

CABINET MEETING – 11th February 2009

EXECUTIVE SUMMARY SHEET

Title of Report:

Review of the penalty charge band associated with Civil Parking Enforcement

Author(s):

Director of Development and Regeneration

Purpose of Report:

This report seeks Cabinet agreement to a proposal to revise the penalty charge band associated with Civil Parking Enforcement (CPE).

Description of Decision:

Cabinet is RECOMMENDED to:

- i) adopt the Band 2 level of penalty charge;
- ii) authorise the Director of Development and Regeneration and the City Solicitor to take all necessary action to implement the new penalty charges.

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

Introducing Band 2 charges will provide consistency by reflecting the penalty charge band of other neighbouring authorities in accordance with the recommendation of the Department for Transport's operational guidance and help to make the service more financially sustainable. A change to Band 2 charges was also recommended by RTA Associates in connection with the recent review of Civil Parking Enforcement in the City for these reasons. It is anticipated that Band 2 charges will have a positive effect on the degree of compliance with parking and waiting restrictions.

Alternative options to be considered and recommended to be rejected:

The alternative option would be to retain the existing charge band, which is not recommended for the reasons set out in this report.

Is this a "Key Decision" as defined in the Constitution? Yes

Relevant Review Committee:

Environmental and Planning

Is it included in the Forward Plan? Yes

REVIEW OF THE PENALTY CHARGE BAND ASSOCIATED WITH CIVIL PARKING ENFORCEMENT

Report of the Director of Development and Regeneration

1.0 PURPOSE OF REPORT

1.1 This report seeks Cabinet agreement to a proposal to revise the penalty charge band associated with Civil Parking Enforcement (CPE).

2.0 DESCRIPTION OF DECISION

2.1 Cabinet is RECOMMENDED to:

- ii) adopt the Band 2 level of penalty charge;
- ii) authorise the Director of Development and Regeneration and the City Solicitor to take all necessary action to implement the new penalty charges.

3.0 BACKGROUND

3.1 When CPE was introduced nationally on 31st March 2008, in accordance with regulations issued under the Traffic Management Act 2004, local authorities outside London which operated CPE were required to adopt one of two charging bands for penalty charges. In addition, contraventions of parking and waiting restrictions were categorised into a lower or higher level of charge depending upon the seriousness of the contravention. For example, a higher charge would apply to parking in prohibited areas, whereas over-staying in a paid parking place would attract a lower charge as it is considered to be a less serious contravention. Local authorities had a choice of adopting either Band 1 charges which are £60 and £40 (depending on the contravention) or Band 2 charges of £70 and £50. At the meeting held on 13th February 2008, Cabinet agreed to adopt Band 1 charges and to review the position 12 months later to assess the impact of this.

3.2 In its recent report to the Council on Civil Parking Enforcement in the city, RTA Associates indicated that of the 191 Local Authorities that operate CPE, 3 adopted the Band 1 levels of penalty charge.

4.0 PROPOSED REVISION OF THE PENALTY CHARGE NOTICE BAND

4.1 It is proposed to adopt the Band 2 levels of penalty charge. As previously, the penalty charge will be reduced by a discount of 50% if it is paid within 14 days of the date of issue. Conversely, should payment continue to remain outstanding the penalty charge may be increased by 50% and then registered as a debt at the Traffic

Enforcement Centre at Northampton County Court and ultimately passed to bailiffs for enforcement.

- 4.2 Statutory guidance issued by the Secretary of State provides that 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. In addition, operational guidance issued by the Department for Transport states that authorities should choose the lowest band that will help achieve a high degree of compliance with the parking regulations while meeting the objective of producing a system of civil parking enforcement that is self financing. It should be readily accepted and understood by regular and occasional users. Whilst it is not a requirement that parking enforcement is self funding, experience over the last 12 months has shown that the cost of this service is unlikely to be met from income. Introducing Band 2 charges would make the service more financially sustainable. It should however be borne in mind that whilst the guidance advises that being self financing is a sensible aim, the objective of CPE should be for 100 per cent compliance, with no penalty charges.
- 4.3 The guidance also provides that where possible, neighbouring authorities should use penalty charges that are similar, to ensure consistency for road users. Recent investigations have identified that there are in fact 5 other Local Authorities in England and Wales which operate enforcement at the Band 1 level none of which are in the North East. Neighbouring authorities which have introduced CPE are Gateshead, North Tyneside and South Tyneside and they have adopted Band 2. Changing the level of charge would therefore bring Sunderland's charging regime into line with neighbouring authorities. Contraventions of the lower band level have remained broadly similar to previous years. The proposed change may encourage increased compliance with the regulations.
- 4.4 In accordance with statutory requirements, 14 days' notice must be given before the new charges come into effect. It is proposed that if the Band 2 penalty charge levels are adopted and become effective as from 16th March 2009 or as soon as possible thereafter.

5.0 REASONS FOR THE DECISION

- 5.1 Introducing Band 2 charges will provide consistency by reflecting the penalty charge band of other neighbouring authorities in accordance with the recommendation of the Department for Transport's operational guidance and help to make the service more financially sustainable. A change to Band 2 charges was also recommended by RTA Associates in connection with the recent review of Civil Parking Enforcement in the City for these reasons. It is anticipated that Band 2 charges will have a positive effect on the degree of compliance with parking and waiting restrictions.

6.0 ALTERNATIVE OPTIONS

- 6.1 The alternative option would be to retain the existing charge band, which is not recommended for the reasons set out in this report.

7.0 FINANCIAL IMPLICATIONS

- 7.1 The current budget for operating the Parking Service excluding asset charges is £2,762,000 that produces a total income of £2,676,000. If the current level of penalty charge notice issue is maintained, with similar numbers of the same contraventions occurring, then this would result in an estimated additional £53,000 of income in a full year.

Background papers

- i) Traffic Management Act 2004
- ii) Operational Guidance to Local Authorities: Parking Policy and Enforcement, Traffic Management Act 2004

