

REPORT TO CABINET

Title: **PROGRESS REVIEW – DPE IMPLEMENTATION OF PHASED REVIEW OF PARKING RESTRICTIONS**

Date: 18 December 2008

Member Reporting: Councillor Colin Rayner

Contact Officer(s): Neil Walter – Parking Manager Tel. 01628 796485

David Perkins – Head of Streetcare & Operations Tel 01628 796860

Wards affected: All

1. SUMMARY

- 1.1 Following the implementation of Decriminalised Parking Enforcement (DPE) in January 2008, the Council has been undertaking the enforcement of parking restrictions across the Borough. During this period the Council has been continuing with the Phased Review of Parking Restrictions in accordance with the programme last detailed in the progress report to Cabinet in July 2008
- 1.2 Reviews have continued to be undertaken, and more reviews requested. These have been added to the existing programme and now run to over 200 schemes. The full details of the planned and completed reviews are set out in the table Appendix A to this report. Approximately 120 Reviews have been undertaken to date.
- 1.3 A small number of the Phase 3 reviews have resulted in adverse feedback from some residents, although well received by others. The adverse comments being in part a complaint about the lack of consultation prior to changes being implemented, following the review request, and site safety audit being completed. In order to avoid this in future reviews, a revised process has been agreed with the Lead Member which will add an additional stage to the process, to agree with local Ward Members the extent of and the type of local consultation. The full process is set out in paragraph 3.4.

2. RECOMMENDATION

That:

- i) The progress on the implementation of DPE be noted and endorsed**
- ii) The revised process for the implementation of changes following specific site reviews, to involve local Ward Members to agree the extent and type of local consultation prior to implementation as set out in paragraph 3.4 be agreed.**

What will be different for residents as a result of this decision?
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The revised process for the implementation of amended parking restrictions
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involving local Ward Members will ensure local residents can be advised and consulted in an appropriate manner to reflect the nature of any changes identified and arising from future reviews.

3. SUPPORTING INFORMATION

Background

- 3.1 The Royal Borough is committed to providing 'Safer & Fairer Parking for All' and providing residents, businesses and visitors with accessible and safe parking across the Borough. The implementation of DPE with effect from January 2008 was a major change in parking enforcement, with responsibility transferring from Thames Valley Police to RBWM. The result meant that parking offences became a civil offence and ceased to be a criminal offence.
- 3.2 As part of the preparation for the transfer the many hundreds of historic Traffic Regulation Orders (TROs) were revised and consolidated into 6 new TROs (one covering all Borough owned/operated Off Street Parking and 5 covering geographic zones for On Street Parking throughout the Borough). At the time of the decision to proceed with the implementation of DPE, it was agreed that on day one there would be no change to the existing parking restrictions in order to minimise the potential confusion to residents and other road users.
- 3.3 However, as part of the decision process, and in the light of parking restrictions being taken under the Borough's responsibility an early decision was taken to review many of the old historic restrictions in order to support the 'Safer & Fairer Parking for All' approach. The reviews were agreed to be undertaken on a phased basis with requests for reviews being put forward by Ward Member, Residents and Resident's Associations (or other groups of Residents) and others. The first phase of reviews were completed in March 2008, the second in two stages in the summer and these were positively received by residents. Phase 3 was implemented in early December 2008. Further phases are currently planned for Spring 2009 and thereafter.
- 3.4 Following feedback from the implementation of Phase 3 it has been agreed with the Lead Member that local Ward Members be directly involved in agreeing the type and extent of consultation with local results prior to changes being implemented. The full process will therefore be as follows:
- A request for a Parking Restriction to be reviewed is made by a local Ward Member, a resident, a group of residents, or another group eg a number of traders/retailers.
 - The request is added to the schedule of potential schemes and an indicative time frame assigned based upon the phase into which it is added.
 - Members are advised of the schedule (the last one was reported to Cabinet in July 2008) and a copy of the latest schedule is enclosed in Appendix A.
 - The site survey, traffic safety audit, and option appraisals for the area to which the restriction applies is then programmed and undertaken, and a

recommendation made.

- The recommendations are reviewed with the Lead Member, prior to the local Ward Members being advised of the option/recommendation including a plan. The plan will also be made available via our website so that Ward Members can direct residents to the detail, this will largely reflect what happens already where Ward Members are championing the review on behalf of residents.
- Local Ward Members confirm the type of and extent of local consultation with residents and appropriate communications with residents, to determine if the proposed change is to be amended prior to the formal advertisement of the change. This consultation is completed and appropriate amendments considered.
- The revised TRO is advertised in accordance with the statutory process for changes.
- A work programme is prepared and undertaken once the formal advertisement and notification is completed.

3.5 The operation of enforcement under DPE after 11 months has settled into an established pattern, with levels of compliance in most areas of the Borough higher than under the previous regime. The number of Penalty Charge Notices (PCNs) is very much in line with the anticipated activity levels set out in the agreed business case. However, the type of PCN is now divided into two categories as a result of the Traffic Management Act 2004 changes that were agreed at July Cabinet with the introduction of the differential charges to reflect the higher and lower category offences.

3.6 An emerging issue that has been identified is the extent of persistent evaders within RBWM, where the majority of these are parking in contravention of traffic regulations, causing an obstruction to the traffic flow, or are occupying parking places reserved for residents, disabled blue badge holders and other permit holders in the light that the Borough is unable to trace them as the DVLA is unable to provide a name and address of the registered keeper. A procedure is therefore being developed which will enable a persistent evader's vehicle to be detained until the details of the vehicle's keeper are confirmed, and in so doing the process of reclaiming outstanding PCNs can be undertaken.

This is a national problem which also involves overseas registered vehicles whose details the Borough (along with other Councils) are unable to obtain as there is no international agreement between DVLA and its overseas equivalents.

This procedure will formalise the arrangements to be followed in accordance with the guidance set out by the Department for Transport in compliance with our TROs.

Once this procedure is completed it will be formally agreed by the Strategic Director – Environment in conjunction with the Lead Member.

4. OPTIONS AVAILABLE AND RISK ASSESSMENT

4.1 Options

	Option	Comments	Financial Implications
1.	That Members note the report and agree and endorse the Recommendation. This is Recommended.	The effective control of parking is essential to the ongoing management of the highway. This report seeks to continue to improve effective control of parking across RBWM.	The adoption of a revised process for the implementation of changes to parking restrictions involving local Ward Members will emanate new schemes being implemented with due consultation.
2.	That Members note the report and decide not to agree or endorse the recommendation and pursue an alternative approach.	Members could seek to adopt an alternative process to the one outlined. This process needs to be considered in relation to the resources required to deliver it.	The process seeks to balance the need to avoid changes being over bureaucratic and taking too long, with being effective and proportionate.

4.2 Risk assessment

By adopting the revised procedure outlined in the report and involving local Ward Members in agreeing the type and content of local consultation prior to any changes in parking restrictions being implemented, this will minimise the risk of schemes being introduced and local residents not being aware of the proposed changes or the reason for the change.

5. CONSULTATIONS CARRIED OUT

5.1 No specific external consultation has been carried out, however, feedback has been received from a number of Ward Members whose residents have been impacted upon by the Phase 3 changes recently introduced.

The proposed changes are intended to ensure local residents are aware of proposed changes to Parking restrictions prior to their implementation.

6. COMMENTS FROM OVERVIEW AND SCRUTINY PANEL

6.1 Comments from the Planning & Environment Overview & Scrutiny Panel to be held on 15th December 2008.

7. IMPLICATIONS

The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
✓	✓	✓	N/A	✓	N/A

Background Papers:

Cabinet Report – 24th July 2008 – DPE Update and Review of Yellow Lines