

BOROUGH OF POOLE

TRANSPORTATION ADVISORY GROUP – THURSDAY 8 NOVEMBER 2007

REPORT OF HEAD OF TRANSPORTATION SERVICES

INTRODUCTION OF THE TRAFFIC MANAGEMENT ACT 2004 (SECTION 6)
1 APRIL 2008

1. **Matters for Consideration**

- 1.1 The changes for parking enforcement undertaken by the Council from the 1st April 2008 required by the Traffic Management Act (TMA) 2004

2. **Recommendations**

It is recommended that the Portfolio Holder:

- 2.1 Note the mandatory requirements of the TMA 2004 as covered in this report and approve the following implementation as from 1st April 2008.
- 2.2 Agree to Band 2 charges as set out in item 4.4.
- 2.3 Agree not to adopt the powers of enforcing double parking and obstructing driveways at this stage, as set out in item 5.1.

3. **Background**

- 3.1 Decriminalised Parking Enforcement (DPE) under the Road Traffic Act 1991 was introduced in Poole in April 2002 whereby the Council undertook many of the non – criminal duties relating to parking that were previously undertaken by the Police service.
- 3.2 From 1st April 2008 there will be a requirement to change the parking enforcement to comply with Section 6 of the Traffic Management Act 2004.

The main elements of this change will be :

- (a) Decriminalised Parking Enforcement (DPE) will be changed to Civil Parking Enforcement (CPE). There will be the following associated changes :

- Parking Attendants to be called Civil Enforcement Officers
 - Designated parking areas to be called Civil Enforcement Areas
 - Changes to stationary, tickets, etc
- (b) Parking penalties based on differential charge bands will be introduced in order to provide an enforcement regime appropriate to the contravention.
- (c) The power to serve a Penalty Charge Notice (PCN) by post if a driver either drives away or if a driver prevents an officer serving a notice by way of making threats.
- (d) The National Parking Adjudication Service (NPAS) will have the power to refer appeals back to the Local Authority if it is considered that suitable discretion was not exercised in considering a parking appeal.
- (e) The potential ability to enforce against double parking and parking across a driveway dropped kerb

The areas which require a Member decision at this group meeting are items 3.2 (b) and (e) above. These are now considered with more detail provided:

4. **Differential Charging**

- 4.1 It is considered nationally that the current system of “fines” is not fair, on the basis that a driver who has gone 6 minutes over their ticket time in a car park should not be penalised the same amount as a person who has parked causing a danger to other road users on a loading ban, bend in the road, bus stop or disabled bay.
- 4.2 A new range of charges will therefore be introduced which are considered fairer in that they relate more to the contravention which takes place.
- 4.3 Examples of the contraventions would be:
- Higher : parking on single or double yellow lines, school zig-zags, etc
 - Lower: expired pay and display ticket
(the majority of PCNs issued at the current time would fall within this category)

4.4 The legislation allows for Councils to set charges at one of two bands, listed below:

(discounted payment within 14 days shown in brackets)

	Higher contravention	Lower contravention
Band 1	£60 (£30)	£40.00 (£20)
Band 2	£70 (£35)	£50.00 (£25)

This compares with the current fixed penalty of £60 (£30)

4.5 The projected financial implications in Poole for these charging regimes based on PCNs issued for 2006/07 would be as follows:

Band 1 reduction in income £108,000 – 118,900

Band 2 reduction in income £12,500 – 23,500

The range of figures represent the difference in income resulting from contraventions being in the higher or lower category although DfT guidance in this respect has yet to be finalised.

4.6 It is proposed that Band 2 charges are set in Poole as:

(a) This would minimise the additional pressure on existing budgets.

(b) Transportation Services budgets are already under considerable pressure in the light of the National Concessionary Fares scheme for 2008/09.

(c) The Unit is also required to make efficiency savings of £171,000 as part of its Corporate Financial strategy.

(d) The indications are that most Authorities both locally and nationally are looking to adopt the band 2 charges

4.7 It is anticipated that the financial pressure of £12,500 to £23,500 would be met by parking charge changes for 2008/09, as detailed in a separate report to this Group meeting.

5. Double Parking and Obstructing a driveway dropped kerb

- 5.1 While the ability to enforce these areas is welcomed, it is proposed that these powers are not taken up from 1st April 2008 but instead the situation be kept under review for 6 months. This is on the basis of :
- (a) Current legal debate between the National Adjudication Service and the Department for Transport on the detail of the TMA in this respect.
 - (b) To allow officers to consider the impact in other parts of the country where the powers are taken up from 1st April 2008.
 - (c) Better consideration of the implication given that enforcement would need to be undertaken consistently against all drivers, including in the case of obstructing driveways enforcing against the owners of the property themselves.
 - (d) Determining compliance on the basis of publicity being given to the fact that the Councils can now take on these powers.
- 5.2 If a delay is agreed a further report would be brought back to this Group before any powers relating to this aspect of the TMA would be progressed. The financial implication would also be further assessed.
- 5.3 Local Authorities must also publish their cancellation policies and report in the public forum financial results of their enforcement operations and on other parking policies, including links to the LTP.
- 5.4 The cost of approx. £50,000 incurred in the current year arising from the introduction of the TMA – primarily involving the purchase of a new IT system, uniforms, stationary, training, publicity, etc – will be found from existing Parking revenue budgets.

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