

	AGENDA ITEM NO.
Report Cover Sheet	
Name of Meeting:	Executive
Date of Meeting:	11 th February 2008
Report Title:	Civil Parking Enforcement – New Penalty Charges
Summary of report:	Existing Decriminalised Parking Enforcement will become Civil Parking Enforcement when new regulations under Part 6 of the Traffic Management Act come into operation on 31 st of March 2008. This report recommends the adoption of Band 2 Penalty Charges under The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007.
For further information please contact (report author);	Ian Coker – ian.coker@warwickdc.gov.uk Tel 01926 456227
Business Unit:	Neighbourhood Services
Would the recommended decision be contrary to the policy framework:	No
Would the recommended decision be contrary to the budgetary framework:	No
Wards of the District directly affected by this decision:	All
Key Decision?	Yes
Included within the Forward Plan?	Yes (If Yes, include reference number)
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No (If yes, include para number)
Date and name of meeting when issue was last considered and relevant minute number:	

Background Papers:	<p>Regulations and Statutory Guidance, made under Part 6 of the Traffic Management Act 2004 and published in December 2007 including:-</p> <ul style="list-style-type: none"> Statutory Guidance To Local Authorities On The Civil Enforcement Of Parking Contraventions The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 <p>The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007</p>
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Consultation Undertaken		
Below is a table of the Council's regular consultees. However not all have to be consulted on every matter and if there was no obligation to consult with a specific consultee they will be marked as n/a.		
Consultees	Yes/ No	Who
Other Committees		
Ward Councillors		
Portfolio Holders	Yes	
Other Councillors		
Warwick District Council recognised Trades Unions		
Other Warwick District Council Service Areas		
Project partners		
Parish/Town Council		
Highways Authority	Yes	
Residents		
Citizens Panel		
Other consultees		
Officer Approval		
With regard to officer approval all reports must be approved by the report authors relevant director, Finance Services and Legal Services.		
Officer Approval	Date	Name
Relevant Director(s)		
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Final Decision?	Yes/ No	

1. RECOMMENDATION(S)

- 1.1 That the Executive approves the adoption of Band 2 Penalty Charges (PCN) under The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 with effect from 31st March 2008.

2. REASON(S) FOR THE RECOMMENDATION(S)

- 2.1 The County Council Cabinet considered the charges to be applied for Penalty Charge Notices (PCN) at their meeting on 31st January 2008. They were expected to adopt the Band 2 charges. The result of the WCC cabinet meeting will be confirmed at the time of the Executive meeting.
- 2.2 The new Traffic Management Act (TMA) requires PCN charges to be the same across the County, as a result the charges charged in Warwick District need to be the same as those applied in Stratford District and Rugby Borough. All the Districts / Boroughs are therefore recommending the lead taken by the County Council and seeking to introduce Band 2 charges.

3. ALTERNATIVE OPTION(S) CONSIDERED

- 3.1 To adopt the lower band of £60 and £40. This was discounted by the County Council as it does not believe that that level will be sufficient deterrent to drivers. See 6.1 - 6.11.

4. BUDGETARY FRAMEWORK

- 4.1 As a result of the revised PCN charges it is estimated that the overall level of fines from PCN's will be reduced. However as the new TMA 2004 requires a two tier system to be introduced the Council has no option than to adopt either the band 1 or 2 charges.
- 4.2 The impact of the two tier approach is difficult to estimate but based on the number of PCN' issued in other parts of the County where DPE has been in place for a couple of years it is estimated that the introduction of the band 2 charges will result in a reduction of fines of about 7%. This would equate to a reduction in PCN income of around £14k.
- 4.3 It is not proposed to amend the budgeted income for these changes at this stage. The overall income will continue to be monitored throughout the year.

5. POLICY FRAMEWORK

- 5.1 The introduction of the DPE has been generally well received as there has been an increase in turnover and availability of short stay spaces, less congestion and circulating traffic, less illegal parking causing obstruction. This meets the policy of making town centres more accessible.

6. BACKGROUND INFORMATION

- 6.1 The current penalty charge applied in Stratford on Avon District, Warwick District and Rugby Borough is £60 (discounted to £30 for payment within 14 days). This level was set by the Secretary of State.
- 6.2 Under the new arrangements enforcement authorities must set the level of charges within the guidance provided by the Secretary of State. The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 provides a choice of two bands as in the table below. As under current arrangements there is a 50% reduction for payment within 14 days.

Band	Higher level penalty charge	Lower level penalty charge
1	£60 - discounted to £30	£40 - discounted to £20
2	£70 - discounted to £35	£50 - discounted to £25

- 6.3 Essentially the lower level penalty charge is to be applied for most parking contraventions where the motorist is normally allowed to park (e.g. overstaying a two-hour limit), and the higher level where the motorist is not normally allowed to park (e.g. parking on double yellow lines). This change to a fairer system of penalties is intended to make parking enforcement more acceptable to the public. Analysis of available data indicates that approximately 70% of the contraventions will be at the lower level.
- 6.4 Under "CPE policy objectives" the "Secretary of State's Statutory Guidance to local authorities on the Civil Enforcement of Parking Contraventions" states
- "Enforcement authorities should aim to increase compliance with parking restrictions through clear, well designed, legal and enforced parking controls. CPE provides a means by which an authority can effectively deliver wider transport strategies and objectives. Enforcement authorities should not view CPE in isolation or as a way of raising revenue" (para. 12.).
- 6.5 Under "setting charges" the above Guidance also states
- "The primary purpose of penalty charges is to encourage compliance with parking restrictions. In pursuit of this, enforcement authorities should adopt the lowest charge level consistent with a high level of public acceptability and compliance" (para. 21).
- 6.6 In comparison with the current penalty of £60, (or £30 within 14 days), the Band 1 penalties would be unlikely to act as an effective deterrent and would be likely to reduce compliance, which would not help deliver the Council's transport strategies and objectives in its Local Transport Plan.
- 6.7 Band 2 penalties will provide a more effective deterrent than at present to higher level contraventions, while providing a lower penalty than existing for the less serious lower level contraventions. Of the two bands available under the guidance, Band 2 is the most likely to achieve a high level of compliance and therefore to ensure the delivery of the benefits envisaged by the Local Transport Plan (listed in

2.1 of this report). The adoption of Band 2 penalty charges was therefore recommended to the County Council Cabinet on 31st January.

- 6.8 A meeting of parking managers from the County and Districts/Boroughs was held in November 2007 in anticipation of the publication of the new regulations. It was agreed that a common band of penalty charges should be adopted for all areas with Civil Parking Enforcement in the County. It was agreed that Band 2 penalty charges should be recommended on the grounds that this would best meet the objectives of the Local Transport Plan. It was recognised that simultaneous decisions to adopt the same band would be required by all the councils affected in order to meet the requirement for the new charges to be in place by 31st March 2008, hence the reason for this report.
- 6.9 In view of the overriding purpose of CPE to address transport strategies and policies, it is not appropriate for the level of penalty to be set based on financial considerations. However it would also be inappropriate for a decision to be made without knowledge of the likely financial implications.
- 6.10 It is estimated that should the Band 1 charges be adopted then receipts from on-street penalty charges would reduce by approximately 23.3% with a significant reduction in deterrent. Should Band 2 charges be adopted, as recommended, it is estimated that there would be a reduction in receipts from Penalty Charge Notices of 7%.
- 6.11 It is recommended that the Band 2 penalty charges be introduced on 31st March 2008.