

Runnymede Borough Council

ECONOMIC DEVELOPMENT COMMITTEE

Thursday 10 January 2008 at 7.30 p.m.

in the Council Chamber

at the Civic Offices, Addlestone

SUPPLEMENTARY AGENDA

PART 1

8. TRAFFIC MANAGEMENT ACT 2004 (DTS)

1. Purpose of Report

1.1 **To seek approval for the level of differential penalty charges to be introduced under the Traffic Management Act 2004.**

2. Background Information

2.1 The Road Traffic Act 1991 provides for the decriminalisation of non-endorseable on-street parking offences in London and permits the introduction of Decriminalised Parking Enforcement (DPE) elsewhere, with the approval of the Secretary of State. After Surrey Police announced in 2000 that it would no longer enforce these parking restrictions in the future, Surrey County Council (SCC), as Transportation Authority, decided to introduce DPE in Surrey.

2.2 Off-street car parks are managed by Districts Councils in Surrey. Parking Attendants employed by the Districts Councils carry out on-street parking enforcement on SCC's behalf under an agency agreement. SCC reimburses the District Councils for operating the on-street enforcement.

2.3 Under the Traffic Management Act 2004 ("the Act") DPE is now to be called Civil Parking Enforcement (CPE), parking attendants are to be called Civil Enforcement Officers (CEO)s and Special Parking Areas and Permitted Parking Areas are to be called Civil Enforcement Areas (CEA)s. The Act replaces Part 2 and Schedule 3 of the Road Traffic Act 1991 and also lays down the procedures for the civil enforcement of parking regulations.

2.4 Where an area has been designated a Special Parking Area under the Road Traffic Act 1991 (and this was the case with Runnymede) it is deemed to be a CEA for the purposes of the Act.

2.5 The County Council is the enforcement authority for the purposes of the Act for on-street contraventions and the district is the enforcement authority for off-street parking places provided by it under the Road Traffic Regulation Act 1984.

2.6 CPE under Part 6 of the Traffic Management Act 2004 will come into force on 1 April 2008 when the Civil Enforcement of Parking Contraventions (England) (General) Regulations come into force. One of the provisions of the Act is the introduction of differential penalty charges for on and off-street parking.

3. Report

3.1 The current off-street car parks penalty charge is £60 to be paid within 28 days, with a reduction to £30 for payment within 14 days. A penalty charge applies in Runnymede's off-street car parks for not displaying a pay and display ticket, parking after the expiry of paid for time, not parking correctly in a bay, or parking in a disabled persons parking place without displaying a badge.

- 3.2 Under the agreement between SCC and the District Councils, the current level of penalty charges issued by Parking Attendants in off-street car parks is the same as the penalty charges issued to motorists that contravene on-street parking restrictions.
- 3.3 Under the new penalty charge regime, the Council has to set a differential penalty charge to reflect higher and lower level contraventions. The level of charges is prescribed by the Civil Enforcement of Parking Contraventions (Guidelines on Level of Charges) (England) Order 2007. The Council has two options. The charges must be both of either Band 1 or Band 2, as set out in the table below. A reduction of 50% in each case will still apply for payment within 14 days.

Band	Penalty charge (For Higher level contraventions)	Penalty charge (For Lower level contraventions)
1	£60*	£40*
2	£70*	£50*

* A reduction in the charge of 50% will still apply for payment within 14 days

- 3.4 Most of the contraventions for which penalty charge Notices will be issued in the off street car parks under the new regime will be at the lower contravention level. Lower level penalty charges will apply to:

- Parking without displaying a valid pay and display ticket.
- Parking after the expiry of paid for time.
- Not parking correctly in a bay.

Higher level off street penalty charges will only apply to parking in a disabled persons parking place without displaying a badge.

- 3.5 Higher level contravention penalty charges for on street parking will apply to contraventions such as parking on yellow lines or in marked areas in front of schools.
- 3.6 Most of the off-street penalty charges issued will therefore be at the lower level. The financial significance of this to the Council is estimated in Section 5 of this report on Resource Implications.
- 3.7 Local Authorities are at liberty to choose either Band 1 or Band 2 for their area and, unlike the current agreement with SCC, the Borough Council could adopt a different level for the off-street car parks to SCC's on-street charge.
- 3.8 At its meeting on 18 December 2007, SCC's Executive adopted the higher Band 2 charges (£70 for higher level contraventions and £50 for lower level contraventions) for all on-street enforcement in Surrey. SCC's adoption of the Band 2 penalty charges will result in increased on-street penalty charges at the higher level of contravention, which could discourage drivers from causing on-street traffic congestion by inconsiderate parking.
- 3.9 If Runnymede adopted Band 1 for the off street car parks, with a different set of charges, this could confuse the public and increase the administrative burden on Officers. Furthermore, Officers consider that in terms of parking management, it would be reasonable to keep the penalty charge at as high a level as possible, in order to encourage motorists not to contravene off street parking requirements. The decrease in penalty charges for most contraventions in off-street car parks could reduce the deterrent for motorists to park inconsiderately in these car parks, which supports the case for implementing Band 2 charges.
- 3.10 Officers are therefore seeking agreement to implement the Band 2 charges and amend the Borough's Off Street Car Parks Order accordingly.

4. Council Policy

- 4.1 The vision of the Council's Strategic Plan 2005-2010 is to enhance the quality of life and maintain vigorous financial control.

4.2 One of the key aims in the Council's Strategic Plan in terms of economic prosperity is to continue to encourage and maintain local and village economic vitality.

5. Resource Implications

5.1 The financial implications of these changes are likely to be significant.

5.2 As 90% of the penalty charges issued in off street car parks last year were paid at the reduced rate (i.e. paid within 14 days), implementation of the Band 2 charges would mean that in most cases £25 would be received, as most contraventions would fall into the lower contravention level category. A reduction in income from penalty charge notices of £12,000 is shown within the estimates for 2008/09, based on the Band 2 level of penalty charge. Should the Band 1 level be chosen, the estimated reduction would be £24,000. This would have to be added to the savings targets.

5.3 Minor changes will be required to the uniform insignia of the Parking Attendants and working practices will be changed in the administration of the parking management systems.

5.4 The following estimated additional costs to the Council will result from implementing these changes:-

	Estimated Cost (£)
Changes to Civil Enforcement Officer (Parking Attendant) Uniforms	200
Cost of Changing Order	300
Cost of Re-programming Penalty Charge Issuing equipment	1500
TOTAL	2000

6. Legal Implications

6.1 Amendment will be required to the Borough's Off-Street Car Parks Order and the agency agreement will need to be renegotiated generally to take account of the changes brought in by the Act. On-Street Orders are covered by SCC.

6.2 All existing processes will have to be examined to ensure compliance with the new Regulations.

7. Technical Considerations

7.1 A number of amendments and upgrades to systems and equipment will be required due to other requirements of the legislation. The changes to the penalty charges can be included in that work.

OFFICERS' RECOMMENDATION that -

approval be given to implement the Band 2 differential penalty charges for contraventions in the Borough's off street car parks and to update the Off-Street Car Parks Order with relevant changes brought about by the requirements of the new legislation.

(TO RESOLVE)

Background Papers

Statutory Guidance issued by the Department for Transport relating to the Traffic Management Act 2004