

Open Report on behalf of Richard Wills, Executive Director for Communities

Report to:	Executive Councillor for Highways and Transport
Date:	01 November 2012
Subject:	Civil Parking Enforcement
Decision Reference:	02106
Key decision?	Yes

Summary:

This report seeks authority to take a number of actions required in association with the implementation of Civil Parking Enforcement (CPE) in Lincolnshire.

Recommendation(s):

As recommended by the Executive on the 3 November 2009 the Executive Councillor for Highways and Transport is asked to approve:

1. "That the Council resolves in principal to undertake Civil Parking Enforcement within the administrative boundary of THE COUNTY COUNCIL through partnership with the seven District Councils covering on and off street enforcement and authorises the County Council's application to the Department for Transport for Civil Parking Enforcement, Special Parking Enforcement and Bus Lane Enforcement powers, on behalf of the County Council and the seven District Councils."
2. That the County Council resolve to join: 'The Joint Committee of England and Wales for the Civil Enforcement of Parking and Traffic Regulations Outside London' in accordance with the requirements of the Traffic Penalty Tribunal (TPT). The primary role of the Joint Committee is to oversee the TPT as an independent tribunal and consider, for example, the annual accounts and the service standards reports submitted by the TPT. It normally meets annually in either Birmingham or Manchester. The Agreement that regulates the setting up of the Joint Committee provides for one elected Member for each constituent Council. It is recommended that the Executive Councillor for Highways is proposed as Lincolnshire County Council's representative on the Joint Committee and that the Support Councillor for Highways be nominated as the deputy.
3. That the County Council authorises the setting of the level of differential penalty charge at Band 2 as stated in STATUTORY INSTRUMENTS 2007 No. 3487, Road Traffic, England. The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007

Band:

Higher level penalty charge	£70
Lower level penalty charge	£50
Higher level penalty charge paid early	£35
Lower level penalty charge paid early	£25

Higher level penalty charge paid after service of charge certificate £105
Lower level penalty charge paid after service of charge certificate £ 75

4. That the County Council approve within the CEA/SEA application, the request for the powers to clamp and remove vehicles parked in contravention with the proviso that these powers will not be actually used without further approval from Council.
5. That the County Council approves the appointment of bailiffs to collect parking debts should this be necessary.
6. That the County Council approves the provision of legal agreements between the county council and the seven districts for the provision of the enforcement and administration of the CEA/SEA and for the control of the financial elements of the service.
7. The County Council approve the business case for CPE for submission within the CEA/SEA application.

In addition the Executive Councillor for Highways & Transport is asked to approve entering into an agreement with Nottinghamshire County Council to carry out parking ticket administration.

Alternatives Considered:

1. None

Reasons for Recommendation:

The approvals are all required in order for CPE to be implemented.

1. Background

- 1.1 The Executive of the County Council received a report on CPE at their meeting on the 3 November 2009. The Executive agreed in principle to implement CPE but that final approval on all of the seven recommendations in the report would be delegated to the Executive Councillor for Highways and Transport.

Current Position

- 1.2 The Department for Transport have indicated that the County Council should receive CPE powers at the end of November 2012 and it is proposed that implementation should commence on the 3 December 2012. A contract has been awarded to APCOA for parking enforcement services and provisional agreement has been made with Nottinghamshire County Council to carry out the parking ticket administration. It is considered that this will provide the optimum service looking at both quality and cost.

3. Legal Comments:

The recommendations are within the remit of the Executive Councillor.

4. Resource Comments:

This report approves the commencement of Civil Parking Enforcement in Lincolnshire from 3 December 2012.

All costs associated with the provision of this new service will be from the current Highways and Transportation revenue budget and it is expected that from 2013/14 onwards the level of income receivable will offset this expenditure creating a breakeven position.

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

Highways Transport and Technology Scrutiny Committee have received regular reports on the progress of CPE and are in full support.

d) Policy Proofing Actions Required

The implementation of CPE will require trained staff to carry out the parking enforcement. Recruitment will be from local people. CPE will ensure on street parking spaces are used correctly; this will increase the number of users in a day, thereby providing local businesses with customers. It will reduce congestion caused by unlawful parking; this may reduce accidents. Having a uniformed presence on the street will have a positive impact on vehicle crime and fear of crime.

6. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Report to Executive 3rd November 2009-Civil Parking Enforcement	4th Floor, City Hall, Lincoln and the County Council's website.

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