

WARDS: ALL

Select Committee on the Environment - 16th September 2009

Report Of The Director Of The Urban Environment

Civil Parking Enforcement

Purpose of the Report

1. The purpose of this report is to clarify for the Committee the powers of the Council in operating Civil Parking Enforcement (CPE).

Background

2. At its meeting of 4th December 2006, Council resolved that, having regard to Parliamentary processes, approval be given for the adoption of powers by the Council to permit the enforcement of on-street parking restrictions throughout the Borough.
3. Initially, the Council was to take these powers under the Road Traffic Act 1991 (commonly referred to as Decriminalised Parking Enforcement) and applied to the Department for Transport with an implementation date of 1st April 2008. This however coincided with the Department for Transport's review of this legislation, following their widespread consultation with motorists, motoring organisations, the parking industry and the independent adjudication service.
4. On 31st March 2008, Part 6 of The Traffic Management Act 2004 came into force, introducing Civil Parking Enforcement to replace Decriminalised Parking Enforcement and the Department for Transport granted powers to the Council to enforce under this new legislation from 7th July 2008.

Why the Change?

5. It is recognised that congestion on our roads and in our towns is getting worse year-by-year. Increased traffic congestion and illegal and inconsiderate parking causes problems for us all, whether we are driving, cycling, on public transport or on foot. Likewise, the Police have steadily reduced the number of Traffic Wardens over recent years and have directed enforcement resources into areas other than parking. During liaison meetings with Police Inspectors from Operational Sectors within Dudley, positive feedback has been received regarding the Council's new role in taking over responsibilities for on-street enforcement.

6. With the public's help, the Council wants to encourage sensible and safe parking across the Borough to make our towns safe for drivers and pedestrians, keep traffic flowing, make our towns more attractive to businesses and visitors, improve access for public transport, cyclists and emergency services, reduce pollution and improve air quality.

Impact of Civil Parking Enforcement

7. The Council powers at present are confined to the enforcement of on and off- street restrictions or Traffic Regulation Orders (TROs.) The Police retain power to enforce endorseable offences, such as moving traffic contraventions, and obstructive parking where no TRO exists.
8. Parking on footways where there is no TRO has caused some confusion and at present this remains an obstructive offence enforced by the Police.
9. Parking at dropped kerbs has similarly caused confusion, however, following widespread consultation, an amendment to the legislation to enable Highway Authorities with Civil Enforcement Powers to be able to enforce these was enacted by Parliament in June this year. Local authorities are now considering how to implement these powers. This amendment also makes provision for the enforcement of "double" parking.
10. The other main area of confusion that appears common is a lack of understanding over the meaning of some of the more common waiting restrictions.
 - Double yellow lines - these lines apply to the carriageway, pavement and verge (if any). Therefore, a PCN is liable to be issued if a vehicle is parked on the footway or verge where these lines are present. This also applies to single yellow lines and any time limited permitted parking bays.
 - Double yellow lines - you may stop to load or unload (unless there are also loading restrictions) or to drop off or pick up passengers. Holders of Blue Badges may park for up to three hours, subject to complying with the requirements of the Blue Badge Scheme.
 - Loading Restrictions - these are usually double or single yellow lines with additional yellow marks on the kerb and Blue Badge Holders do not have concessions to park on these during the restricted period.
 - There is also a lack of understanding of the difference between advisory road markings and those which are regulatory and can therefore be enforced under Civil Parking Enforcement powers.
11. These rules are not specific to Dudley but are included in the Highway Code and the National Blue Badge Scheme, where applicable.
12. There are currently in excess of 2300 TROs situated at some 900 different locations across the Borough, in addition to 67 public car parks that are the responsibility of

the Parking Management Section to enforce. In preparation for taking on these new powers, the Section achieved accreditation to ISO 9001:2000 for the operation of its quality management system covering the whole scope of its service.

13. The charge which applies to Penalty Charge Notices (PCNs) issued on street and in Council Car Parks is £50 or £70, depending on the seriousness of the offence. These amounts are reduced by 50% if paid within 14 days, with information on how to pay or contest a penalty charge detailed on the penalty charge notice. These charges are set and reviewed by the Secretary of State for Transport.
14. There is a process for the challenge of PCNs laid down by statute and the same process is applicable to all local authorities in England and Wales, outside London and enables provision for independent adjudication of appeals. London has its own adjudication service.
15. Parking Management is responsible for the enforcement of traffic restrictions (TROs) once they have been approved and legally made by the Council. It does not make, amend or revoke such restrictions.

Finance

16. The costs of the Civil Parking Enforcement service are currently funded from a combination of the Council's revenue budget, earmarked reserves and fixed penalty notice income.

Law

17. Part 6 of the Traffic Management Act 2004 permits the Council as Highway Authority to become a Civil Enforcement Area.
18. Traffic Regulation Orders are made under Section 1 of the Road Traffic Regulation Act 1984 (as amended).

Equal Opportunities

19. This report takes account of the Council's equal opportunities policies and assists the mobility of the disabled by exemptions to parking charges.

Recommendation

20. That the Committee note the work undertaken by the Council in introducing and administering Civil Parking Enforcement in the Borough.

