

**NORTH LINCOLNSHIRE COUNCIL**

**HIGHWAYS AND PLANNING  
CABINET MEMBER**

**DECRIMINALISATION (CIVIL PARKING ENFORCEMENT)  
PENALTY CHARGE LEVELS**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To seek Cabinet Member approval to adopt the Band 2 Penalty Charge level (£50 / £70) for parking contraventions, to be applied when the council adopts civil parking enforcement (CPE) powers.
- 1.2 There is an alternative, lower Penalty Charge (Band 1 - £40 / £60) but this would reduce annual income and result in a net operating loss, which the council has no budget to fund.
- 1.3 In accordance with legislation, a 50% Penalty Charge discount is proposed, if payment is made within fourteen days.
- 1.4 In the case of an appeal, which is subsequently rejected, it is proposed the council offers a further fourteen days for payment of the Penalty Charge Notice (PCN) at the discounted rate.
- 1.5 A 50% increase in Penalty Charge is proposed where a Charge Certificate\* has been issued (as required by national guidance).

(\* A Charge Certificate is a mechanism through which a vehicle owner is advised that a penalty charge has been increased and that action will be taken to recover the amount due through the County Court if not paid within fourteen days).

**2. BACKGROUND INFORMATION**

- 2.1 In July 2006, the then Cabinet considered a report (Min 580 refers), which gave approval for proposals for the Decriminalisation of Parking Enforcement (herein after to be referred to as Civil Parking Enforcement or CPE) in North Lincolnshire to be progressed. The effect of CPE will be to make the council responsible for the enforcement of parking both on and off street, whereas at present the council only enforces its off street pay and display and pay on foot car parks. Under the proposals the council will take over on street enforcement of non-endorsable offences from Humberside Police.

2.2 Preparations for the adoption of CPE in North Lincolnshire are progressing and, as part of that process, the council needs to confirm the Penalty Charge level it will adopt.

### **3. OPTIONS FOR CONSIDERATION**

3.1 The Cabinet Member has two options. To adopt either Band 1 (£40 / £60) or Band 2 (£50 / £70) Penalty Charge levels.

3.2 In both cases, it is recommended the charge levels be discounted by 50%, to £20 / £30 or £25 / £35, for payment within fourteen days (twenty-one days in cases where the PCN is issued by post), or increased by 50%, to £60 / £90 or £75 / £105, where a Charge Certificate has been issued (as required by national guidance).

3.3 It is further recommended that, in cases where there is an informal challenge to the highway authority, which is subsequently rejected, the council offer a further fourteen days for payment of the Penalty Charge Notice at the discounted rate.

### **4. ANALYSIS OF OPTIONS**

4.1 The Band 2 (£50 / £70) Charging Level is recommended because Charge Levels in Band 1 may not enable the council to cover the cost of CPE. Advice from industry specialists is that, to date, all but two authorities in the country, that have CPE powers, have adopted the Band 2 (£50 / £70) Charge Level. 247 authorities had adopted CPE powers to 1st April 2009.

4.2 National guidance requires that a 50% discount must be applied where payment is made within fourteen days (twenty-one days in cases where the PCN is issued by post).

4.3 National guidance also requires that a 50% increase should be applied where payment has not been made within prescribed time limits, which allow for the issuing of a Notice to Owner and subsequent serving of a Charge Certificate.

4.4 The guidance also requires that a further fourteen days extension should be applied in cases where an informal appeal is made to the highway authority, but that appeal is subsequently rejected. This extension of the discount period does not apply to formal appeals to the parking adjudicator.

### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

5.1 The CPE business case is based on the Band 2 Charge Level (£50 / £70), which will cover the cost of the service, making an estimated annual operating surplus of £9k. Adopting the lower charging band (£40 / £60) would mean annual income being reduced by

approximately £37k, which would translate into an annual operating loss of £28k. There is no budget provision to fund any operating loss.

5.2 There are no staffing, property or IT implications to this report.

## **6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

6.1 Once the council adopts CPE powers, the legal responsibility for enforcement of on-street parking will transfer to the council from the police. The police will have no powers to enforce these contraventions.

6.2 There are potential environmental benefits to managing on-street parking effectively. As well as dealing with contraventions, the presence of Civil Enforcement Officers (CEO's) should discourage illegal and inappropriate parking, some of which adversely impacts on the efficient movement of traffic and can lead to congestion, increased fuel use and increased exhaust fume emissions.

6.3 A Stage 1 diversity impact assessment has been carried out and is available for inspection in the Safer Roads Team.

6.4 The additional on-street patrolling by CEO's will increase the likelihood of identifying traffic offences, other than parking violations. Also, it is intended that there will be regular communications between CEO's and police officers/Police Community Support Officers, for security reasons and information sharing. This increased uniformed presence should have a positive impact on traffic-related and other crime and disorder, as well as increasing reassurance to the public.

6.5 In terms of risk, adopting any lower Penalty Charge level would risk not recovering the cost of the CPE service. More generally, CPE carries with it a significant risk of conflict with members of the public, particularly those against which enforcement action is taken. Risk assessments and training in how to deal with such conflict will assist in reducing the risk to CEO's.

## **7. OUTCOMES OF CONSULTATION**

7.1 Consultation has been carried out with a range of stakeholders, including adjacent highway authorities, the Highways Agency and Humberside Police. This process will be continued, particularly extending to local residents and businesses, to advise of the new arrangements, in the immediate run-up to implementation.

7.2 There is already substantial evidence that illegal parking is something the general public and local businesses want action taking against, so there should be a high level of underlying support for the service. The financial case for adopting the Band 2 Charging level is strong.

- 7.3 Illegal parking can adversely affect local businesses, which often rely on a regular turnover of vehicles in limited parking areas. A number of town centre businesses have expressed a desire to see increased levels of enforcement in key areas. Adopting the Band 2 Penalty Charging level should provide an effective deterrent and, in the case of contraventions, an appropriate penalty. It will also enable the service to better respond to any future requests for increased enforcement levels.
- 7.4 Throughout the country, of those authorities that have adopted civil parking enforcement powers (247 to 1 April 2009) only two have adopted the lower, Band 1, Penalty Charging level to date.

## 8. RECOMMENDATIONS

- 8.1 The Cabinet Member approves the adoption of the Band 2 (£50 / £70) Penalty Charging Level for CPE.
- 8.2 A 50% discount be applied for payments made within fourteen days (21 days where the PCN is issued by post).
- 8.3 The charge be increased by 50% where a Charge Certificate has been issued (as required by national guidance).
- 8.4 Where there is an informal challenge to the highway authority, which is subsequently rejected, the council offers a further fourteen days for payment of the Penalty Charge Notice at the discounted rate.

SERVICE DIRECTOR HIGHWAYS AND PLANNING

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### **Background Papers used in the preparation of this report:**

“Operational Guidance to Local Authorities: Parking Policy and Enforcement – Traffic Management Act 2004”, published by TSO (for the DfT) 25 March 2008.