

<b>Board/Committee:</b>	COMMUNITY BOARD
<b>Date of Meeting:</b>	Wednesday 9 <sup>th</sup> September 2020
<b>Title:</b>	Civil Parking Enforcement (CPE)
<b>Author:</b>	Head of Streetscene
<b>Status:</b>	FOR DECISION

### **Purpose**

To advise members of the requirement to revoke our current Gosport and Lee-on-the-Solent (Off Street) Car Parking Regulations Order 2012 and implement a new Car Parking Order to allow Gosport Borough Council to continue Enforcement in Off Street Car Parks as required, following Hampshire County Council's application to introduce Civil Parking Enforcement (CPE) in Gosport.

### **Recommendations**

1. To delegate to the Chief Executive, in consultation with the Head of Streetscene, the powers:
  - a) To take all steps necessary to introduce the Gosport Borough Council (Off-Street Parking Places) (Civil Parking Enforcement) Order 2020 in order to implement CPE in the council's off-street car parks, and to meet the requirements of the 2004 Act.
  - b) To agree the terms, in conjunction with the Borough Solicitor and Monitoring Officer, of any legal agreements that need to be entered into between the Council and the Traffic Penalty Tribunal, the Traffic Enforcement Centre and the DVLA in order to implement CPE.
  - c) To make any changes considered necessary in order to meet the requirements of the Traffic Management Act 2004, in light of current and future Statutory Guidance.
2. To resolve to join the Joint Committee of England and Wales for the Civil Enforcement of Parking and Traffic Regulations Outside London (Patrol), which oversees the adjudication service known as the Traffic Penalty Tribunal (TPT).
3. To recommend to Full Council a nominated Representative and Substitute Representative are appointed to sit on the Joint Committee.
4. To approve the appointment of 'enforcement agents' to collect parking debts.

### **1 Background**

- 1.1** Gosport is currently the only district in Hampshire where civil parking enforcement has not been implemented. Earlier studies suggested civil parking enforcement in Gosport would operate at a deficit, and as such it was not considered viable. Parking enforcement was instead undertaken by a police Traffic Warden under the day-to-day supervision of Gosport Borough Council, and was part funded by both the County Council and Gosport Borough Council (£15,000 each). The level of enforcement was constrained by the limited resource, with no service resilience in the event of leave or other absence. There have been regular requests to review the decision not to progress civil parking enforcement in Gosport due to concerns about unregulated parking and lack of flexibility due to the limited resources.
- 1.2** The post of police Traffic Warden was abolished on 1<sup>st</sup> December 2018 in accordance with Government policy.
- 1.3** In November 2017 Hampshire County Council took the decision to apply for CPE in Gosport and assume responsibility for on-street enforcement.
- 1.4** The application has been submitted to the Department for Transport and has been approved. The consolidation order (all previous Traffic Regulation Orders consolidated into one complete order) came into force on 18<sup>th</sup> July 2020. It is planned that CPE will be effective from 29<sup>th</sup> September 2020.
- 1.5** Gosport Borough Council is required to align with Hampshire County Council under the new Parking Order, based on enforcement powers from Section 6 of the Traffic Management Act 2004 to enable Gosport Borough Council to enforce off street parking.

## **2 Report**

- 2.1** The primary changes which are required under the Traffic Management Act 2004 are set out below.
- 2.2** Penalty Charge Notices will be issued instead of locally set Standard Charges Notices.
- 2.3** Hampshire County Council has applied band level 2, £50/£70 penalty charge levels in all areas. The remaining charging band levels do not permit the council to make the necessary financial balance to justify the application. Band level 2 will apply to all contraventions of on and off street parking places, with the two differing charges dependent on the contravention (see Appendix A).

- 2.4** The charge level will be discounted by 50% to £25/£35 for payment made within 14 days, and will be increased by 50% to £75/£105 on issue of a charge certificate. Following rejection of an informal appeal, the council will offer a further 14 days for the payment of a PCN at the discounted rate. Such an application will result in the charge to the vehicle keeper of either £25 or £35 for a contravention, if paid promptly. This is less than the present Standard Charge.
- 2.5** These levels of charges are in line with those specified by government and will be advertised by legal notice no less than 14 days before the commencement date.
- 2.6** The re-designation of GBC Enforcement Officers to Civil Enforcement Officers is required for them to be authorised Officers under the Act.
- 2.7** The appeals procedure is conducted by the Traffic Penalty Tribunal (TPT) under the Parking and Traffic Regulations Outside London (Patrol), rather than through a criminal procedure at a magistrate's court. Debt is registered by a county court through the Traffic Enforcement Centre (TEC). Guidance for CPE is based on a strategy of consistency, fairness to the motorist and effectiveness in enforcing parking regulations.
- 2.8** The ratification of a named member to sit on the Patrol Joint Committee will require a resolution by the full council. This nomination can be subsequent to joining Patrol.

### **3 Risk Assessment**

- 3.1** The Council is required to align our parking order with Hampshire County Council. Failure to adopt a new parking order would carry financial risk as parking regulations could not be enforced. This would be accompanied by reputational risk.

### **4 Financial Implications**

- 4.1** Parking fees and charges are set annually and this process will not be affected by the introduction of CPE.
- 4.2** Penalty charge notice income will be slightly reduced. It is possible the appeals procedure may further reduce income from penalties.
- 4.3** The cost of membership of Patrol is 30 pence per PCN issued. There is one meeting of the Joint Committee per annum, the annual meeting, where travel expenses are not met by the Joint Committee. This takes place in July in London. Patrol will cover expenses for the Joint Committee's Executive Sub Committee and

other meetings set up by Joint Committee.

<b>Financial Services comments:</b>	See Financial Implications.
<b>Legal Services comments:</b>	
<b>Crime and Disorder:</b>	Unregulated parking can cause disputes. An effective parking enforcement service will help reduce conflict. Civil parking enforcement can help reduce demand for police resources to respond to parking related issues, freeing up those resources for other crime and disorder issues.
<b>Climate Change:</b>	<p>Whilst this change has little impact on climate change. There is scope to reduce fuel consumption and the carbon footprint of car travel by the use of effective traffic management measures, which includes parking.</p> <p>Individual parking projects may be devised and implemented through the Capital Programme.</p>
<b>Equality and Diversity:</b>	An EIA has been completed and submitted with this report.
<b>Service Improvement Plan implications:</b>	N/A
<b>Corporate Plan:</b>	<p>Deliver effective services through use a commercial approach to ensure our services deliver what they need to in the most effective way possible, providing value for money.</p> <ul style="list-style-type: none"> <li>• ensure our services and initiatives are delivered efficiently</li> <li>• maximise the potential to generate income through council assets and resources</li> <li>• continually review and improve our processes</li> <li>• take a customer focussed approach to how we work</li> <li>• continue to develop partnership working, including with other councils.</li> </ul>
<b>Risk Assessment:</b>	See Section 3 of the report.
<b>Background papers:</b>	N/A
<b>Appendices/Enclosures:</b>	Appendix A - Gosport Borough Council (Off-Street Parking Places) (Civil Parking Enforcement) Order 2020.

	Appendix B – Equality Impact Assessment.
<b>Report author/ Lead Officer:</b>	Wayne Voller, Enforcement Manager (5502)

2