsiderate parking on housing estates where there are no existing TROs.
- 3.3 As elsewhere in the Country, there are frequently acute problems at Schools, particularly at drop-off and pick-up times, where again the Warden and Police have been reluctant to get involved under any circumstances.
- 3.4 RBC operates a number of Residents' Parking Schemes, these being throughout the whole of Smallwood, in Other Road, Archer Road and Prospect Hill, and soon in Oakly Road. Unfortunately, these suffer from poor or non-existent enforcement, and as a result, parking has become a lottery, which deprives the residents of any of the benefits that it was set out to achieve. Indeed, we now find that a large number of Town Centre workers utilise these nearby residential streets, knowing full well that they will not be penalised.
- 3.5 There is also considerable pressure with on-street parking within the narrow roads of the older sections of the Town, and on a number of the older main roads, with blockages occurring where motorists have disregarded double yellow lines;



# Discussion

## The Current Situation

- 3.6 Both the Police and WCC are reluctant to approve further TROs and Residents' Parking Schemes, without an adequate enforcement capability.
- 3.7 There is a strong possibility that the Government will oblige Traffic Authorities to introduce CPE, as was indicated by PC Julian Turner.



# Discussion

## 4. The Group's Actions

Clearly the major problem was going to be cost, which the Group has addressed in a number of ways:

- 4.1 The Head of Asset Maintenance requested RTA to provide an updated Financial Model, as some 18 months had elapsed since their original report. This was subsequently received (Appendix A attached).
- 4.2 Following his discussions with RTA, the Head of Asset Maintenance was authorised to enter into preliminary discussions with WDC, with a view to a possible Service Level Agreement. This contact has proved most beneficial. The Model has reflected this partnership arrangement, and has shown that Start-up costs could be reduced by a third from £210,000 (this figure being the predicted Start-up costs if RBC chose to operate the Service independently) to £140,000. This includes the projected loss on the first year of operation. The Group decided to visit WDC to see first hand how they ran their operation.
- 4.3 The Chair and Head of Asset Maintenance, both wrote to the Policy and Strategy Manager, Environmental Services, WCC, to request that WCC finance the Start-up costs, as, unlike most Authorities, we are unlikely to recoup sufficient income from the issue of PCNs to pay off this initial debt. The initial response was rather negative but, perhaps owing to the reduction in start-up costs to £140,000, further discussions between Officers have been more encouraging;



# Discussion

## The Group's Actions

- 4.4 The Member and Committee Support Services Manager provided the Committee with a list of Neighbourhood Group referrals, which clearly shows that parking problems, especially in relation to Schools, have been on-going for many years.
- 4.5 As instructed by the Group, the Head of Asset Maintenance wrote to both East Herts District Council (EHDC) and Stevenage Borough Council (SBC), both of whom introduced CPE last year, to seek their comments on their experiences. In both cases, their respective County Council, funded initial Set-up costs and the cost of a Consultant to investigate joint working. The EHDC Officer, reported a certain amount of public discontent, but SBC does not seem to have experienced this, and has received positive comments, especially from blue badge holders. EHDC is the lead Authority, and carries out notice processing to SBC's satisfaction. Enforcement is outsourced to CPS. EHDC's PCN income was below the expected rate, but SBC's is above, but costs for the latter have increased too.
- 4.6 The Police have confirmed that, if CPE is introduced, they would still be responsible for incidents of obstruction upon the Public Highway.
- 4.7 The Group was forwarded a copy of a letter from First Buses to a local resident within which they confirmed their support for CPE.
- 4.8 The Group has also referred to Worcestershire Local Transport Plan - 2006/2011, pages 136-137, Local Authority Circular 1/95, Guidance on CPE outside London, the consultation documents on Part 6 of the Traffic Management Act 2004, including the covering letter, Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions and the Partial Regulatory Impact Assessment.



# Discussion

## 5. Visits

- 5.1 As a result of the information received from EHDC and SBC, the Group did not feel it necessary to undertake any visits to other authorities, with the exception of WDC.
- 5.2 If the Council decided to proceed with CPE, working in partnership with a neighbouring Authority would be the most cost effective way of achieving this objective. On the advice received from RTA, WDC appears to be the preferable choice at the current time, compared with Worcester City Council, the only other Authority within the County operating CPE. It would appear that Worcester City Council is experiencing some staffing issues at present, which could make it difficult for them to take on such a partnership role.
- 5.3 The visit to WDC was made on 17 January by Councillors Pulsford, Field and Thomas, and the Head of Asset Maintenance. The set-up is most impressive. The Development Manager and members of his staff received us, together with a Senior Parking Attendant (PA). The PA demonstrated how the issue of PCNs is undertaken, and it is clear that the procedure is not aggressive. The PA spends 5 minutes with a vehicle before issuing a PCN, checking that there are no extenuating circumstances (e.g. blue badge holder), taking digital photographs in case of dispute, and entering particulars into his portable computerised unit. Until the enter button is pressed, the PCN is not issued. Once the enter button is pressed, appeals can only be made to the relevant Office;



## Discussion

### Visits

- 5.4 We were then shown the working of the back office and their IT facility. Their IT Company, Spur, has proved extremely good and responsive, when necessary. Effectively, once a PCN has been issued, the computer handles the case prompting the issuing of the contravention notice, keeping the necessary records of progress in each case. A flow chart (Appendix B attached) was provided to show the different stages of enforcement in the case of non-payment or unsuccessful appeals. WDC does not outsource the enforcement procedure, which makes it easier to cope with public or members' queries.
- 5.5 WDC have been fortunate in being able to recruit a member of staff who has been through the whole process of introducing CPE in Herefordshire, before joining WDC.



# Discussion

## 6. How a partnership between Wychavon and Redditch would work

### 6.1 Cost

#### 6.1.1 Running costs

The Start-up costs which include the expected loss on the first year's operation would amount to just under £140,000, on the Consultant's latest projection. Years 2-5 should show a profit, though a declining one, on the current level of fines – see the annual net surplus or (deficit) figures on page 2 of Appendix A. This is because the Consultant has allowed for an annual inflation rate of 5%. In fact, it is highly likely that the penalty level will increase which would alter the picture in the Council's favour.

#### 6.1.2 Financing the Start-up costs

Our original hope, was that WCC would finance the total Start-up costs, and to this end, extensive negotiations have taken place between relevant Officers of the two Authorities. However, we have finally secured an undertaking that WCC can only provide a maximum of 50% (£70,000) of the Start-up costs over a 2 year period. WDC is prepared to finance the remaining 50% (£70,000), which they would recoup from PCN charges. They feel they can easily achieve this, because the Consultants' financial model forecasted a 30% PCN cancellation, due to various reasons, whereas WDC is currently operating at 12%, and falling. We would have to undertake to cover WDC's costs (£70,000 spread over the first 5 years, plus the annual operating costs), if the PCN income became insufficient. However, with the combination of their software, digital photos, the ability for people to view on the web and pay fines instantly and the consequent decrease in non-payers, it is very unlikely that we should incur any financial liability.



# Discussion

## How a partnership between Wychavon and Redditch would work

### 6.2 Method of Operation

6.2.1 WDC Officers, RTA and the Head of Asset Maintenance, believe that initially 4 No. PAs would be sufficient, though the number could be easily increased if needed. The PAs would be employed, trained and managed by WDC and RBC would only need to provide a rest room and computer terminal. The PAs would download their data on the PCNs issued, together with their digital photographs at regular intervals, to enable WDC to process the relevant payment notices. This enables the offending motorist to pay the fine almost instantaneously.

6.2.2 Any written material would utilise this Council's logo, thus giving the general public the impression that we are operating the Service. PCN payments would be made to WDC either in person, by post, by internet or by telephone. Of course, arrangements will be made so that payments can also be made in person at any of RBC's One Stop Shops.

6.2.3 RBC would need to identify a Head of Service, who would undertake duties, mainly decision taking, confirming cancellation of PCNs. This must be undertaken by RBC only, obviously after been given all relevant information from WDC. These duties will vary, but are considered to be less than a few hours per week.





## Conclusion

- 7.1 It is clear, that the current situation as described above is unsatisfactory. Residents are certainly not getting the value for money they are entitled to expect from Residents' Parking Schemes.
- 7.2 The housing estates are plagued by inconsiderate parking, as indeed are those roads where Schools are located, particularly at drop-off and pick-up times.
- 7.3 Traffic Regulation Orders (i.e. double yellow lines and single yellow lines) are frequently ignored, almost certainly to the detriment of highway safety.
- 7.4 There is absolutely no chance of the Police becoming proactive again in parking enforcement, as they apparently have no statutory obligation to do so.
- 7.5 The introduction of CPE would enable RBC to address a number of parking problems. With an enforcement capability, this Council would be able to promote new Residents' Parking Schemes and, as they could ensure that they functioned satisfactorily, the current charge of £5 per annum could be increased with confidence. It would also be possible to promote TROs (single or double yellow lines), as appropriate, adjacent to Schools, or other areas of concern.
- 7.6 If RBC entered into partnership with WDC, we would retain control of parking enforcement.
- 7.7 Finally, with agreements that have been reached with WCC and WBC, it would be possible for RBC to introduce CPE, at no cost to itself, and only a very remote risk of incurring minimal costs in the future. For our part, our costs would be a relatively small amount of Officer time and the provision of a rest room for the Parking Attendants.



## Bibliography

Redditch Borough Council: Decriminalised Parking Enforcement Study Report, prepared by RTA Associates Ltd., March 2005

Worcestershire Local Transport Plan – 2006/2011

Local Authority Circular 1/95, Guidance on Decriminalised Parking Enforcement outside London

Traffic Management Act 2004

- Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions – draft for consultation
- Covering letter to consultation
- Consultation on Part 6 of the Traffic Management Act 2004;
- Partial Regulatory Impact Assessment



# Glossary

<b>CPE</b>	<b>Civil Parking Enforcement</b>
<b>DfT</b>	<b>Department for Transport</b>
<b>DPE</b>	<b>Decriminalised Parking Enforcement</b>
<b>EHDC</b>	<b>East Hertfordshire District Council</b>
<b>LTP</b>	<b>Local Transport Plan</b>
<b>PA</b>	<b>Parking Attendant</b>
<b>PCN</b>	<b>Penalty Charge Notice</b>
<b>RTA</b>	<b>RTA Associates Ltd.</b>
<b>RBC</b>	<b>Redditch Borough Council</b>
<b>SBC</b>	<b>Stevenage Borough Council</b>
<b>SPA</b>	<b>Special Parking Area</b>
<b>TRO</b>	<b>Traffic Regulation Order</b>
<b>WCC</b>	<b>Worcestershire County Council</b>
<b>WDC</b>	<b>Wychavon District Council</b>



# Appendices

- Appendix A**                      **Redditch Borough Council –Financial Model  
of Implementation, RTA Associates Ltd.**
- Appendix B**                      **Wychavon District Council – Penalty Charge Notice  
Recovery process**



# Overview & Scrutiny

For additional copies of this report, or to find out more about Overview & Scrutiny at Redditch Borough Council please contact:

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