



# **Decriminalised Parking Enforcement**

**8 July 2005**

## **KEY ISSUE**

The best way forward for progression of Decriminalised Parking Enforcement (DPE) within Tandridge.

## **SUMMARY**

The report provides an update on DPE within Tandridge with a recommendation on what is considered the best way forward proposed by the DPE Working Group.

## **RECOMMENDATIONS**

The Committee is asked to agree:

- (i) that arrangements are put in place to enter into an Agency Agreement with Tandridge District Council (TDC) to implement an in-house Decriminalised Parking Enforcement scheme; and
- (ii) a further report to include more detailed information on any proposed in-house scheme and its operational and enforcement arrangements be presented to a future committee for consideration, approval and adoption; and
- (iii) agree the continued representation of Members on the Working Group.

## **INTRODUCTION**

1. The Road Traffic Act 1991 provides for the decriminalisation of most non-endorseable on-street parking offences. The essence of these arrangements is that local highway authorities are able to apply to the Secretary of State for orders decriminalising the offences within particular geographical areas. Then, as these offences are no longer criminal in those areas, responsibility for enforcement transfers from the police to the local highway authority, in this case Surrey County Council.
2. Having considered this issue, the County has made the decision to proceed with the implementation of DPE across the County on the basis of District/Borough based schemes. A number of Boroughs and Districts across the County particularly those with a significant interest in car-parking income, have already implemented a DPE scheme in partnership with the County.
3. The County view is that any scheme should be: -
  - flexible and responsive to local needs and conditions;
  - used to achieve a safe environment and reduce congestion;
  - not be seen as a means of raising revenue (although any scheme should be self financing as far as possible);
  - have complementary and coordinated strategies for, and management of, both on and off-street parking;
  - have a consistent level of enforcement across the County; and
  - not have an adverse affect on the viability of town centres etc.
4. The Executive has agreed that a District/Borough based scheme be adopted with the proviso that, whilst the District and Borough Councils should operate DPE on a day-to-day basis, policy formulation and overall financial and strategic management of DPE should remain with the County or with the County in partnership with the District or Borough Councils.
5. The existing traffic warden service in Tandridge is managed by the Police but will not be continued. The County is therefore required to develop and implement a DPE scheme for Tandridge.

## **ANALYSIS AND COMMENTARY**

### ***Current Position***

6. It was originally suggested that DPE in Tandridge could be implemented in a tri-partite partnership with TDC and Reigate & Banstead Borough Council (R&B). Meetings have now taken place in order to move DPE in Tandridge forward.
7. A Working Group attended by Officers and Members (County Councillors Mrs Sally Marks and Peter Langham, District Councillors Mrs Glynis Whittle, Richard Allen and Eric Morgan) provided an opportunity to review the method by which DPE might be implemented in Tandridge. In particular whether to enter a tri-partite arrangement would offer the best solution overall for Tandridge or whether another option might be considered more appropriate.

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8. County has already made the commitment to fund centrally the net costs of on-street DPE and is not seeking to achieve the cheapest cost on each DPE operation. Acceptable models are ones that deliver affordable levels of parking enforcement and that complied with the County's Parking Strategy and related policies.
9. Off-street car parks will remain the responsibility of TDC. It is, however, Government recommended policy and now acknowledged good practice to integrate the enforcement of on and off-street parking regulations under DPE. The County will pay the net costs of the on-street enforcement but responsibility for funding the off-street (car park) enforcement will remain with TDC.
10. Enforcement of off-street car parks is a low key activity for TDC. However, the introduction of DPE may provide opportunities for joint working on managing these car parks and yield benefits to both County and Tandridge.
11. There is a considerable amount of work to be undertaken to implement DPE. It will require proposals to be prepared and agreement to be reached on matters such as the Agency Agreement, enforcement policy, operational procedures, and a submission to the Secretary of State, which may take up to 6 months to be approved. To help achieve implementation a specialist consultant, funded by the County, will work with officers and Working Group on this project. It is intended that the Joint Working Group continues to steer DPE towards implementation at the earliest practicable time in 2006.

### **Service Options**

12. It was considered two feasible operational options exist for introducing DPE in Tandridge;
  - a) Operated by TDC acting as agents of SCC.
  - b) Operated by Reigate & Banstead Borough Council with either SCC or TDC as client.
13. Although cost is an important consideration it is not the over-riding concern when seeking to implement DPE. Other issues are considered important matters such as, accountability, understanding the service ethos, local knowledge ability to provide an 'ambassadorial role' and other similar matters less tangible than cost.
14. Bearing this in mind an exercise has been undertaken to consider the advantages and disadvantages of the two schemes in order to determine which would be the appropriate way forward in Tandridge. The outcome is as follows;

**The 'TDC Option' (a):**

**Advantages for the TDC Option:**

- a. The Council would have direct control over all aspects of public parking enforcement management in its area
- b. The whole DPE operation would be small, flexible and relatively easy to control
- c. Tandridge would still be required to undertake the preparation of the enforcement manual, protocols and other relevant documents whether the service is provided in house or not.
- d. That the arrangement would be a straightforward agency agreement between SCC and TDC without any third parties involved. This would mean that overall accountability, responsibility, management and administration would be uncomplicated.
- e. For the same reason as above, given that democratically elected bodies are involved, the political dimension would be uncomplicated.
- f. Enforcement would reflect a public service ethos.
- g. The emphasis will be on safer streets rather than enforcement.
- h. Parking Attendants would act as ambassadors for TDC.
- i. Accommodation for the new service is available at Warren Lane TDC depot.
- j. Offering employment on a 'full time equivalent' basis should give flexibility for absences due to leave or sickness.
- k. There would be opportunities for increased efficiency by effective management of off-street and on-street enforcement together.

**Disadvantages for the TDC Option**

- a. There would inevitably be some minor requirement to adapt management and administrative arrangements to take on board new responsibilities.
- b. There would be an inevitable learning curve, even if a Parking Manager with DPE experience was recruited
- c. TDC would take on additional employment (recruitment, retention, pensions etc) and legal responsibilities although this will be subject to negotiations with SCC
- d. TDC's experience of parking enforcement is limited and SCC would fund, start-up costs in bringing in a new service.

**The 'R&B Option' (b):**

**Advantages for the R&B Option**

- a. Although there would still be a learning curve for TDC in relation to DPE, R&B's experience should help the implementation process.
- b. There would be a lesser requirement to reconsider management and administration arrangements.
- c. There could be cost-effectiveness gains for SCC as management resources would not need to be increased pro-rata to enforcement resources.
- d. This arrangement still allows for a public service ethos.
- e. Staff cover may be more readily available.

**Disadvantages for the R&B Option**

- a. R&B staff would lack a degree of local knowledge.
- b. TDC would still need to deal with representations and appeals.
- c. TDC would still be required to prepare and adopt all the relevant protocols and enforcement rules and regulations whether in-house or not.
- d. Direct control by TDC would be much more difficult than in the TDC option.
- e. There would be a loss of flexibility with the enforcement staff allocated for Tandridge being based in Reigate and Banstead.
- f. The political dimension would be more complicated than under TDC Option.
- g. There will be badging problems to be overcome (uniforms, vehicles etc).
- h. This has not been followed as a model anywhere else in Surrey therefore there is no experience to date of such an arrangement.
- i. R&B would effectively be working as a contractor and would therefore likely require favourable contractual terms.
- j. R&B would have operational control.
- k. Not favoured as an approach by Department for Transport if SCC is the client as this arrangement would prevent unification of on- and off-street management and enforcement.

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15. While it is possible that to extend the Reigate and Banstead DPE service would be a cheaper option than an in-house arrangement, as may be seen above there are a number of disbenefits to taking that approach.
16. Furthermore it may be asked why residents of Tandridge should receive any lesser service, in terms of accountability, local arrangements or the ambassadorial role that an in-house service could provide. All other Districts/Boroughs in Surrey are proceeding with an in-house service for DPE.

## **CONSULTATION**

17. Consultation with Parish Councils and Town Centre Management groups must be undertaken within the process to implement DPE. The results must be included within the submission to the Secretary of State.
18. In addition, a publicity campaign will be undertaken to emphasise that enforcement powers have been taken over from the police. Similar to other areas already 'live' with DPE a mock enforcement period prior to implementation could be undertaken. Any illegal parkers during this period could be issued with a warning ticket instead of a Penalty Clause Notice.

## **FINANCIAL IMPLICATIONS**

19. Finance forecasts for Tandridge are being developed but it is noted that the total cost of implementing DPE in other Surrey Districts/Boroughs has exceeded £100,000. The majority of this is capital cost which will be met by the County LTP budget for DPE. This is set at £534,000 for the current financial year.

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