

Potential Changes to **PARKING ENFORCEMENT** in the District

Rother District Council (RDC) is currently considering whether to ask East Sussex County Council (ESCC) to adopt Civil Parking Enforcement (CPE). ESCC would take on responsibility for parking enforcement from Sussex Police. CPE would empower ESCC to enforce all on-street parking contraventions. Currently, ESCC is not empowered to enforce yellow lines, blue badge bays, limited waiting bays, taxi ranks, loading bays, bus lanes and zig-zags; this can only be done by Sussex Police, who do not see this as a priority in amongst other more pressing criminal activity.

Adoption of CPE powers is anticipated to have the following benefits:

- reduce and ease congestion, ensure a more free flowing traffic – benefitting the economy and the environment;
- protects communities from illegal and inconsiderate parking;
- easing movement for the emergency services;
- be self-financing; and
- improve the transport network across East Sussex as extra money from illegal parking enforcement is spent directly on transportation improvements.

RDC is one of only 24 councils in the country that do not have CPE and there is an expectation from the Sussex Police and Crime Commissioner that RDC should adopt CPE. It may also be likely that the Government may require those authorities who do not have CPE to adopt it in the near future.

BACKGROUND

Parking enforcement in Rother is currently the responsibility of Sussex Police but due to limited resources and other priorities they are unable to undertake enforcement of parking restrictions unless considered dangerous. ESCC could take this responsibility on and ensure parking restrictions are enforced. For ESCC to progress this and make an application to the Department for Transport (DfT) to take on CPE, they wish to have support from RDC.

The top priority for the Police is the prevention and detection of crime. Sussex Police has advised that they cannot give enforcement the level of attention that the public might expect and state they will only take action on parking issues where there is a safety concern.

Higher levels of enforcement are available through CPE. Under this management, the majority of on-street parking offences come under civil law, rather than criminal law. Legislation allows the Government to transfer enforcement powers to the Highway Authority (ESCC).

CURRENT POSITION

The Traffic Management Act 2004 allows councils, which are also local traffic authorities, to apply to the Secretary of State for Transport for a Civil Enforcement Area Order that allows the de-criminalising of parking enforcement in their area. Under this arrangement, councils can undertake enforcement of all parking

restrictions in their area and retain the income received from parking penalties to fund the costs of parking services, with any resulting surplus being used within the prescribed parameters under the legislation.

CPE would enable ESCC to deal with all common parking issues. Under the current situation the fine income from parking tickets issued by the Police goes directly to the treasury. The introduction of CPE would enable fine income to be retained within East Sussex to help fund a more appropriate level of enforcement and improve the local transport network.

PARKING ENFORCEMENT



With CPE, ESCC Civil Enforcement Officers would be able to enforce infringements in the vicinity of on-street pay and display bays, which would be fairer and help safeguard the objectives of the pay and display parking scheme. Under CPE, ESCC would be able to enforce bus lanes and introduce residents parking schemes. The DfT recommends that when taking on CPE, councils should focus on the basic parking operation before moving toward additional functions.

Better enforcement would help achieve policy goals, support the vitality of the District's three town centres and improve traffic management. The adoption of CPE would enable a focus on problem areas in the district where inappropriate parking affects other road users. Tackling inappropriate parking would also make the streets safer and easier to navigate. A more consistent approach would also be fairer for all, including those who abide by the rules.

CPE PROCESS

To adopt CPE powers, ESCC will have to prepare an application for submission to the DfT. The DfT will then review the application and prepare a Designation Order which will be laid before Parliament. Before adoption ESCC must ensure that all Traffic Regulation Orders (TROs) (accurately reflect the current signs and road markings used on the roads) are correct.



If CPE were to be adopted within a two year timeframe, then the current TROs, as they are at present, along with those essential amendments that are necessary in making a viable scheme will need to be adopted. To introduce new TROs to the current regime will delay the DfT decision. Once CPE is introduced then any new restrictions or changes to existing restrictions can be reviewed annually and amended accordingly.

The aim should be for CPE to be self-financing. Income from any fines issued will not be sufficient to meet the implementation and running costs of the CPE scheme. Therefore charging will need to be introduced to pay for the scheme or RDC underwrite the costs of the scheme through local taxation.