

## **CABINET MEMBER FOR TOWN CENTRES**

**Venue: Town Hall,  
Moorgate Street,  
Rotherham. S60 2TH**

**Date: Monday, 6th September, 2010**

**Time: 9.30 a.m.**

### **A G E N D A**

1. To determine if the following matters are to be considered under the categories suggested, in accordance with Part 1 of Schedule 12A (as amended March 2006) to the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Regulation 10 Penalty Charge Notices (Drive away PCN's) (Pages 1 - 3)  
Martin Beard, Parking Services Manager, to report.
  - to recommend that the powers be adopted.
  - to summarise the enforcement approach.
4. Rotherham Town Centre - Petition requesting Residents' Parking Scheme for town centre residents (Pages 4 - 6)  
Matthew Lowe, Engineer, to report.
  - to report the results of an investigation into a 19 signature petition requesting a town centre residents' parking scheme.

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO CABINET MEMBER</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Cabinet Member for Town Centres</b>
<b>2.</b>	<b>Date:</b>	<b>6 September 2010</b>
<b>3.</b>	<b>Title:</b>	<b>Regulation 10 Penalty Charge Notices (Drive away PCNs).</b>
<b>4.</b>	<b>Directorate:</b>	<b>Environment and Development Services</b>

## **5. Summary**

The Traffic Management Act (TMA) 2004 and regulations made within the Act have given parking enforcement authorities the power to issue Penalty Charge Notices (PCNs) to motorists who park vehicles in contravention but drive away before the PCN can be fixed to the vehicle or handed to the person appearing to be in charge of the vehicle. These PCNs are referred to as 'Regulation 10 VDA (Vehicle Driven Away) PCNs'.

This Council, like many authorities, did not adopt these powers initially upon the implementation of the TMA 2004. This report recommends that these powers now be adopted and summarises the enforcement approach that it is suggested Rotherham MBC should apply based on the experience of other boroughs who have adopted the powers.

## **6. Recommendations**

### **That Cabinet Member be asked to resolve that:-**

1. Rotherham MBC makes use of the powers in the Traffic Management Act 2004 and regulations made within the Act for the enforcement of Regulation 10 VDA PCNs, from 1 October 2010.
2. That the proposed approach to enforcement outlined in this report and the programme of actions for the adoption of these powers is approved.

## **7. Proposals and Details:**

Under Section 66(1) of the Road Traffic Act 1991, for a Penalty Charge Notice (PCN) to have been correctly issued by a Parking Attendant, it had to have been either fixed to the vehicle or given to the person appearing to be in charge of the vehicle. Under Road Traffic Act 1991 regulations, if a motorist parked in contravention but drove away before a PCN was served in the manner described above, the enforcement authority were powerless to pursue the charge. Such contraventions were recorded by Parking Attendants as 'VDA', i.e. 'vehicle driven away'.

The Traffic Management Act (TMA) 2004, the relevant sections of which came into force on 31 March 2008, attempted to address this imbalance by enabling enforcement authorities to pursue VDA PCNs through the service of a 'Regulation 10' postal PCN.

This would mean that CEOs would have three methods of issuing PCNs, namely:

- Fixing the PCN to the vehicle.
- Handing the PCN to the driver.
- Issuing a "vehicle driven away" PCN, through the post, when the vehicle is driven away before the issuing process is completed.

Regulation 10 also allows for the issue by post of a 'prevented from issue' PCN, where a CEO may be prevented from issuing a PCN on-street by abuse, intimidation, threats or actual physical violence.

A Regulation 10 VDA PCN is issued by post to the registered keeper of the vehicle, who can then either pay the PCN (offered at a 50% discount rate for the first 14 days after service) or make representations to the Council as the enforcement authority.

Rotherham MBC initially chose not to enforce Regulation 10 VDA PCNs upon implementation of the TMA 2004 for two reasons:

- The Department for Transport's statutory and operational guidance for the TMA 2004 contained very little in terms of advice regarding the evidence that either should ideally or must be obtained by CEOs to enable such PCNs to be successfully pursued by the Council upon challenge, especially to adjudication stage at the Traffic Penalty Tribunal (TPT).
- The Council's software service provider (Civica) could not amend the software provided to the Council to allow this type of PCN to be issued.

Few authorities currently enforce Regulation 10 VDA PCNs. However, their experience has shown that whilst the very nature of this type of PCN often makes it difficult for CEOs to collect enough quality evidence to enable a PCN to be upheld through the statutory appeals process, the ability to issue VDA PCNs can still be a useful tool for an enforcement authority to possess.

## **8. Finance**

The Council has recently installed software from a new service provider, Imperial Civil Enforcement Solutions. This software is already equipped with the capability of issuing

Regulation 10 PCNs. This has not cost anything over and above the cost of the software purchase.

The Council's CEOs currently log approximately 10 "drive away" incidents per week. This would equate, in financial terms, to £350 per week if the figures were mirrored in Regulation 10 PCNs and each PCN was paid within the discount period. A more realistic scenario would be a 70% collection rate equating to £245 per week, equating to £12,740 per annum.

There are currently "hot spot" areas in the town, e.g. Fitzwilliam Road and Wellgate. These are areas which are notorious for drivers being aware that CEOs need a certain amount of time to issue a PCN and take advantage of this by driving the vehicle away prior to a PCN being issued. Such parking activities often cause traffic congestion and danger to pedestrians. This situation currently discourages CEOs from commencing the issuing process and they usually just ask the driver to move on. It should be considered that CEOs will be more encouraged to commence the PCN issuing process in these "hot spot" areas which will result in an increase to the average 10 per week and increase revenue.

### **9. Risks and uncertainties**

There may be negative media coverage regarding this proposal.

### **10. Policy and Performance Agenda Implications**

N/A

### **11. Background Papers and Consultation**

Traffic Management Act 2004

#### **Contact name(s):**

Martin Beard, Parking Services Manager

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Email: [martin.beard@rotherham.gov.uk](mailto:martin.beard@rotherham.gov.uk)

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1.</b>	<b>Meeting:</b>	<b>Cabinet Member for Town Centres</b>
<b>2.</b>	<b>Date:</b>	<b>6 September 2010</b>
<b>3.</b>	<b>Title:</b>	<b>Rotherham town centre – Petition requesting residents' parking scheme for town centre residents</b>
<b>4.</b>	<b>Directorate:</b>	<b>Environment and Development Services</b>

**5. Summary**

To report the results of an investigation into a 19 signature petition requesting a town centre residents' parking scheme.

**6. Recommendations**

**Cabinet Member is asked to resolve that:**

- i) **The lead petitioner be informed of the outcome of the investigation**

## 7. Proposals and Details

A 19 signature petition was received requesting that the Council introduce a town centre residents parking scheme.

Existing town centre residents either live in buildings without any dedicated parking or, in some cases, with access to a limited amount of paid for private parking generally in the building basement.

Public parking in Rotherham town centre is a mixture of on street pay and display, off street surface pay and display and multi-storey pay and display parking.

The current parking options for town centre residents are to park in

- **On street pay and display parking spaces.** Charges currently apply to these parking spaces between 8am and 3pm. Outside of these times parking is free.
- **Off street car parks.** There are over 20 car parks within easy walking distance of Rotherham town centre. Depending on the operator charges and charging times vary.
- **Private parking within building.** Where it is provided this is usually at a monthly cost.

The principle behind town centre living is that by living close to shops, amenities and frequent public transport the need to travel by car is reduced. The majority of apartments within the town centre are advertised with no associated car parking.

Residents' parking schemes are implemented within mainly residential areas to control commuter/shopper parking. The town centre is predominantly a shopping/business area and parking controls already exist to regulate parking within this area.

Given that this is a residential area within the town centre and that these apartments have been planned and promoted on a sustainable basis with no car parking it is recommended that this request is not acceded to.

## 8. Finance

None.

## 9. Risks and Uncertainties

None.

## 10. Policy and Performance Agenda Implications

None.

## 11. Background Papers and Consultation

A copy of the first page of the petition is attached as Appendix A.

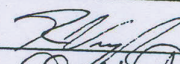
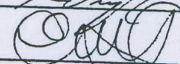
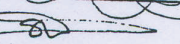
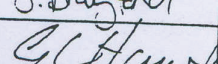
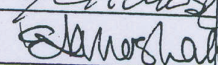

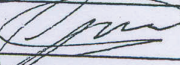

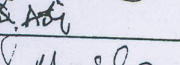
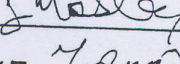
**Contact Name:** *Matthew Lowe, Engineer, 54490  
matthew.lowe@rotherham.gov.uk*

# Petition

## for

### Rotherham Town Centre Residents' Parking Scheme

Please sign below if you would like Rotherham Metropolitan Borough Council to introduce a residential parking scheme allowing town centre residents parking for their vehicle.

NAME	ADDRESS	TEL	SIGNATURE
Michael Nixon	Flat 8 34-36 College Street, S65 1AG	078344 66895	M. Nixon
Robert Vaughan	Flat 7 34-36 College Street S65 1AG		
EMMA SPENCER	FLAT 6 34-36 COLLEGE STREET S65-1AG	01709 367667	
SIMON WEST	FLAT 5, 34-36 COLLEGE STREET ROTHERHAM, S65 1AG	01709 367647	
Samantha Bayford	Flat 3 34-36 College Street Rotherham S65 1AG	01709 369425	S. Bayford
GLENN HOUSLEY	2 VICARAGE LANE S65 1AN	01709 835827	
Elizabeth Marshall	Flat 4 34 36 College St.	01709 821474	
PETER BROUGHAN	FLAT 1, 34 COLLEGE ST	09830 142086	P. S. Broughan
Abdul Ameer	APARTMENT 12 IMPERIAL BUILDING	838601	
Giulio Spiforese	Apartment 11, Imperial Building	866840	
Katie Parley	Apartment 10 Imperial Building	078506598 418	
Robert Asvada	Flat 24 Imperial Building	0716145 672	
JEANETTE MOSTLEY	14. Imperial Building		
G. J. REGISIA	15 IMPERIAL	0767728065	J. Regisia
N Whyke	55 BROOM RD		
G. Whyke	Broom Rd.	377921	G. Whyke