



**ON STREET PARKING,
TRAFFIC MANAGEMENT ACT 2004,
ON-STREET PAY AND DISPLAY TARIFFS &
CAR CLUB**

**SURREY COUNTY COUNCIL
LOCAL COMMITTEE (GUILDFORD)**

13th DECEMBER 2007

KEY ISSUE

This report updates members on the implications of Part 6 of the Traffic Management Act (TMA) 2004 and recommends an increase in the on-street tariff. It also recommends starting to identify parking places which could be used to expand the car club in Guildford.

SUMMARY

The report details the impact of the TMA and asks the Committee to agree to new Penalty Charge levels and to agree to advertise the changes to traffic regulation orders necessary to implement the TMA. The report also recommends an increase in the on-street pay and display tariff. It further suggests that officers start to identify on-street parking places that could be used to expand the existing car club, if necessary in consultation with residents and other road users.

Report by

Surrey Atlas Ref.

GBC HEAD OF RECYCLING CLEANSING
& PARKING

N/A

GUILDFORD B.C. WARD(S)

COUNTY ELECTORAL DIVISION(S)

ALL

ALL

OFFICER RECOMMENDATIONS

The Committee is asked to agree:

- (i) that Band 2 penalty charge levels (£70/£50) are adopted for on-street enforcement in Guildford as part of the introduction of civil parking enforcement.
- (ii) that the traffic regulation orders are changed so that they comply with the requirements of the Traffic Management Act 2004 and the regulations and guidance issued under it.
- (iii) that the tariff for on-street pay and display is increased by 10p per half hour so that the charge becomes 70p per half hour except in Pewley Hill and Harvey Road where it will be 50p per half hour. The charge, as now, will apply 8.30am to 6.00pm Monday to Saturday.
- (iv) that the changes to (a) the level of penalty charge, (b) the traffic regulation orders and (c) the change to the pay and display tariffs, are advertised and come into force on 31 March 2008.
- (v) that officers start to identify a network of on-street spaces that could be used to expand the car club and that if necessary consult with residents and other road users on their views.

INTRODUCTION AND BACKGROUND

- 1 Part 6 of the Traffic Management Act 2004 (TMA) and the regulations being introduced as a result of it represent the first major review of local authority parking enforcement since it was introduced in London in July 1994 by the Road Traffic Act 1991. It seeks to make parking enforcement fairer and more accountable to the motorist but also to make enforcement more effective and linked to clear traffic management objectives.
- 2 The TMA provides for the civil enforcement of most types of parking contraventions. It replaces Part II and Schedule 3 of the Road Traffic Act 1991 and comes into force on 31 March 2008. Decriminalised Parking Enforcement (DPE) will be replaced by Civil Parking Enforcement (CPE).
- 3 The Department for Transport (DfT) recently published the draft statutory guidance and more detailed operational guidance for consultation. The objectives of this guidance are to:
 - Set out the policy framework within which the Government believes that all English local authorities, both inside and outside London, should be setting their parking policies and, if appropriate, the enforcement of those policies.
 - Inform all English local authorities of the changes to parking policy and enforcement that result from the replacement of part II of the Road Traffic Act 1991 (RTA) by the parking provisions in part 6 of the Traffic Management Act 2004.

- Inform English local authorities who have not yet done so of the scope and procedure for taking over the enforcement of parking regulations from the police.
- The statutory guidance advises authorities of the procedures that they must follow, the procedures to which they must have regard and the procedures that the Government recommends they follow when enforcing parking restrictions. The operational guidance gives more detailed advice.
- Inform members of the public, as well as local authorities, about parking policies and their enforcement.

HOW CPE DIFFERS FROM DPE

- 4 The introduction of Civil Parking Enforcement supersedes Decriminalised Parking Enforcement and introduces a number of changes to parking enforcement. They can be categorised as presentational, additional powers, financial and procedural. They are detailed in **ANNEXE A** but the more significant changes are set below.
- Parking Attendants will be called Civil Enforcement Officers (CEOs) and have a role which could include enforcement using CCTV cameras.
 - Authorities will be able to use approved devices (cameras) to enforce parking restrictions.
 - Penalty Charge Notices (PCN) will no longer have to be placed on the vehicle or handed to the person who appears to be in charge of the vehicle. They can be served by post if the vehicle is driven away before the PCN can be issued.
 - Authorities will be able to enforce dropped footways, double parking, taxi ranks and the zig zag lines associated with pedestrian crossings.
 - The introduction of differential parking penalties by setting up two levels of penalty depending on the seriousness of the contravention.
 - Authorities should review their parking policies on a regular basis in consultation with local stakeholders and, once finalised, they should be published.
 - Authorities should publish certain items of financial and statistical information.
 - Authorities are required to issue an annual report.

ACTIONS REQUIRED TO PREPARE FOR CPE

- 5 The DfT has acknowledged that the time-scale for implementation is challenging but is not moveable. The simple fact is that if the measures to implement changes are not in place by 31 March 2008 then it will not be possible to enforce any restrictions. The principal actions required are as follows.
- a) **Make necessary changes to the processing software.** The supplier of our system is working to update their software. Once released this will need to be tested and parameterised.
 - b) **Change existing documentation.** All the documentation currently used on parking enforcement will need to be updated. The British Parking Association are working to produce a set of standard templates for recovery documents and once these are ready the new documents will need to be ordered. All standard letters will need to be updated.
 - c) **Amend Traffic Regulation Orders.** The wording and procedures set out in traffic regulation orders will need to be amended to reflect the changes brought about by the TMA. For example references to parking attendants will need to be changed to civil enforcement officers and references to Road Traffic Act 1991 changed to the Traffic Management Act 2004. These changes will need to be advertised.
 - d) **Ensure all appropriate staff are fully aware of and trained in the new procedures.** All people involved in parking enforcement will need to undergo some training to ensure they are familiar with the new regulations, policies and procedures
 - e) **Advertise the change to the level of penalty charge.** Authorities are required to advertise the change to the level of penalty charge and to publicise the change
 - f) **Review the County's policy and enforcement package to ensure it still meets our needs.** Authorities need to decide on what policies should be put in place. Once prepared authorities should consult widely with stakeholders and publish them so that the public have easy access. Ongoing monitoring of these policies should also be carried out to ensure the objectives are being achieved.
 - g) **Rebranding CEO uniforms.** Uniforms will need to be changed to reflect the requirements of the TMA.

OPTIONS : LEVELS OF PENALTY CHARGE

- 6 The Secretary of State and the Mayor for London have agreed that authorities must issue two different levels of penalty charges in their area. Authorities outside London with CPE power must publish these new charges in at least one local newspaper 14 days or more before the new charges come into effect on Monday 31 March 2008. Outside London

there are two bands available for local authorities to choose as set out in **TABLE 1** below.

TABLE 1 : Options for Penalty Charge Levels

Band	Higher level penalty charge	Lower level penalty charge
1	£60	£40
2	£70	£50

- 7 The higher level of penalty charge will generally apply to restricted areas or parking places where drivers fail to display a residents' permit or disabled badge. Less serious contraventions will generally relate to offences in designated parking places such as parking longer than permitted or not displaying a pay and display ticket.
- 8 The current level of penalty charge is £60 for all contraventions across Surrey. A report will be presented to Surrey County Council's Executive in January and Borough and Districts will be presenting reports to their Executives to set the Penalty Band for car parks. It is desirable for all authorities to adopt the same band. It is understood that officers across Surrey will be recommending that band 2 is appropriate for Surrey as it is the closest reflection of the current level and presents the greatest deterrent to motorists.
- 9 It should be noted that more of the Penalty Charge Notices issued last year in Guildford would have fallen into the lower level and there will therefore be an overall reduction in the amount collected from penalties. In Guildford responsibility for enforcement is split into three areas (a) the new contraventions introduced by Decriminalized Parking Enforcement (DPE), (b) the existing responsibilities on-street before DPE was introduced (Controlled Parking Zone) and (c) the responsibility for enforcing car parks. The table below shows how each area could be affected by the different bands. The figures are based on the actual tickets issued in 2006/07. It should be noted that levels of tickets vary from year to year and this is an illustration. Budget estimates for 2008/09 have been amended to reflect these changes but assuming band 2 is adopted.

	Respon - -sibility	Money rec'd from Penalties	Band 2 (£70/£50)		Band 1 (£60/£40)	
			Change in revenue		Change in revenue	
			%	£	%	£
DPE	SCC Executive	£214,759	+14%	+£30,066	-2%	-£4,295
CPZ	SCC Local Committee	£426,667	-6%	-£25,600	-22%	-£93,867
Car Parks	GBC	£424,901	-11%	-£46,739	-28%	-£118,972
Overall		£1,066,327	-4%	-£42,273	-20%	-£217,134

- 10 There is a very short period to implement the changes needed and in order that officers can prepare it is recommended that the Committee agree that band 2 be adopted in Guildford. If the SCC Executive were to decide to adopt band 1 then this would overrule the Committee's decision and plans would need to be altered accordingly.
- 11 It is also recommended that the Committee agree that all necessary changes to the TROs are made and advertised to enable Civil Parking Enforcement to commence on 31 March 2008.
- 12 The substantial amount of work needed to prepare for the TMA is likely to lead to some delays in other projects currently in hand.

ON-STREET PAY AND DISPLAY PARKING CHARGE

- 13 The charge for pay and display space on-street needs to be set to encourage a turnover so that space regularly becomes available. The current pay and display charge for parking in most on-street parking places is 60p per half hour. In Pewley Hill and Harvey Road the charge is 40p per half hour. These charges have not increased since April 2003. **TABLE 2** below shows the usage figures and resulting income.

TABLE 2 : On- Street –Town Centre - Total Users (Pay & Display only)

YEAR	Main Tariff per 30 minutes	USERS	% change from previous year	INCOME (£)	% change from previous year	Average length of stay in minutes
1999/00	50p	615,508	+6	564,210	+5.5	55
2000/01	50p	605,130	-1.7	559,951	-1	56
2001/02	50p	613,364	+1.4	578,552	+3.3	56
2002/03	50p	599,245	-2.3	575,996	-0.4	58
2003/04*	60p	574,854	-4	659,906	+14.6	58
2004/05	60p	552,059	-4	649,432	-1.6	59
2005/06	60p	573,051	+3.8	659,198	+1.5	58
2006/07	60p	580,183	+1.24	657,186	-0.31	57

* The price of parking increased from 50p for ½ hour to 60p in April 2003

- 14 The tariffs in off-street car parks have increased during this time and may increase again this year. It is recommended that a 10p per half an hour increase be introduced on 31st March 2008. This would make the tariff 70p per half hour except in Pewley Hill and Harvey Road where the charge would be 50p per half hour. Parking would still be subject to the maximum period allowed at the parking place. This will encourage a greater availability of space and avoid congestion caused by motorists unable to find somewhere to park. It is recommended to make the change on the 31st March rather than the 1st April. The TMA changes will be introduced on the 31st March. The TMA requires the information on the instruction sheet for the Pay and Display machines to be changed and making both changes on the same day removes the need to change the instructions twice in consecutive days.

TABLE 3 : All Car Parks - Total Tickets sold

YEAR	Tickets sold	INCOME (net of VAT) (£)
1995/96	2,997,141	2,591,231
1996/97	3,091,432	2,802,942
1997/98	3,153,846	3,008,908
1998/99	3,156,617	3,269,696
1999/00	3,036,092	3,409,660
2000/01	3,074,086	3,624,862
2001/02	3,504,449*	4,256,615*
2002/03	3,404,623	4,607,759
2003/04	3,490,440	4,949,261
2004/05	3,485,843	5,177,390
2005/06	3,499,823	5,522,697
2006/07	3,497,975	5,770,971

Note: These figures exclude contract parking & /season tickets. The significant increase in vehicles and income between 2000/01 and 2001/02 is due to the introduction of a 50p per visit charge for Sunday parking (approximately 250,000 users in 2001/02), the reopening of Castle Car Park and the financial year in 2001/02 having 53 weeks.

- 15 These changes are estimated to increase revenue from pay and display by £88,000 but as the table above shows usage is fairly changeable. The surplus from the on-street parking account, mainly derived from pay and display income, is used to fund the Park and Ride services. The increase will help cover the increasing cost of Park and Ride.

CAR CLUB

- 16 A car club was started with two cars in September 2007 using off-street parking spaces, one in Eagle Road car park and another in Stoke Fields car park. Both these spaces are in Area A where there is the greatest pressure on residents' parking space. The car club is a joint venture between Guildford Borough and Surrey County Councils and a company called Streetcar operates the cars.
- 17 Although in its early stages the car club already has 46 members and the cars are being utilised according to **TABLE 4** below. The data is calculated using a 10 hour day and so if on average the car is booked for more than 10 hours the percentage utilisation will be greater than 100.

TABLE 4 : Car Club Utilisation

Car Location	September	October
Stoke Fields	15%	31%
Eagle Road	3%	173%

- 18 Officers will be working with Streetcar over the next few months to ascertain whether there has been any modal shift with people changing from having a personal car to just relying on using the car club.

- 19 The initial take-up is encouraging and if this continues there may be the opportunity to expand the number of cars in the scheme using on-street parking places. In view of this it is recommended that officers start to identify a network of on-street parking places that could be used to expand the car club. As part of this exercise it may be useful to consult with residents and other road users in an area to ascertain their views on converting on-street spaces from being available to permit holders to being reserved for a car club car.

CONSULTATIONS

- 20 The need for consultation and advertisement of the Traffic Management Act changes is covered in paragraphs 5 (c) and (e) above. It will be necessary to advertise the proposed changes in parking charges. Paragraph 19 above suggests consultation with residents and others in relation to the car club proposals.

FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 21 The financial effects of changes in penalty charge levels are covered in paragraphs 6 to 9. Those related to changes in parking charges are covered in paragraphs 13 to 15. The car club proposals have no financial consequences.

EQUALITIES AND DIVERSITY IMPLICATIONS

- 22 This report has no implications for equalities and diversity.

CRIME AND DISORDER IMPLICATIONS

- 23 This report has no implications for crime and disorder.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

- 24 The effective control of parking is beneficial to both the local economy and the residential amenity of local people. Charges, both for on-street parking and for penalties have a direct bearing on the effectiveness of parking controls, and on the income which is used to provide revenue support for the park and ride bus services. Expansion of the car club in Guildford may in time reduce car ownership and/or usage while maintaining levels of accessibility, to the benefit of both the local economy and the environment.

CONCLUSIONS AND REASONS FOR RECOMMENDATIONS

- 25 The short timescale for implementing the TMA requires officers to start preparing as soon as possible. The changes in penalty payments may result in a loss of income to SCC. It is therefore recommended that Band 2 penalty charge levels are adopted.
- 26 The increase in the pay and display tariff will help improve the availability of space and increase funds available for Park and Ride.
- 27 The expansion of the car club should help reduce parking pressure on-street by giving residents access to a car without having to own one.

WHAT HAPPENS NEXT

- 28 The changes to the TROs required to introduce (a) the TMA and (b) the change to increase the pay and display tariff will need to be advertised. Officers will start to assemble a package of spaces in the most promising areas that could be designated for use by a car club if the trial continues to show promising results.

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BACKGROUND PAPERS

TRAFFIC MANAGEMENT ACT 2004 (PART 6) – PARKING ENFORCEMENT

PRESENTATIONAL CHANGES

- Decriminalised Parking Enforcement (DPE) becomes Civil Parking Enforcement (CPE)
- Parking Attendants will be called Civil Enforcement Officers (CEOs) and have a wider role
- Special Parking Areas and Permitted Parking Areas will be called Civil Enforcement Areas

ADDITIONAL POWERS

- Ability to serve a Penalty Charge Notice by post if a CEO has been prevented from serving it by the motorist (e.g. the motorist drives away before it can be served)
- Ability to use cameras to enforce parking restrictions with approved devices. These have to be certified by the Secretary of State.
- Ability to send a PCN by post with camera evidence
- Special Enforcement Areas introduced to permit dropped footways and double parking to be enforced
- Ability to enforce zig zag lines associated with pedestrian crossings
- Ability to enforce Hackney Carriage Stands (Taxi ranks) made under the Miscellaneous Provisions Act.

FINANCIAL

- The introduction of differential parking penalties depending on the seriousness of the contravention
- Authorities no longer need to demonstrate to the Secretary of State that parking enforcement would be self funding

PROCEDURAL

- Postal PCNs must be issued with 28 days
- Notice to Owner (NTOs) must be served within 6 months
- Witness statement will replace statutory declaration
- New grounds introduced for representation (Procedural impropriety and PCN paid)
- Informal representations must be considered
- Time limit for responding to challenges (14 days) and representations (56 days)
- 21 day discount for PCNs sent by post with evidence from an approved device
- Where authorities choose to clamp there will be an extension to the 15 minute grace period following the issue of a PCN in a parking place
- Authorities must not clamp within 30 minutes of the issue of a PCN with the exception of persistent evaders who should be clamped after 15 minutes
- re-issue of Notice to Owner if motorist cancels payment
- Adjudicators will have the power to refer appeals back to an authority's chief executive for reconsideration where a contravention took place but in mitigating circumstances
- Stronger emphasis on staff training
- Authorities are encouraged to use photographic evidence gathered by CEOs as additional evidence that the contravention occurred
- Discourages wheel clamping and removal of vehicles other than those of persistent evaders
- Requirement to re-offer the discount after a challenge is received and refused.
- Authorities should review their parking policies on a regular basis in consultation with local stakeholders and, once finalised, these should be published
- Authorities are required to prepare and publish an annual report
- Authorities should publish certain items of financial and statistical information