

Explanatory Memorandum to The Road Traffic (Permitted Parking Area and Special Parking Area) (County Borough of Wrexham) Order 2008

This Explanatory Memorandum has been prepared by Transport Wales and is laid before the National Assembly for Wales.

(i) **Description**

The Order will enable Wrexham County Borough Council (“the Council”) to enforce decriminalised parking restrictions within the County Borough of Wrexham. It will apply to all public highways except for the length of the A483 (including slip roads), and the length of the A5 within the County Borough. This means that non-endorsable offences such as parking on double yellow lines may be enforced through a civil law regime rather than under criminal law. The enforcement duty would in practice pass from the North Wales Police to the Council and from traffic wardens to parking attendants employed by the Council.

(ii) **Matters of special interest to the Subordinate Legislation Committee**

None

(iii) **Legislative Background**

The power enabling this Instrument to be made is contained in the Road Traffic Act 1991. This gives a local authority the power to enforce parking restrictions within their area under a civil regime set out in the Act. This power has been transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006. The SI will be made under paragraphs 1(1), 2(1) and 3(3) of Schedule 3 to the 1991 Act and is still extant until the new Traffic Management Act 2004 powers are introduced. **Once the relevant provisions of the 2004 Act are in force in Wales, existing orders made under the 1991 Act will take effect as orders designating the areas affected as civil enforcement areas for parking contraventions under the 2004 Act.** The Council has confirmed that there is little cost involved for them in transferring over.

This instrument is to be made using the negative resolution procedure.

(iv) **Purpose and intended effect of the legislation**

Currently in the County Borough of Wrexham the North Wales Police enforce parking restrictions. This takes time that could be better utilised tackling other criminal activities. This Order will allow in practice for the enforcement responsibility to pass from the Police to the Council, thus enabling the Council to enforce decriminalised parking restrictions within the County Borough. Under this system non-endorsable offences would become the subject of civil recovery procedures. The Council would be able to issue penalty charge notices where, for example, a vehicle has been parked on double yellow lines or has not paid a parking charge in contravention of a traffic order. Reduced charges will

apply where payment is made within a prescribed period. The Council would like to set their penalty charge at £60 (discounted to £30 for payment within 14 days).

The Council would also be able to immobilise such a vehicle, although it has stated that it has no present intention of exercising this power. Charges may be recovered through civil procedures subject to appeals against penalty charge notices being delay with by adjudication. The Council will undertake this function, which is currently carried out by the North Wales Police. The A483 and associated slip roads and the A5 within the County Borough will be excluded from the Order and this has been agreed with the North Wales Police.

(v) **Implementation**

It is intended that the proposed Instrument will come into force on 1 March 2008. This is in accordance with the wishes of the Council.

(vi) **Consultation**

The Council consulted from April to August 2007. Full details of the consultation are included (in paragraph d) of the Regulatory Impact Assessment.

Regulatory Impact Assessment

a) Options (for achieving the policy objective – as set out in paragraph (iii) of Part 1 above)

Option 1: Do Nothing. If the legislation is not made the Council would be unable to implement the power to enforce decriminalised parking restrictions in 2008. The Council has requested these powers with the full support of the Police. Their introduction will relieve the local police from these duties thus freeing up valuable police time and resources to tackle other criminal activities. There could be criticism for using police resources for parking offences when they could be better utilised dealing with criminal matters.

Option 2: Implement the provisions with effect from 1st March 2008. Making the legislation would allow the Council to implement the power to enforce decriminalised parking restrictions thereby freeing up the police to deal with criminal matters. Full consultation as described below will ensure that no specific group will be discriminated against by the legislation.

b) Benefits

We have identified that the benefits for each option are as follows:

Option 1 – Do Nothing

There are no benefits.

Option 2 – Implement the provisions from 1 March 2008

The growth in traffic levels and the limited scope for building new roads mean that traffic engineers must look to make more efficient use of the urban road

network. Parking may have to be reduced on heavily used roads. Different types of user, such as buses, increasingly expect preferential treatment and such measures do not work without effective enforcement.

The self-financing nature should mean that the local authority can devote more resources to parking enforcement than the police, with their many other more pressing duties, have often been able to achieve. Better enforcement reduces congestion caused by drivers searching for on-street parking places and results in better turnover of on-street spaces, as drivers become less willing to overstay as the risk of getting a ticket increases. In addition, greater enforcement of on-street parking restrictions should lead to significant increases in income from paid for parking, particularly off-street.

This is considered to be a rational, logical area where the responsibility for parking enforcement for decriminalised parking can be cleanly and completely handed over from one agency to another.

c) Costs

Option 1 – Do Nothing

If the provisions are not implemented the costs will remain with the North Wales Police.

Option 2 – Implement the provisions from 1 March 2008

The costs of the scheme will be borne by the Council. The scheme is expected to become self-financing during the second year. In assessing its performance against this objective the Council are taking into account costs and revenues from its off-street parking operations. Included as part of the Council's application is a Financial Model of Implementation as required in WO Circular WO 26/95, Guidance on Decriminalised Parking Enforcement Outside London. This identified their start up expenses and projected expenses/income/capital balance over the first five years of the scheme. The cash-flow summary is as follows:

Capital Start-Up Costs	(£201,273)
Operational Start-Up Costs	(£20,417)
Total Start-Up Costs	(£221,690)
Year end balance 1 st year end	(£29,470)
Year end balance 2nd year end	£8,634
Year end balance 3rd year end	£9,777
Year end balance 4th year end	£9,777
Year end balance 5th year end	£9,777

The Council's current on-off street parking operations provide a surplus for reinvestment in parking; highway improvement and public transport schemes and future operations are expected to maintain a surplus. The above figures are based on the assumption that about 6,650 Penalty Charge Notices will be issued in a year. The Council would like to set their penalty charge at £60 (discounted to £30 for payment within 14 days). Drivers receiving a penalty charge notice from a parking attendant will be able to challenge it by making

representations to the Council. Independent adjudication must be available to drivers who remain unhappy with the Council's decision. The National Parking Adjudication Service will provide this service.

The financial assessment of the scheme should consider both direct and indirect financial implications. For example, whilst income from restricted parking enforcement may not cover its costs it should increase income from paid on-street and off-street parking.

There are no financial implications for the Assembly Government or other Local Authorities.

d) Consultation

In accordance with the relevant guidelines, before submitting their application, the Council consulted between April and August 2007 and has provided copies of the responses of all relevant stakeholders. There is no requirement to consult with other such groups who have the opportunity to comment on the Council's individual traffic regulation orders before such parking restrictions are/were introduced. However, the Council has also consulted the Wrexham Access Group, TraCC (a body concerned with highway and public transport functions for the 3 mid Wales authorities) and TAITH (a public transport joint board for the 6 north Wales counties dealing with public transport developments and improvements across north Wales). It is also consulting with local businesses and service providers for example the Wrexham Town Centre Business Forum (which includes tourism) as well as Accessible Wrexham Group, which takes account of the needs of disabled people. It is through these Groups that the need for action to improve compliance with parking restrictions was first highlighted. The Council is in the final stages of preparing a communication strategy. This will involve the utilisation of a wide range of communication channels including a leaflet drop to all residents in the County Borough, newspaper articles as well as dedicated pages on the Council's website. The effect of this Order will not change those restrictions but will merely transfer their enforcement from the police to the Council to address the issue of parking in contravention of current restrictions. The Stakeholders consulted and their responses are listed in Annex A. The National Parking Adjudication Service (NPAS), the DVLA and Northampton County Court (where the NPAS is based) confirmed that the relevant adjudication services will be available and the remaining bodies who responded to the consultation had no objection to the proposal.

On receipt of the Council's application, and in accordance with the relevant legislation, we consulted with the North Wales Police on 31 August 2007 who responded on 10 September 2007 saying that they are supportive of the application. We also consulted with the Council on Tribunals on 31 August 2007 who responded on 18 September saying they consider the adjudication arrangements satisfactory.

e) Post implementation review

The effect of the Order will be monitored by way of an annual return from the Council to the Assembly Government and the Home Office. This will include the financial results of decriminalised enforcement and any action the Council will take in respect of any deficit or surplus on the on-street parking account.

f) Summary

The Council will bear the costs of the proposals, which should become self-financing as detailed in the Costs paragraph c) above. The powers will enable the Council to adopt a more thorough and visible enforcement of parking contraventions. By relieving the local Police from such responsibilities this will free up their time to devote themselves to more criminal activities. The implementation of the Order is consistent with applications made by other local authorities throughout England and 6 in Wales who have acquired such powers.

ANNEX A

WREXHAM COUNTY BOROUGH COUNCIL

SCHEDULE OF CONSULTATION

Welsh Assembly Government	Supportive of the application
North Wales Police	Supportive of the application
North Wales Fire Service	No response to date
North Wales Ambulance Service	No response to date
DVLA	Supportive of the application
Northampton County Court	Supportive of the application
NPAS	Supportive of the application
Conwy County Borough Council	No response to date
Flintshire County Council	Supportive of the application
Denbighshire County Council	Supportive of the application
Gwynedd Council	Supportive of the application
Isle of Anglesey County Council	Supportive of the application
Powys County Council	Supportive of the application
Shropshire County Council	Supportive of the application
Cheshire County Council	Supportive of the application
34 Community Councils	No response to date
Wrexham Access Group	No response to date
TAITH	No response to date
TraCC	No response to date
Wrexham Town Centre Business Forum	No response to date
Accessible Wrexham Group	No response to date