

Report to: Full Cabinet

Date: 20 March 2024

Title: Off-Street Car Parking Enforcement

Report of: Ian Fitzpatrick, Deputy Chief Executive, Director of Regeneration and Planning

Cabinet member: Councillor Margaret Bannister, Deputy Leader and Cabinet member for tourism, leisure, accessibility and community safety

Councillor Colin Swansborough, Cabinet member for enterprise, community spaces and heritage assets

Ward(s): All

Purpose of report: To seek approval to explore the options for a move from criminal to civil enforcement of off-street parking regulations in accordance with legislation, government advice and best practice.

Decision type: Key

Officer recommendation(s): Cabinet is recommended to authorise officers to explore the options for a move to civil enforcement of off-street parking regulations, and to delegate authority to the Deputy Chief Executive, in consultation with the Cabinet member for tourism, leisure, accessibility and community safety, and the Cabinet member for enterprise, community spaces and heritage assets, to take all necessary actions to implement the enforcement change.

Reasons for recommendations: The shift from criminal to civil enforcement of off-street parking regulations is consistent with legislation, government advice and best practice across local government, and such an approach would support an improved enforcement regime and the maximum recovery of income for the council.

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1 Introduction and Background

1.1 The Traffic Management Act 2004 introduced a new framework for the enforcement of parking, building upon previous legislation in relation to civil enforcement. The legislation removed the need for parking enforcement claims

to be heard in the courts and the possibility of a criminal record for anyone contravening the regulations.

- 1.2 To bring the legislation into operational effect, within the county, East Sussex County Council (ESCC) applied to the Department for Transport to designate the county for civil enforcement. In 2008, the Civil Enforcement of Parking Contraventions (County of Sussex) (Borough of Eastbourne) Designation Order came into force for on-street parking only. Since this time, there have been two different approaches in operation for car parking enforcement in Eastbourne – on-street parking has been enforced under a civil regime (ESCC) and off-street parking under a criminal regime (EBC).
- 1.3 Consequently, off-street car parking in Eastbourne can currently only operate any parking enforcement under a criminal regime. This means that any unpaid parking tickets which are not paid have to be dealt with via the court system. The criminal enforcement approach for off street parking is considered to be inappropriate, disproportionate and not cost effective for the recovering of a relatively small fine.
- 1.4 A shift from criminal to civil enforcement of off-street parking regulations would enable the following:
 - Compliance with government advice.
 - An operating model consistent with best practice.
 - An approach that would enable increased discipline and compliance with car parking regulations in the borough.
 - Improved recovery of debt for the council.
 - Consistent approach to car parking enforcement across Eastbourne.

2 Proposed Next Steps

- 2.1 Officers seek approval to approach ESCC – as the designated authority responsible for covering on-street parking for Eastbourne – to explore options to amend the existing Designation Order to include off-street parking.
- 2.2 Subject to the initial discussions with ESCC, it is more than likely that the council will need to enter into an agreement with ESCC about the manner of enforcement of off-street parking regulations (the cost of which, if any, will be confirmed as the process progresses). It is proposed that Cabinet delegates authority to the Deputy Chief Executive, in consultation with the Cabinet member for tourism, leisure, accessibility and community safety, and the Cabinet member for enterprise, community spaces and heritage assets, to take all necessary actions to implement the enforcement change.

3 Outcome expected and performance management

- 3.1 Subject to Cabinet's decision and the discussions with ESCC, the council will be managing its off-street parking enforcement under a civil regime as most of the other local authorities already do, and in a more proportionate way that maximises income for the organisation.

4 Consultation

4.1 Discussions will, subject to Cabinet's decision, take place with ESCC.

5 Corporate plan and council policies

5.1 The proposed change set out in this report will enable the council to make the best use of resources and continue with compliance of our enforcement policy. The new approach would also enable the maximum collection of debt which supports the council's Stability and Growth programme objectives.

6 Business case and alternative option(s) considered

6.1 Do nothing and continue with criminal parking enforcement – this approach is not appropriate, proportionate nor financially sustainable.

7 Financial appraisal

7.1 There are no direct financial implications to this report, however it should be noted that a change from criminal to civil enforcement with respect to off-street parking charges will enable the council to become more effective in its pursuit of parking charge notices.

8 Legal implications

8.1 Under the Traffic Management Act 2004, that in this situation, only a county council, may make an application for a Designation Order, so Eastbourne Borough Council cannot make such an application in its own right.

Members are asked to note that once an application is submitted to the Department of Transport, if the application is accepted (and it is expected that it will be accepted) that no Order will come into force for several months.

The Legal section considered this Report on 27 February 2024 (Iken 12413-EBC-MW).

9 Risk management implications

9.1 There are no risk management implications that stem directly from the recommendations in this report.

10 Equality analysis

10.1 There are no equality issues that stem directly from the recommendations in this report.

11 Environmental sustainability implications

11.1 There are no environmental sustainability implications that stem directly from the recommendations in this report.

12 Appendices

12.1 None

13 Background papers

13.1 None