

To - follow Agenda Item No.15

TO: SWALE JOINT TRANSPORTATION BOARD

DATE: 17th March 2008

SUBJECT: TRAFFIC MANAGEMENT ACT 2004

BY: Head of Amenities

Classification: Unrestricted

Summary: To report on recent changes on parking enforcement previously contained in the Road Traffic Act 1991, as reported at the Executive Meeting on 2nd January 2008.

Implications: Human Resources Implications - Staff Training to meet the requirements of the TMA

Finance Implications – Estimated one off cost for training, IT software and stationery of approximately £26,000. Penalty charges at the recommended higher rate band should maintain income at similar levels to previous years.

Legal Implications – Need to be compliant with the requirements of the TMA.

Crime & Disorder Implications (Section 17) - None

Equalities & Diversity Implications – None

Sustainability Implications – None

Risk and Health and Safety Implications – There is a risk that parking restrictions would not be able to be enforced or penalty charges refunded if the new procedure required by the TMA are not properly implemented.

Corporate Plan Implications - Priority 4 Becoming a High Performing Organisation – HP2 Improve our corporate planning, performance, financial, resource and asset management.

Decision Required: Information Only

Background

1. Decriminalised parking enforcement was adopted by Swale Borough Council in January 2000 and delivered in accordance with an agreement with Kent County Council. Prior to this date Parking Attendants were only responsible for pay and display car parks while the police were responsible for the enforcement of on-street waiting restrictions. Under this regime it was a criminal offence to park on yellow lines. In January 2000 the new powers of decriminalised parking enforcement were introduced and the responsibility for enforcing the on-street parking restrictions transferred to the Council. Under these powers the Parking Attendants enforce parking contraventions made through Traffic Regulation Orders under the Road Traffic Act 1991.

Proposed Changes

2. The Traffic Management Act 2004 (TMA) makes a new provision in relation to the civil enforcement of traffic and parking contraventions and makes changes to parking policy and enforcement previously contained in the Road Traffic Act 1991 (RTA).

3. Currently only draft guidance has been issued outlining the procedures that the Local Authority (LA) must follow. The final document is due in the beginning of January 2008 giving 12 weeks to ensure that the LA is fully compliant

4. The TMA requires a number of changes to enforcement policies and procedure including changes to computer software and the need for staff to undertake additional training and attain a required level of accreditation. The main changes that the public will be aware of are differential penalties depending on seriousness of the contravention. The guidance sets out that the aim of the TMA is to achieve 100% compliance through the issue of no Penalty Charge Notices (PCN's). In other words the public comply fully with all parking restrictions without the need to issue PCN's. Equally the primary purpose of a penalty charge is to encourage compliance. Therefore the guidance states that enforcement authorities should adopt the lowest charge consistent with a high level of public acceptance and of compliance. The guidance sets out two options for penalty charges of £40 or £50 for the less serious contravention and £50 or £70 for the more serious contraventions.

5. The Kent Parking Group has been working together to develop implementation procedures for the TMA and organise training. The group have also considered the issue of level of penalty charge to be applied and are recommending the higher banding of £50/£70 is adopted by all Kent Authorities.

6. Authorities under the TMA 2004 will be required to review their parking policies for both on and off street parking on a regular basis in consultation with local stakeholders and these should be made publicly available for annual report. These policies should be aimed at tackling congestion and changing travel behaviour.

Financial Implications

7. The changes to comply with the TMA will require the purchasing of TMA compliant software from our service provider which will allow the continuing processing of any unresolved PCN's issued under the former RTA. This is currently estimated to be in the region of £13,000. In addition there will be the cost of training and we are still awaiting confirmation of the full requirements of this but a provisional figure of £10,000 has been estimated. There will also be a need to replace stationary and requirements for advertising the changes to the scheme estimated at £3,000. The total estimated one off cost is £26,000.

8. There are significant financial implications dependant on the PCN charging band adopted. The current PCN charge is £60. The options under TMA are to adopt either of the two bands of charging at £40/£60 or £50/£70 as explained in Paragraph 4. Based on PCN's paid in the last financial year we would estimate the following being paid at the higher and lower rates:

2904 – paid at higher rate of £60 or £70

5719 – paid at lower rate of £40 or £50

At these rates a PCN band charge of £60/£40 would result in £81,702 less income and a PCN band charge of £70/50 would result in £20,107 less income. However, the exact level of PCN's issued at each level of contravention can only be estimated and if the higher band charge is adopted it is possible that the existing level of PCN income can be maintained.

Recommendation from the Executive Meeting 2nd January 2008

9. That the higher level band of penalty charge notice of £50/£70 be adopted.

Reasons for the Recommendation

10. To encourage compliance with the parking restrictions, uniformity with other Kent Districts and that enforcement levels can be maintained within existing budgets.

Author - Fay Wilson Ext. 7204 Date 3 December 2007

List of background documents - None