

Report of	Meeting	Date
Head of Public Space Services	Customer Overview and Scrutiny Panel	8 June 2005

DECRIMINALISED PARKING ENFORCEMENT

PURPOSE OF REPORT

- To provide information for the Scrutiny Panel to assess decriminalised parking enforcement as highlighted in the enclosed Topic Selection document.

CORPORATE PRIORITIES

- This matter is directly related to the key priority of 'Serving our customers better'.

RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	
Reputation	√	Regulatory/Legal	√
Financial		Operational	
People	√	Other	

- Failure to operate the DPE process in a fair and equitable way will discourage visitors from visiting Chorley. Failure to comply with the various guidelines and statutes of the 91 Act could put the Council in an ultra vires situation.

BACKGROUND

- During the late 1980's, police forces across England and Wales were under increasing pressure to provide more officers on the beat and to better meet the expectations of the public. This led to a number of Chief Constables reviewing their overall staffing levels and re-deploying Traffic Wardens, who carried out enforcement of parking offences. As a result of this, Central Government passed the Road Traffic Act 1991, enabling London Boroughs to carry out their own enforcement of parking regulations. This was extended to all of England and Wales in 1996.

6. Lancashire Constabulary gradually reduced their Traffic Wardens over the years, and in 2001 gave formal notice to Lancashire County Council that all enforcement of parking by police would cease on 5th April 2004. In response to this, LCC, as the Highway Authority, and after consultation with all the Districts, applied to Dept for Transport for the powers to carry out Decriminalised Parking Enforcement across the county. This came into effect on 6th September 2004.

OPERATION

7. LCC provided some £2m to set up both the central notice processing department, Parkwise, and to cover any expenditure incurred by the Districts in meeting the needs of DPE.
8. The operation was set up in accordance with the guidelines contained in the Dept for Transport's "Guidance on Decriminalised Parking Enforcement Outside London", and are not open to amendment by Authority's. This document also contains general guidance on how Parking Attendants carry out their duties.
9. The '91 Act dictates that the operation of DPE has to be self-financing, with revenue from PCN's covering the costs. The Financial model for Lancashire predicts a breakeven point some eighteen months into the operation. After that time, Lancashire will share any surplus from On Street revenue with each district, to be spent on Transportation or Highway improvement projects as defined under Section 55 of the Road Traffic Regulation Act of 1984. It must be noted that if the operation runs at a deficit, revenue from Car Park charges could be taken into account to balance the costs. Any surplus generated from Off Street is similarly ring fenced.
10. LCC appointed a contractor to carry out enforcement across the County and have drawn up a service Agreement for each District. A Procedure Manual was introduced to ensure that a uniform approach was taken across the County.
11. The '91 Act provided for a National Adjudication Service to be set up to deal with appeals from motorists, and decisions passed down from this body are binding on all Authority's. As a result of this, the operation is under constant review, both at Chorley's regular weekly meeting with the contractor and at the monthly meeting of all Districts held with LCC.
12. Prior to the introduction of DPE, for the period 6th September 2003 to 31st March 2004, 1494 Excess Charge Notices were issued on the Car Parks of Chorley, No figures are available for Fixed Penalty Charge notices issued On Street.
13. During the same period, post DPE, 3412 PCN's have been issued on Car Parks and 3480 issued On Street. Of the combined total of 6892, 1336 have been cancelled.
14. The method of operation in place regarding the handling of informal challenges, representations, discount periods and appeals is in accordance with the '91 Act, and, as stated above, not open to amendment.
15. Parking Attendants operate in line with the Dept for Transport's guidelines and those contained in the LCC Manual. This manual covers both On and Off Street

Enforcement, to ensure a consistent approach across Lancashire, in line with advice given by the Parking Adjudication Service.

16. Parking Attendants will issue PCN's to any vehicle they see in contravention. This approach prevents any accusations of favouritism, corruption or malpractice and again is embodied in the '91 Act. Once a PCN is issued, a robust procedure for challenging the issue of the notice is in place.

COMMENTS OF THE DIRECTOR OF FINANCE

17. None at this stage

COMMENTS OF THE HEAD OF HUMAN RESOURCES

18. None at this stage

RECOMMENDATION(S)

19. That the contents of the report be noted

KEITH ALLEN
HEAD OF PUBLIC SPACE SERVICES

Background Papers			
Document	Date	File	Place of Inspection
Lancashire County Council - Office Procedures Manual for Parking Operations & Penalty Charge Notice Processing	Nov 2004		Public Space Services, Bengal Street Chorley
Dept Of Transport - Guidance On decriminalised Parking Enforcement Outside London	Jan 1995		

Report Author	Ext	Date	Doc ID
Iain Price	5251	27 May 05	ADMINREP/REPORT