

CORPORATE MANAGEMENT COMMITTEE

Thursday 30 September 2004 at 7.30 p.m.

SUPPLEMENTARY AGENDA

PART I

16. DECriminalISED PARKING ENFORCEMENT (DPE) – PROGRESS REPORT (DTS)

1. Purpose of Report

- 1.1 To update the Committee on progress in introducing Decriminalised Parking Enforcement (DPE) in the Borough.
- 1.2 To obtain the Committee's approval to enter into an agreement with the National Parking Adjudication Service for the adjudication of Penalty Charge Notices.
- 1.3 To authorise changes to the establishment consequent upon revised working arrangements for existing car park inspectors.
- 1.4 This report (save for 1.3 above) would normally be for Economic Development Committee. In view of the need to authorise the agreement with the National Safety Adjudication Service before that Committee meets, it comes to this Committee with the agreement of the Chairman of the Economic Development Committee.

2. Background Information

- 2.1 The Road Traffic Act 1991 provided for the decriminalisation of most non-endorseable on-street parking offences in London and permitted the introduction of similar arrangements elsewhere upon application to the Secretary of State.
- 2.2 Following the announcement that Surrey Police intended to cease enforcement of on-street parking controls from 1 April 2004 the Borough's then Development Review Board, at its meeting on 9 November 2000, considered a consultation report from Surrey County Council (SCC) on the potential implementation of DPE in Surrey. The Review Board resolved that the Council should support the principle of DPE, based on the introduction in individual districts or through a combination of districts.
- 2.3 At its meeting on the 29 November 2000 the then Executive Committee endorsed the Review Board's resolution on DPE.
- 2.4 At its meeting on 12 September 2002, the Economic Development Committee considered a report on the strategy for implementing DPE in Runnymede. The Committee resolved that DPE should be introduced in Runnymede as soon as practicable, but with a review after 5 years.
- 2.5 At its meeting on 13 March 2003 the Economic Development Committee agreed to pursue an offer by the SCC Local Committee to establish a joint DPE Working Group consisting of two Members from both RBC and SCC to settle the terms under which DPE would operate locally. The Committee nominated Councillors Furey and Haas.
- 2.6 At that time Surrey Police were still intending to cease the enforcement of parking controls on 1 April 2004 so the Committee also resolved that SCC be strongly urged to implement DPE in Runnymede by that date. Subsequently it was found that, due to the processes involved, no Surrey Boroughs/Districts could meet this date. As a result Surrey Police have agreed to a phased withdrawal.
- 2.7 Harrison Webb, the consultant that RBC and SCC jointly commissioned to advise and assist with the introduction of DPE in Runnymede, gave a presentation to the Economic Development Committee at its meeting on 13 November 2003. Members were reminded of

the reasons for introducing DPE and were informed about the progress so far and the future tasks in introducing DPE in Runnymede.

- 2.8 At its meeting on 15 January 2004 the Economic Development Committee approved the principle of entering into an Agency Agreement with SCC for the Borough Council to operate DPE on their behalf and authorised the Director and Administration and Leisure, in consultation with the Committee Chairman, to negotiate and conclude an appropriate Agency Agreement.

3. Report

- 3.1 The work carried out so far towards introducing DPE includes assessing the financial implications of DPE in the form of a Financial Model, a review of the existing Traffic Regulation Orders (TRO's), which impose the parking restrictions, continuing negotiations with SCC on the content of the Agency Agreement, the submission of a draft application to the Secretary of State for Transport, recruiting additional staff, procuring new equipment and applying to join the National Adjudication Service for Penalty Charge Notices.

- 3.2 SCC has agreed, in principle, to meet all of the agreed capital costs and revenue set up and ongoing revenue start-up costs for the first two years of operation and will retain the income from on-street Penalty Charge Notices (PCN's) for that period.

- 3.3 The introduction of DPE in Runnymede is currently programmed for early November 2004.

Application to the Secretary of State

- 3.4 The Secretary of State's approval is required before DPE can be introduced in the Borough. A draft application has been made and initial comments returned. There appears to be no significant difficulty in SCC receiving approval for the introduction of DPE to allow implementation in November 2004.

Parking Charge Notice (PCN) Adjudication

- 3.5 Under the current procedures, unpaid PCN's are brought before the Magistrates Court for prosecution and any fines imposed are retained by the Court with costs awarded to the Council.

- 3.6 Under DPE the owner of a vehicle, and not necessarily the driver at the time, will be responsible for any penalty charge notices incurred by the vehicle. A person receiving a PCN will be given the opportunity to state their case to an independent adjudicator who will consider the evidence and decide whether the fine must be paid. SCC will keep the income from PCN's that are paid.

- 3.7 A National Parking Adjudication Service (NPAS) has been established in Manchester to act as the independent adjudicator for local authorities outside London that are operating DPE. Officers have applied to the NPAS for the Borough to join this service

- 3.8 The Council has to nominate a representative and a substitute to serve on the NPAS Joint Committee, which meets in January and June each year. Councillor J. R. Furey has expressed his willingness to act as the Committee member and Councillor J. E. Haas has expressed his willingness to act as substitute.

- 3.9 There is an annual registration fee of £250 to belong to the NPAS and a payment of £0.65 per PCN processed.

Upgrade of Parking Charges Notices (PCN) Processing System

- 3.10 This Committee approved the installation of a replacement computer system for handling PCN's at its meeting on 27 July 2004 with equipment supplied by Spur Solutions. The equipment has been ordered and arrangements are currently being made to supply and install the equipment during October.

Agency Agreement

- 3.11 As mentioned in paragraph 2.8, the Economic Development Committee approved the principle of entering into an Agency Agreement with SCC for the Borough Council to operate DPE and authorised the Director and Administration and Leisure, in consultation with the Committee Chairman, to negotiate and conclude an appropriate Agency Agreement. The DPE Agency Agreement between SCC and RBC will be reviewed after 2 years. After this review SCC would be required to give a minimum of 12 months' notice of cancellation of the agreement.
- 3.12 RBC and SCC Officers have been negotiating the terms of the Agreement and are close to agreeing these terms, subject to the approval of the Economic Development Committee Chairman.

Joint RBC/Police DPE Protocol

- 3.13 Officers are currently discussing with Surrey Police the preparation of a protocol to establish links to deal with issues such as the reporting by Borough parking attendants of endorseable traffic offences that the Police will continue to deal with.

Publicity

- 3.14 An advertisement and leaflet explaining the process have been placed in the September edition of the Runnymede Business Partnership newsletter. This is distributed to approximately 1550 businesses in the Borough. Leaflets have been produced to be distributed to local organisations, such as Chambers of Commerce and residents associations and to be issued in public places, such as libraries. A press release has been distributed to local newspapers explaining the new arrangements and further releases will be sent out at the beginning of October and November.
- 3.15 SCC Officers are looking at sites on the approach to the Borough and the main town centres for the erection of banners advertising the start of DPE.

4. Resource Implications

- 4.1 At its meeting on 27 July 2004 this Committee approved the recruitment of the additional staff needed to operate on-street decriminalised parking enforcement and the Borough's off-street car parks. This included a full-time Parking Manager, two additional parking attendants, a part-time Parking Technician and a part-time Administrative Assistant. All of these staff have now been recruited.

Staff Recruitment and Contracts

- 4.2 At its meeting on 27 July 2004 the Committee approved the arrangements and conditions for recruiting additional staff to meet the requirements of DPE.
- 4.3 The recruitment process has been carried out and appointments made to all of the new posts identified in that report.
- 4.4 The report to the Committee on 27 July 2004 stated that SCC had agreed to contribute £2,000 to enhance the salary of an existing Officer to create the post of Parking Manager. Officers have since negotiated an enhanced contribution and SCC has agreed to pay for half of the salary costs for this post and the £2,000 supplement.
- 4.5 The report on 27 July 2004 also stated that approval for the proposed operational arrangements for existing parking attendants would be sought at a future Committee meeting. Negotiations are continuing with existing parking attendants but need to be concluded before the next Committee meeting. Approval is sought for delegation of authority to allow the Director of Technical Services to effect the necessary changes to establishment in consultation with the Economic Development Committee Chairman.

Staff Training

- 4.6 New and existing staff will shortly receive training in the legislation covering DPE and the issuing of PCN's and in the operation of the PCN operational and processing equipment.
- 4.7 DPE staff will meet with local Surrey Police Officers and Community Support Officers to discuss their respective roles and the operation of the RBC/Police DPE Protocol.

5 Unison Consultation

- 5.1 Unison has been consulted and involved in the negotiations with existing parking attendants in their new contracts to cover DPE enforcement.
- 5.2 Unison has agreed to the delegation of authority to the Director of Technical Services, in consultation with the Economic Development Committee Chairman, to agree the terms and conditions of the existing parking attendants and consequential changes to establishment.

6. Council Policy

- 6.1 The Council is not obliged to take on the responsibility for on-street decriminalised parking enforcement or the extra staff that goes with this responsibility. However, the Borough Council's existing off-street car parking arrangements provide a good basis for providing on-street parking enforcement and reducing the illegal on-street parking that currently takes place would be a significant benefit to the Borough.
- 6.2 By enforcing on-street parking, this should encourage drivers that currently park illegally to use the Borough's off-street car parks and increase the income revenue. This should contribute to reducing the current off-street car parks income deficit.

7. Legal Implications

- 7.1 SCC has reviewed all of the Traffic Regulation Orders (TRO's) relating to parking restrictions, has advertised some changes and has reconciled all of these TRO's. SCC has assessed the relevant road markings and traffic signs for compliance with the TRO's and is currently carrying out any required changes.
- 7.2 RBC Officers are dealing with any required changes to the off-street Car Parking Orders.
- 7.3 There is a need for a formal agreement with the National Parking Adjudication Service.

8. Environmental Impact

- 8.1 Stricter enforcement of on-street parking restrictions should reduce the number of vehicles parked carelessly or causing obstructions. This should reduce congestion and the resulting pollution and ease the flow of traffic, particularly in town centres.
- 8.2 Clearer, less cluttered streets should also contribute to reducing the public's fear of crime and, where there are waiting restrictions, make it easier to sweep away litter and other debris.

OFFICERS' RECOMMENDATION that -

- i) **the Director of Administration and Leisure be authorised to enter into an agreement with the National Parking Adjudication Service for the adjudication of Penalty Charge Notices, and Councillors Furey and Haas be appointed as representative and substitute representative to the NPAS Joint Committee;**

- ii) **the Director of Technical Services, in consultation with the Chairman of the Economic Development Committee, be authorised to effect the necessary changes to establishment provision consequent on agreement with the existing parking attendants on their future terms and conditions of employment.**

(TO RESOLVE)

Background Papers

None stated