



## **DECRIMINALISED PARKING ENFORCEMENT**

### **SURREY COUNTY COUNCIL'S LOCAL COMMITTEE (ELMBRIDGE AREA) 23 MARCH 2005**

#### **KEY ISSUE AND SUMMARY:**

To update the Committee on progress with Decriminalised Parking Enforcement within Elmbridge and seek Committee approval for the County Member Task Group to approve the detail of the consolidation order, and other matters that might benefit from decision, in advance of the next Committee meeting.

#### **ELECTORAL DIVISION AND MEMBER:**

All divisions

#### **OFFICERS' RECOMMENDATION:**

To authorise the Local Transportation Director, after consultation with the Member Task Group, to advertise the consolidation order and if possible resolve any objections received.

---

**LEAD/CONTACT OFFICER:** Richard Bolton

**TELEPHONE NUMBER:** 08456 009 009

**BACKGROUND PAPERS:** September 2004 Committee Report

---

## **1 INTRODUCTION AND BACKGROUND**

- 1.1 In September 2004 this Committee received a report detailing the background to Decriminalised Parking Enforcement (DPE). Since this meeting, in line with the Committee's recommendation, a County Member Task Group has been established (Mr Lake, Mrs Mitchell and Mrs Martin).
- 1.2 Until such time as DPE becomes operational, it is the County Council's intention to continue funding Police Traffic Wardens to ensure there remains some enforcement within Elmbridge.

## **2 TRAFFIC REGULATION ORDERS**

- 2.1 As part of our submission to the Department for Transport (to obtain DPE powers), we need to demonstrate that all of our traffic orders are legally correct and accurately signed and lined on site.
- 2.2 The review of all on street traffic regulation orders is complete. This has revealed significant discrepancies between the markings on the ground and the traffic regulation orders. It is apparent that these errors have built up over a number of years, probably for a variety of reasons. This is not uncommon and similar problems have been identified in other districts.
- 2.3 Due to the large number of inconsistencies, and the priority of the project, it will not be helpful to delay progress by tying into Local Committee meeting timetables. Officers will prepare concise recommendations on how best to address the issues at each location. Divisional Members of the County Council will be consulted but in the interest of consistency, it is recommended that the County Member Task Group be given delegated authority to consider the recommendations, approve as appropriate and authorise the Local Transportation Director to advertise the necessary consolidation order; the Task Group be empowered to consider, and if possible resolve any potential objections.

## **3 AGENCY AGREEMENTS**

- 3.1 Officers have met with Runnymede Borough Council and Elmbridge Borough Council (EBC). Both authorities have assisted in providing information, which has proved useful. Because of the need to pay development costs the Member Task Group agreed it was inefficient to continue negotiations with both authorities. Subject to the Task Group being satisfied with the operational and financial framework, the intention is to enter into an agreement with EBC. EBC's Cabinet has formally approved a mechanism for entering into such an agreement with the County Council.
- 3.2 The SCC Executive has approved the overall financial framework for the Agency Agreements. All financial risk will be borne by the County Council but it remains incumbent on the Local Committee to ensure best value is achieved. The finer detail is being negotiated between the Borough and County Legal teams and, as agreed at the September meeting the Task Group will make the final recommendation to the Head of Transportation.

#### **4 PROGRAMME**

- 4.1 In order to progress DPE a number of key tasks have been identified. An overview of tasks is detailed below.

##### *Signing of the Agency Agreement*

###### *Financial Operational model (EBC)*

EBC has prepared a model; a final version will be available by mid April.

###### *Enforcement Operational model (EBC)*

*A draft has been prepared by SCC – this is now being reviewed by EBC and is targeted for completion by mid April 05. This enforcement model will include details of future Member policy involvement.*

The target is for the Task Group to make a recommendation on signing the Agency Agreement in May 05.

##### *Consolidation Order*

As stated in 2.2, there are many discrepancies between the orders and the signs and lines. There will need to be a degree of compromise for these problems to be resolved.

This needs to be agreed by the Member Task Group, advertised and any objections considered. Any revisions to the consolidation order need to be agreed by Members in May at the latest. This will enable sufficient time for the order to be drafted and the requisite statutory advertising. This work is being progressed with SCC Projects team and is targeted for completion by October 05.

##### *SPA / PPA Application*

As Members will be aware, an application has to be made to the Department for Transport (DfT) for DPE powers. The DfT advise that it takes between four to six months for them to consider any application. Work has commenced on making our submission and an independent consultant is carrying it out. (The application is a specialist function, and the consultant we have commissioned has a breadth of experience in progressing these submissions.)

##### *Parking Management Contract*

EBC do not use in-house staff to undertake enforcement. They are preparing a contract to be competitively tendered for the enforcement of their off-street car parks, on-street waiting restrictions and the existing controlled parking zones. The contract will be sufficiently flexible to accommodate any changes in on-street restrictions or off-street car park charging. While separate costs will be identified for each function there is efficiency savings in combining all enforcement works.

TUPE (Transfer of Undertakings (Protection of Employment)) rights may be applicable for the existing Traffic Wardens working in Elmbridge. They are employed by the Police. This is an issue that EBC as our Agent will need to resolve.

#### *Information Technology (IT) Contract*

It is essential that an IT system is established. This will cover issues such as hand held machines for issuing tickets, database for recording payment / generating chaser letters, through to raising DVLA enquires for tracing owner details in the event of non-payment.

#### *Ticket Appeals*

Procedures will be established to consider any appeals against a penalty charge notice (parking ticket). If these cannot be resolved at a local level, they are considered by the National Parking Adjudication Service (NPAS). The only recourse above NPAS would be for the applicant to seek judicial review in the High Court. EBC have registered with NPAS.

#### *Publicity*

All areas that have gone 'DPE' live have embarked on a publicity campaign to advise motorists that enforcement of on-street restrictions is transferring from the Police to the local authority. This can take various forms, from posters and leaflets, through to advertisements in local papers. The task group will be asked to consider how this should be approached.

- 4.2 It is essential that good progress continues. The Member Task Group will be consulted on all key functions and will be advised if there needs to be any revision to the timescales.
- 4.3 The project programme, summarised in Appendix 'A', demonstrates the complexity and linkage of key activities, and the DPE project will continue to be given the highest priority.
- 4.4 It is, however, recognised that there is a need to get this right from the outset because of its long-term operational and financial impact on the community and the County Council.

## **5 FINANCIAL**

- 5.1 Most costs in setting up DPE can be charged to capital and are covered by a centrally managed LTP budget. The reasonable costs of EBC will also be recovered through this mechanism.
- 5.2 Future operational costs will be charged to revenue. Specific costs for Elmbridge have not yet been calculated but the model for the County is predicting a significant deficit, which will be financed from the existing Countywide Transportation budget.
- 5.3 The Executive financial framework for the Agency Agreements guarantees that the Borough Council will be reimbursed all reasonable costs incurred in providing the service, including operational deficits for an initial period of two years. A review of the provisions of the agreement will be undertaken after two years, once reliable costs, income and effectiveness of the arrangements are established. It is imperative that an operational mechanism be established to maximise efficiency and minimise this liability.
- 5.4 The Task Group has helped identify the requirement for a proactive client role locally. It is also anticipated (and borne out by areas that are now operational) that a more rigorous approach to enforcement will lead to displacement and requests for revisions and additions to waiting restrictions. This will require additional resources and the LTD has approached the Head of Transportation regarding this issue.

## **6 IMPLICATIONS**

- 6.1 **Sustainable Development:** Efficient use of road space for on-street parking.
- 6.2 **Crime and Disorder:** Provide an effective mechanism for enforcement of parking.
- 6.3 **Equalities:** None. A review and rationalisation of on-street disabled parking bays was carried out last year.

## **7 CONCLUSION AND REASON FOR RECOMMENDATION**

- 7.1 Work is progressing with introducing DPE. To achieve the agreed programme the Task Group needs to be able to formally approve key tasks.

Appendix A

