

REGULATORY APPRAISAL

ROAD TRAFFIC, WALES

THE ROAD TRAFFIC (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (COUNTY OF THE ISLE OF ANGLESEY) ORDER 2007

Background

1. The Road Traffic Act 1991 enables a Welsh local authority to acquire the power to enforce decriminalised parking restrictions. It is the National Assembly for Wales that grants this power and the Isle of Anglesey County Council (the Council) has now applied for this power to take effect from 1 April 2007.
2. So far the National Assembly for Wales has granted this power to Neath Port Talbot County Borough Council with effect from 1 June 1999, Carmarthenshire County Council from 1 February 2004, Denbighshire County Council from 1 July 2004 and Conwy County Borough Council from 1 September 2006. Gwynedd County Council has also applied for this power to come into force on 1 April 2007.

Purpose and intended effect of the measure

3. This Order will enable the Isle of Anglesey County Council to enforce decriminalised parking restrictions within the County of the Isle of Anglesey. 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 without payment of 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).
4. 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 dealt with by adjudication. This function, which is currently carried out by the North Wales Police, would be undertaken by the Council. The A55 and associated slip roads within the county, with the exception of a section of single carriageway where the A55 commences/terminates in Holyhead, will be excluded from the Order and this has been agreed with the North Wales Police.

Risk Assessment

5. If the legislation is not made the Council would be unable to implement the power to enforce decriminalised parking restrictions. This would lead to criticism, as these powers have already been granted to other local authorities. If these powers were refused without good reason the Assembly would be open to judicial review, particularly as similar applications have already been granted to other local authorities, most recently Conwy County Borough Council on 1 September 2006. The Council has requested these powers with the full support of the North Wales Police and their introduction will relieve the Local Police Constabulary from these duties thus freeing up valuable police time and resource to tackle other criminal activities. If refused there could be criticism for using police resources for parking offences where they could be better utilised dealing with criminal matters.

Options

Option 1: Do Nothing

6. If the legislation is not made the Assembly would leave itself open to judicial review, as similar powers have already been granted to other local authorities. Also Police Resources would remain stretched as officers would have to deal with parking offences instead of more serious criminal matters.

Option 2: Make the Legislation

7. Making the legislation would allow the Isle of Anglesey County Council to implement the power to enforce decriminalised parking restrictions and thereby freeing up the police to deal with criminal matters.

Benefits

8. 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.
9. The self-financing nature of the measure 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.
10. 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

Costs

11. The cost of the scheme will be borne by the Isle of Anglesey County Council and it is expected to become self-financing during the first year.
12. The Council should aim to make the new system overall at least self-financing as soon as practicable. In assessing its performance against this objective the Council may take into account costs and revenues from its off-street parking operations. As part of the Council's application, as set out in WO Circular 26/95, Guidance on Decriminalised Parking Enforcement Outside London, it included a Financial Model of Implementation. This identified their start up expenses and projected expenses/income/capital balance over the first five years of the scheme. The Council expect to become self financing during the first year. The cash-flow summary is as follows:

Capital Start-Up Costs	£(20,000)
Operational Start-Up Costs	£(171,443)
Total Start-Up Costs	£(191,443)
Year end balance 1 st year end	£4,949
Year end balance 2 nd year end	£59,510
Year end balance 3 rd year end	£59,510
Year end balance 4 th year end	£59,510
Year end balance 5 th year end	£59,510

13. 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 upon the assumption that about 8,500 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.
14. 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.
15. There are no financial implications for the Assembly or other Local Authorities.

Consultation

With Stakeholders

16. In accordance with the relevant guidelines, before submitting their application, the Council consulted between 18 April 2006 and 1 August 2006 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. 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), DVLA and Northampton County Court (where the National Parking Adjudication Service 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 6 November 2006 who responded on the 12 December 2006 saying that they were supportive of the application. We also consulted with the Council on Tribunals on 21 November 2006 who responded on 5 December 2006 confirming the application as being satisfactory.

17. When the Order was made regarding Conwy County Borough Council concern was raised that full consultations should include disability and access groups, community Councils and local traders' organisations. The Isle of Anglesey County Council and other Councils, who we are aware are planning to submit similar applications in the future, have been informed of this requirement. The Isle of Anglesey County Council proceeded to consult with, amongst others, the Anglesey Chamber of Trade Groups, Anglesey Community and Town Councils, local Civic Societies, Tourism Partnership North Wales, Anglesey Tourism Partnership and the Ynys Mon Access Group. These bodies are included in Annex A. The Council also included a half page article on the introduction of decriminalised parking in the Isle of Anglesey County Council Community Newspaper. This newspaper was issued to every household on the Isle of Anglesey.

With Subject Committee

18. This Order was first notified to the Enterprise Innovation and Networks Committee, via the list of forthcoming legislation on 7 December 2006 (EIN(2)-11-06 p.2) and has remained on the list ever since. The Order was not identified for detailed scrutiny.

Review

19. The effect of the Order will be monitored by way of an annual return from the Council to the Assembly 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.

Summary

20. The Council will bear the cost of the proposals, which should become self-financing as detailed in the Costs paragraph above. The powers will enable the Authority 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 to more criminal related activity. The implementation of the Order is consistent with applications made by over 80 local authorities throughout England and Wales who have acquired such powers.

Annex A

ISLE OF ANGLESEY COUNTY COUNCIL

**SPA APPLICATION
SCHEDULE OF CONSULTATION**

ORGANISATION	RESPONSE
North Wales Police	Supportive of the application
The North Wales County Fire Service	No comments
The North Wales Ambulance Service	No response
WAG Transport Directorate	
DVLA	No objection
Traffic Enforcement Centre	In agreement
National Parking Adjudication Service	No comments
Anglesey Chamber of Trade Groups	No response
Denbighshire County Council	Support the proposals
TAITH	No response
Regional Tourism Partnership North Wales	No response
Conwy County Borough Council	Supportive of the application
Gwynedd Council	Supportive of the application
Flintshire County Council	Supportive of the application
Wrexham County Borough Council	Supportive of the application
Civic Societies	No response
Anglesey Community and Town Councils	Ongoing consultation
Anglesey Tourism Partnership	No response
Ynys Mon Access Group	No response