

## **Civil Parking Enforcement**

Report of the Executive Director of Environment, Economy and Culture

***Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.***

**Recommendation: It is recommended that the contents of the report and progress with Civil Parking Enforcement is noted.**

### **1. Summary**

Civil Parking Enforcement (CPE) was introduced across Devon on 5 May 2008 and is being delivered via an agency agreement with our district partners. This report details the progress made since 5 May.

### **2. Background/Introduction**

Civil Parking Enforcement (CPE) is the term given to powers that enable a local authority to take over responsibility for parking enforcement from the local police authority under the Traffic Management Act 2004. Following approval by Executive, 6 November 2007 - report of the Director of Environment, Economy Culture (EEC/07/306/HQ) refers; CPE was introduced across Devon on 5 May 2008. The enforcement service is being delivered via an agency agreement with our district partners. One of the resolutions at the meeting of the Executive was for a report to be submitted to all HATOCs 12 months after the November report, on the operation of the Civil Parking Enforcement scheme and that those reports are brought to the Executive as the basis of any review of progress.

CPE enables Devon County Council to ensure its parking policies are implemented effectively, with benefits through improved traffic flow, fewer crashes, a fairer distribution of available parking places and a more pleasant environment. The integration of enforcement and parking policy responsibilities should provide better monitoring of the effectiveness and value of parking controls, allowing parking provision to become more responsive to the needs of the people of Devon. CPE is another tool that aids Devon County Council meet the network management requirements of the Traffic Management Act 2004. The delivery of CPE across Devon is still evolving and developing and this should be kept in mind when considering this report.

### **3. Proposal**

It is proposed that the following contents are noted.

#### **(i) Progress to date.**

An agency agreement has been set in place with each district partner to provide a parking enforcement service for on-street restrictions that complies with the requirements of the Traffic Management Act, since 5 May 2008. The agreement is for the provision of civil enforcement officers (CEOs) who carry out the enforcement duties on-street and for the processing of penalty charge notices (PCNs), including consideration of challenges and appeals as well as processing payments of the charge.

In order to deliver this service, an IT system has been installed in each council to effectively manage PCN progression. Each CEO carries a hand held computer which is used to issue a penalty charge notice and is linked to the main IT system to ensure evidence of each

contravention is correctly logged and progressed through the different stages. Prior to issuing a PCN the CEO must enter the time of first observation of a contravention. The hand held computer will only allow a PCN to be issued after the appropriate observation period. During this time the CEO must make it obvious which vehicle is being observed. CEOs have been instructed to approach motorists if they are still with a vehicle parked illegally to advise them to move it, rather than ignore them and issue a PCN.

20 traffic wardens transferred across to their respective district council from the police authority and the remaining posts were filled by newly recruited officers. All CEOs, including the ex-traffic wardens, have received training in CPE to the appropriate City & Guilds standards, as per Government guidance. They are currently receiving additional training in conflict resolution to aid them in their duties.

Uniforms have been provided, in accordance with TMA regulations, this is consistent across the county through sourcing all uniform items from the police authority stores based in Exeter. A service level agreement has been set up with the police authority to manage the uniform service which takes advantage of their expertise and the savings offered by their existing uniform contracts.

Upon commencement of enforcement on 5 May, district partners with the exception of North Devon District Council, issued warning notices to motorists parked illegally, with a leaflet produced by Devon County Council to inform the public of the change to parking enforcement. At the same time a publicity campaign was run across the county to raise awareness of the change of responsibility from the police to the local councils.

After a few weeks, "live" PCNs were issued for on-street contraventions. Devon County Council has issued instructions with regard to the priority for on-street enforcement, but has allowed the Districts to manage the day to day service, as per the agency agreement, giving opportunity for flexible and effective enforcement, by combining the new service with their existing off-street car park enforcement.

The table below shows the number of CEOs currently employed by the districts and the amount of PCNs issued in each District for on-street contraventions. When considering the table it should be kept in mind that the service was under development over these first few months and some of the districts were unable to recruit the full complement of CEOs for the commencement of the service.

Council	CEOs funded by DCC	CEOs funded by Districts	PCNs issued on –street between June & September 2008
Exeter City Council	13	13	4076
East Devon District Council	5	5	2161
Teignbridge District Council	5.5	5.5	1733
South Hams District Council	5	6	2592
West Devon Borough Council	3	1	787
Torrige District Council	5	6	1538
North Devon District Council	5	7	1357
Mid Devon District Council	3	3	1289

In general the service has been received positively by the public. Many locations had little effective enforcement for some time and local residents have welcomed its return. In other

locations motorists had been parking illegally for a number of months prior to the start date and the message is now filtering out amongst highway users that this is no longer permitted.

(ii) **Future Proposals and Reports**

It is proposed that an evaluation is made on the current CEO establishment and how effective enforcement has been over the first twelve months of service, in effect an annual report. It is recognised that the service was introduced with a minimum resource and is still developing. In order to effectively enforce parking restrictions in some areas the number of CEOs employed may require increasing, especially if the hours of enforcement are to be extended, but we must first ensure that the current service is working efficiently.

The evaluation will inform the County Council of the future funding requirements to run the CPE service. Any increase in numbers will also mean an increase in revenue required to fund the service. Work is currently being progressed on the predicted revenue requirements over the next year.

A requirement of the TMA regulations is that all authorities within a civil enforcement area must submit a report to the Department for Transport with details of the number of PCNs issued, the number challenged and taken to adjudication, and details of how revenue from these charges has been used by the council. This report will be submitted to Executive in the summer of 2009, prior to submission to the Department for Transport, and published on the council's website.

In the long term, new regulations may give the County Council opportunity to enforce other moving traffic offences, such as bus lane violations, yellow box markings and banned movements.

#### **4. Legal Considerations**

CPE is a service currently undertaken by Devon County Council. This report is only an update of the existing service therefore does not change the legal consideration previously reported.

#### **5. Options/Alternatives**

The agency agreement with each of our district partners is in place until such time as one party gives reasonable notice to the other. As the service is still evolving and is in the development stage, no alternatives for the delivery of this service are being considered at this time. Within the agreement there is a requirement to review after an 18 month period.

#### **6. Reason for Recommendation/Conclusion**

Executive resolved in November 2007 that a report be submitted to all HATOCs after 12 months on the operation of the Civil Parking Enforcement service and that those reports and any comment for HATOCs are brought to the Executive as the basis of any review of progress.

It is recommended that the contents of this report be noted and any comments sent to Executive for consideration.

Edward Chorlton

**Electoral Divisions:** All

Local Government Act 1972

List of Background Papers

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Background Paper	Date	File Ref
1. Details on File	January 2006 to April 2007	EXM/567

gp101108 multiple  
sc/civil parking enforcement  
2 hq 131108