

REPORT OF THE ASSISTANT DIRECTOR (PLANNING)
TO THE EXECUTIVE
3 MARCH 2006

Decriminalised Parking

1.0 Introduction and Report Summary

- 1.1 Oxfordshire County Council have resolved to introduce Decriminalised Parking Enforcement (DPE) in all Oxfordshire Districts, including the Vale. It is the stated objective of the Department for Transport (DfT) that DPE should bring together the control and enforcement of both on-street and off-street parking in the interest of public understanding. This Council is responsible for the provision and enforcement of public off-street parking, and derives a revenue income from this service; therefore, the introduction of DPE in the Vale will clearly have an impact on the Vale's parking activity.
- 1.2 The purpose of this report is to provide Members with an introduction to DPE, set out the County Councils initial proposals on how they see DPE being implemented, and consider the effect that this may have on the Vale's parking service. It is not intended at this stage that Members should take a formal decision on detailed matters, but that the Executive should give an initial reaction to some principal issues, to enable Officers to commence detailed discussions with the County Council.
- 1.3 The Contact Officer for this report is Gordon Willcox, Section Head (Transportation) telephone 01235 540390.

2.0 Recommendations

That the executive:

2.1 *Advise Oxfordshire County Council that:*

- a) *this Council supports, in principle, the implementation of Decriminalised Parking Enforcement throughout the Vale, subject to agreement on all financial, operational and administrative details;*
- b) *this Council is willing, in principle, to assume responsibility for the management of both on-street and off-street parking enforcement, subject to reaching agreement with the County Council on the way that these operations will be funded, and how surpluses will be apportioned;*
- c) *this Council has an objection, in principle, to the centralisation of the administration of DPE by the County Council, subject to further discussions and clarification of the relevant issues;*
- d) *this Council is willing, in principle, to provide the facilities for the payment of parking fines, subject to agreement on the way that this operation will be funded.*

2.2 *Request that the Assistant Director (Planning) advise the County Council of its decisions in relation to recommendations 2.1a), b), c), and d); and authorise Officers to commence detailed discussions with the County Council on the future management of DPE, including investigating opportunities for partnership working with both the County and the other Oxfordshire District Councils, and report subsequent progress to the Executive as soon as practicable.*

3.0 **Relationship with the Council's Vision, Strategies and Policies**

3.1 This report supports the Council's Vision Strands A,D, E and G.

3.2 This report does not contradict any existing Strategies or Policies.

4.0 **Background**

4.1 Historically, parking enforcement has been the responsibility and under the control of two tiers of local government:

- County Councils, who are responsible for both on-street parking and traffic regulation enforcement; where enforcement is undertaken by either the police or traffic wardens.
- District Councils, who are responsible for the management and enforcement of off-street parking.

Under both regimes, non compliance of either Traffic Orders or Parking Orders is a criminal offence, with failure to pay ultimately leading to action through the courts. Once the offence reaches the court, the parking fine no longer comes to the appropriate Council, but is accrued to the Exchequer.

4.2 The level of parking tariffs and penalty fines will vary between the on-street and off-street areas.

4.3 The two tier situation often leads to confusion for the public, particularly when they witness varying levels of patrolling and management. In the Vale this issue is further complicated by the presence of an agency agreement between OCC and Abingdon Town Council for the enforcement of on-street pay and display, and residents' parking schemes in Abingdon, which results in there now being three parking enforcement authorities in the town.

4.4 The Department for Transport (DfT) has addressed this situation through decriminalised parking legislation whereby all on-street parking enforcement, together with a number of other minor traffic related traffic offences, for example camera enforcement of bus lanes, can be transferred from the Police to Local Highway Authorities. It is the DfT's clear objective that both on-street and off-street parking should be treated in the same way, and seen to be under the umbrella of a single management/enforcement regime, in the interest of better public understanding.

4.5 The DfT have stated that DPE should be rolled out across the country by all Highway Authorities. The guidance to enable Highway Authorities to apply for and then introduce DPE is contained in Local Authority Circular 1/95, and accordingly DPE has now been successfully introduced in many parts of the country.

4.6 Oxfordshire County Council are amongst the last authorities to apply for DPE, and are now under pressure from the DfT to do so. Currently DPE only operates in Oxford city centre, together with some parts of North Hinksey and the DfT now wish to see it extend throughout the county.

4.7 Members will be aware of the pressures on police resources. Parking enforcement has been removed from the "core activities" prescribed by the Home Office for the police force with attendant reductions in resource allocation. The level of police resource is currently very low with only 12 traffic wardens in the whole county plus some support from Community Police Support Officers, and there is no prospect of this being increased. The County Council have been warned by the Thames Valley Police Authority that the pressures on police budgets and other priorities have increased the likelihood of Thames Valley Police stopping enforcement.

5.0 **What is Decriminalised Parking?**

5.1 The 1991 Road Traffic Act provides for the decriminalisation of most non-endorsable on-street parking offences. The essence of these arrangements are that local traffic authorities may apply to the Secretary of State for Orders decriminalising the offences within particular geographical areas. As a result, the offences are no longer criminal in those areas, and therefore:

- a) Enforcement ceases to be the responsibility of the police and becomes the responsibility of the local traffic authority.
- b) There are enabling powers to tow away or clamp vehicles.
- c) Parking fines are civil offences and debts are recoverable through a streamline version of the normal civil debt recovery process.
- d) Following an initial appeal to the local authority, motorists may pursue a further appeal to independent adjudicators, whose decision is final (ie. there is no further right of appeal through the courts).
- e) The local traffic authority retains the proceeds from the penalty charges, which are used to finance the enforcement and adjudication system. Any surpluses may then be used to support other transport related matters.

5.2 Whilst the level of parking tariff may be different at on-street and off-street locations, the level of parking fine has to be consistent, not only within a district but across the county.

5.3 The DfT believe that there are significant advantages for local authorities having parking enforcement under their control, specifically:

- Local authorities will be able to ensure that their parking policies are implemented effectively, with consequent benefits through improved traffic flow, better management of overall traffic levels, fewer accidents, a fairer distribution of available parking places and a more pleasant environment.
- The integration of enforcement and parking policy responsibilities should enable better monitoring of the effectiveness and value of parking controls, so that parking provision becomes more responsive to public needs.
- Local authorities will be able to use the revenue they receive from penalty charges to fund their enforcement activities. Any surpluses can be used to improve parking facilities or fund other related transport/environmental schemes.

6.0 **Oxfordshire County Council's Preliminary Proposals**

6.1 On the 25 January 2005 the County Councils Cabinet received a report titled "Countywide Decriminalised Parking Enforcement", setting out the issues related to the preparation for, and running of civil parking enforcement. The report draws on the work carried by the County Councils consultant Jacobs Babbie, which is set out in their Scoping Study dated November 2004. The report discussed a number of key issues in principle, which was necessary to determine a starting place for negotiation with the District Councils; and how the implementation of DPE can be funded.

6.2 The DfT have advised that they will want to see both off-street and on-street parking included in the arrangements for decriminalised parking in Oxfordshire and therefore, District Councils will be an integral part of the process. The DfT have indicated that they would prefer there to be one Order for the whole of the county with arrangements for different start dates in each district (if this would be helpful).

6.3 To progress the project, the following steps are required:

- Decide on the new organisational arrangements through discussions with District Councils.
- Determine the IT requirements and how these could be procured.
- Audit all existing road markings to ensure that they are consistent with the existing traffic orders.
- Compile a database of traffic orders, amending where necessary any existing orders.
- Complete agreements with District Councils (or tender) for the enforcement service.
- Consult on and publicise the new enforcement arrangements.

6.4 The County Council have assessed that it is likely to take 2 years to set up for DPE and therefore, the target date for implementation throughout the county is 2008.

6.5 There are a number of organisational options available for the management of DPE, but the County Council would wish to have the same arrangements with each of the District Councils. Whilst much remains to be discussed with District Councils, at this preliminary stage the County Council are suggesting the following arrangements be considered:

- Centralise penalty notice processing in Oxford.
- District Councils to manage both on and off-street enforcement.
- District Councils to provide the facilities for the payment of parking fines.

6.6 Under this option Districts would be responsible for the staffing and management issues relating to the enforcement element which would include both patrolling and administrative staff. This is likely to involve the transfer of existing County Council Traffic Wardens under TUPE arrangements and the recruitment of new staff.

6.7 The option also proposes the centralisation of the penalty notice processing element in Oxford, which is likely to involve the use of the County Council's existing contract with Control Plus, who currently enforce parking in Oxford city centre.

6.8 The County Council are minded to set the level of a Countywide penalty charge at £60 per offence (reducing to £30 if paid within 14 days), which is in the middle range permitted under the regulations (currently £40, £60 and £80). The County Council believe this level is fair and will be publicly acceptable.

7.0 **Implications for the Vale**

7.1 The County Council are now committed to introduce decriminalised parking throughout the County and are minded to introduce it, based on District boundaries; with each becoming Special Parking Areas (SPA's). Given this commitment and the inevitable further decline in on-street enforcement by the police which is likely to lead to an unacceptable level of traffic related problems "on our doorstep", with consequential adverse effects on our town centre economies, it would seem both prudent and logical for this Council to embrace DPE and seek to work with the County and other Districts to secure its successful introduction. Inevitably there will be issues which could have either positive or negative implications for the Vale.

Street Management.

- 7.2 Members will be aware that forums such as Traffic Advisory Committees regularly debate the decline in police/traffic warden resources throughout the district and the growing widespread abuse of many on-street traffic regulations such as parking, waiting and loading restrictions. This position leads to a rise in environmental, safety, accessibility and congestion problems, which for the reasons set out in para 4.7 will only continue to become worse.
- 7.2 Members will also be conscious of the planned changes proposed for the streets in Abingdon town centre, whereby the current two lane carriageways in High Street and Stert Street will be reduced to a single lane. Whilst these changes to their streetscape will provide a significant improvement to the town centre environment, the success does hinge on good enforcement of traffic regulations in order to ensure that traffic remains free flowing.
- 7.3 Under a decriminalised parking arrangement, if the Vale were minded to take on the management of enforcement, then it would have a greater degree of control on how to focus enforcement resources at various problem locations.

Financial Implications.

- 7.4 The financial philosophy underpinning DPE is that it will be “self financing”, ie. the operational cost will be met by income from parking fines. It must be agreed by the County Council that, through service level agreements or similar arrangements, the County Council will underwrite any deficits incurred through the off-street operation, having regard to a fair proportion of the Vale’s enforcement and associated management costs.
- 7.5 Separate parking accounts will ring fence income which is derived from the on-street and off-street operations. The Vale would retain all of its income from its off-street car parks whilst income from on-street parking and on-street parking offences would go to the County.
- 7.6 Financial arrangements would need to be put in place to address the cost to District of running the various elements of DPE, having regard to 7.4 above. The County have also indicated their willingness to discuss the sharing/use of surpluses.
- 7.7 Currently the level of parking fine adopted by the Vale (known as an Excess Charge Notice – ECN) is £80 reducing to £50. Under decriminalisation, parking fines (which will then be known as a Penalty Charge Notice – PCN) would be unified at £60 reducing to £30. This will therefore have a negative impact on the Council’s income through parking fines.
- 7.8 There is however a balancing issue; monitoring of parking habits in areas where decriminalisation has been introduced has shown an increase in customers using off-street parking, clearly due to the increased level of on-street enforcement. This would therefore lead to an increase in “pay and display” income.
- 7.9 The Vale would retain control of both its off-street pricing policy, and its permit parking administration.
- 7.10 At this early stage it is not possible to evaluate the detailed financial effects of changing to DPE. Clearly, this matter will be of high importance to District Councils and the issue will be high on the agenda for the next stage of discussions with the County Council. Officers will bring forward an up-date report at the earliest opportunity which will provide an overall financial assessment of the implementation of DPE.

Administration of DPE

- 7.11 Centralising penalty notice processing to Oxford needs to be considered with some caution. The receipt of parking fines often leads to emotive communications with Council Officers. The Council currently carefully considers each case on its merits and makes a determination accordingly. It does so having a detailed local knowledge of the parking facilities, and the need to portray customer care and equity; it is doubtful that this style of service would be provided

by a private contractor working at a remote location. Clearly there are other options which might be explored such as the Vale undertaking all of the penalty notice processing or perhaps the processing of on-street and off-street being kept separate.

7.12 Whichever option is finally adopted, the administration of DPE, which includes a formal appeals process culminating in independent adjudication, is much more rigorous than the present system, and clearly the Council will have to adapt to it.

8.0 **Position of Other Oxfordshire District Councils**

8.1 There has been one meeting between District and County Council officers to discuss the implications of county wide decriminalised parking in order for each District to understand the County Council's initial position, and to better understand the implications at district level. A further meeting is due to take place in February.

8.2 Cherwell District Council.

At its Executive meeting on the 6 February 2006, Cherwell District Council signalled its support in principle to DPE and resolved:

- a) that it agrees in principle to the implementation of DPE throughout the District, subject to further agreement by the Executive on the financial, operational and administrative details;
- b) that Oxfordshire County Council be informed that this Council is willing, in principle, to assume the enforcement of on-street waiting regulations along with its existing off-street vehicle parks orders, subject to there being further agreement by the Executive on the way that these operations are funded and surpluses and deficits apportioned;
- c) that Oxfordshire County Council be further informed that, at this stage, this Council has an objection in principle to the centralisation of the administration of the administration of DPE by the County Council, subject to further discussions and clarification of the relevant issues;
- d) that, pending consideration by the Council of the recommendations set out above, it be resolved that the Officers be authorised to put forward those recommendations as this Council's initial response at the meeting between Officers of the County Council and the Oxfordshire Districts.

8.3 South Oxfordshire District Council.

At its Cabinet meeting on the 12 January 2006, South Oxfordshire District Council signalled its support in principle to DPE and resolved:

- a) that the Council continues to manage its car parks directly for the time being but that this is reviewed in due course in the light of emerging proposals to designate a Special Parking Area (Decriminalised Parking) covering South Oxfordshire;
- b) that the Cabinet support the early application of a Special Parking Area in South Oxfordshire.

8.4 West Oxfordshire District Council.

West Oxfordshire has not yet considered DPE at Executive level. Officers have advised that the Council reserves its view pending further discussions and clarification, but that Members are concerned about the impact that DPE would have on the Council's policy for managing on-street parking in the district.

9.0 **Conclusions**

- 9.1 The County Council has now decided to apply to the DfT for the decriminalisation of parking throughout the county, and for the reasons set out in this report, it is recommended that this Council support DPE in principle, with the Vale becoming a Special Parking Area.
- 9.2 However, the County Council does have considerable discretion over how DPE is implemented, and in practice this is where the options lie.
- 9.3 Following an initial introductory meeting with Districts, the County Council now wish to open detailed discussions on how the County and Districts might work in partnership to introduce DPE. They have set out their initial thoughts on how this might work, specifically in relation to penalty notice processing, management of enforcement staff and the payment of parking fines, and this report discusses each of these matters. The Executive are asked to give an “in principle” reaction to these specific issues, to provide Officers with a guide for the detailed discussions to follow.

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Background Papers:

- Local Authority Circular 1/95 – Guidance on Decriminalised Parking
- Letter of intent from the County Council to the Vale dated 5 December 2005
- Report to the County Council Cabinet, 21 January 2005, - Countywide Decriminalised Parking Enforcement.
- Jacobs Babtee Scoping Report dated 12 November 2004