

# Leader Decision

## Civil Parking Enforcement Implementation of higher band rate Penalty Charges within North Warwickshire

<b>Portfolio Holder</b>	<b>Leader of the Council</b>
<b>Date of decision</b>	<b>14<sup>th</sup> January 2022</b>
	<b>Signed</b>

### 1. Decision taken

- 1.1 The Leader is recommended, in exercise of her duty under paragraph 7 of Schedule 9 to the Traffic Management Act 2004, to set penalty charges payable in the area of North Warwickshire Borough Council pursuant to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 at the higher level specified in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007.

### 2. Reasons for decisions

- 2.1 The banding for contraventions throughout the areas of Warwickshire where Civil Parking Enforcement is already in effect and all neighbouring Local Authorities including Coventry, Worcestershire and Solihull is currently set at the higher of the two levels of charging permitted by legislation. This higher banding consists of £50 for low contraventions such as an overstay in a paid parking bay and £70 for higher level contraventions such as parking in a Blue Badge space without displaying a valid blue badge.
- 2.2 The setting of the higher-level charges will encourage a high level of compliance alongside public acceptance.

### 3. Background information

- 3.1 The County Council will be extending its existing service by undertaking on street enforcement under the Traffic Management Act 2004 and the Civil Enforcement of Parking Contraventions (England) Order 2007 in North Warwickshire Council from the 1<sup>st</sup> February 2022. This is further to a successful application to the Department for Transport (DfT) to extend the Civil Parking Enforcement powers currently in force throughout the rest of the county. The 2004 Act requires that the County Council set

penalty charges for contraventions in accordance with the guidelines in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007, which gives a choice between a higher and a lower penalty band.

3.2 The DfT has advised that banding for contraventions is to encourage compliance from drivers. It must also be consistent with that set in the local area.

The two banding levels are:

Band 1 £30 - £50 Penalty Charge Scale

Band 2 £50 - £70 Penalty Charge Scale

3.3 The primary purpose of penalty charges is to encourage compliance with parking restrictions. Data undertaken across the county confirm that since the introduction of CPE utilising the higher-level banding, amongst other measures have increased compliance levels in the north of the county, compliance levels in the south continue to be mixed suggesting the level is less of a deterrent.

3.4 The enforcement authority must ensure that the public knows what charge levels have been set by publishing them in advance of their introduction. They must also publish any subsequent change to the charge levels. Penalty Charge Notices (PCNs) should carry enough of a financial deterrent to encourage compliance with the Traffic Regulation Orders in place.

3.5 There is a perceived unfairness of receiving the same penalty regardless of the seriousness of the contravention. For this reason, the Guidelines Order lists types of contraventions which attract the £70 penalty and other types of contravention which attract the £50 penalty.

3.6 Penalty charges are reduced by a fixed proportion where payment is made within 14 days (or, in cases where the PCN is sent by post, 21 days). This is currently set at 50%. The 14 or 21 day period begins with the day on which the notice is served.

#### **4. Financial implications**

4.1 The extension of CPE to North Warwickshire will result in additional costs to the County Council to fund the extension of street enforcement. These are estimated to be £218,000 in additional deployed hours.

4.2 The funding of these additional costs will be met from the income generated from the Penalty Charge Notices.

4.3 Based on the level of Penalty Notices issued across the other Districts/Boroughs in Warwickshire it is expected that sufficient income to at least cover the additional costs of extending CPE to North Warwickshire will be generated.

4.4 The risk of any shortfall will be managed by the Service in 2022/23 and any longer-term financial impacts will be reviewed as part of the 2023/24 refresh of the

## 5. Environmental implications

5.1 None

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<b>Strategic Director</b>	Mark Ryder
<b>Portfolio Holder</b>	Councillor Isobel Seccombe

<b>Urgent matter?</b>	<i>No</i>
<b>Confidential or exempt?</b>	<i>No</i>
<b>Is the decision contrary to the budget and policy framework?</b>	<i>No</i>

### List of background papers

None

### Members and officers consulted and informed

Portfolio Holder – Councillor Izzi Seccombe

Corporate Board – Mark Ryder

Legal – Serena Cammish, Caroline Gutteridge and Ian Marriott

Finance – Andrew Felton

Equality – N/A

Democratic Services – - Isabelle Moorhouse

Councillors – n/a

Local Member(s): NWBC members