

## RESTRICTED - POLICY

### ANNEX A - ASSESSMENT OF A NEW BURDEN PROFORMA

In advance of discussions with others, or as part of these discussions, the lead department should complete the proforma below (this can be tailored to the specific policy where appropriate but should cover the same information). As highlighted in the guidance, these issues should be discussed with Communities and Local Government at the earliest possible stage, and the proforma can be revised as the assessment is taken forward. The signed off proforma should be sent Communities and Local Government.

Details of the proposal	
1. Name of lead department	Department for Transport
2. Working level contact in lead department	
3. Name of policy/duty/expectation	<p>Civil Enforcement of Parking Contraventions (England) General Regulations 2007.</p> <p>Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.</p> <p>The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007.</p> <p>The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007.</p> <p>The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007.</p> <p>The Civil Enforcement of Parking Contraventions (Guidelines on levels of charges) (England) Order 2007.</p>
4. Description of the policy objective	<p>These regulations will strengthen the system, used by local authorities to enforce parking regulations, thereby keeping traffic moving and providing a fairer system for all. This will contribute to the Government's objectives of tackling traffic congestion and improving road safety, with resultant economic benefits.</p> <p>All London authorities and 168 (as at 26th June 2007) other English local authorities have taken over from the police service the enforcement of parking regulations. This frees up police time for more serious matters and enables the authorities to enforce as well as make their parking policies.</p> <p>These six sets of Regulations (all of which apply to England only) are designed to implement Part 6 of the Traffic Management Act 2004 (TMA) in relation to the civil enforcement of parking controls and replace the present system of decriminalised parking</p>

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	<p>enforcement (DPE) with what will be called civil parking enforcement (CPE). These Regulations will replace the current legal framework of Part II and Schedule 3 of the Road Traffic Act 1991 and some local legislation in London. Although based on the current system, they will make the legislative framework clearer and introduce a number of changes of detail, some of which derive from modifications to the Road Traffic Act 1991 made by London local legislation.</p> <p>There are no changes to the making of policies on parking. It remains that this is for the local authority within the structure of government policies and legislation, although there is increased emphasis in the Guidance that their parking policies should be an integral part of their transport strategy. The Regulations and Guidance are about how those policies are enforced.</p> <p>In particular, the regulations include the following provisions:</p> <ul style="list-style-type: none"> <li>• Enforcement cameras ("approved devices") to be certified by the Secretary of State;</li> <li>• 21 day discount for PCNs sent by post with evidence from an approved device;</li> <li>• Adjudicators will have the power to decide a case where procedural irregularity has taken place. (For example where a charge certificate has been issued before an appeal has been decided)</li> <li>• Adjudicators will have the power to refer back to LA a case where a contravention has taken place but in mitigating circumstances;</li> <li>• Where authorities choose to clamp the 15 minute "grace period" following the issue of a PCN in a parking space will be extended to 30 minutes. The exception to this is persistent evaders, who LAs may clamp after 15 minutes.</li> <li>• Differential penalty charges based on the severity of the contravention</li> </ul> <p>New powers for authorities outside London currently only held by those in London</p> <ul style="list-style-type: none"> <li>• Send PCNs by post with camera evidence;</li> <li>• Enforce dropped footways;</li> <li>• Enforce double parking;</li> <li>• Place a 6 month time limit on authorities issuing a Notice to Owner.</li> </ul>
5. Stage proposal is at (e.g. initial draft, consultation document, DA clearance etc )	DA clearance prior to laying the regulations in Parliament.
6. Brief expected timeline of the forthcoming key stages, including committee clearance	The regulations will be laid in Parliament on 24 <sup>th</sup> July. One set is affirmative and will therefore be debated in Parliament after summer recess. The regulations will come into force on March 31 <sup>st</sup> 2008

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<p>7. What the proposal requires local authorities to do, and how this differs from what they are doing now. If there is no difference, why is the new power/duty/expectation being made?</p>	<p>These regulations will strengthen the existing system of Decriminalised Parking Enforcement (DPE) which will become known as Civil Parking Enforcement (CPE).</p> <p>There is no requirement to take on civil parking enforcement (CPE) powers if an authority does not wish to.</p> <p>If an enforcement authority chooses to take on CPE powers then they will need to apply to DfT for these powers (as they have to at present for DPE powers). As with taking on DPE powers at present, an enforcement authority will need to cover the start up costs of taking on this power. However, an enforcement authority will not face any higher costs in bringing in CPE than they would have faced to bring in DPE. By retaining the income from penalty charges, the enforcing authority will be able to run CPE in a way that is at least cost neutral.</p> <p>Those who are running DPE at the moment face some small transitional costs to the new CPE system. However, these will be covered by the income the authority gets from the parking charges and parking penalty charges. Therefore, this is also cost neutral to the authority.</p> <p>We have discussed this with the CLG team, who are content with the assessment</p>
<p>8. Expected date the policy impacts on local authorities. If implementation is to be phased in, please give estimated dates for each phase.</p>	<p>Regulations laid: 24<sup>th</sup> July 2007 Regulations made after debates in Parliament (roughly November 2007) Regulations come into force: 31<sup>st</sup> March 2008 so that LAs have adequate time to take them on board.</p>
<p>9. Is an RIA being completed? If the RIA shows that the policy impacts on the private sector in the same way with no disproportionate impact on local authorities contact the Communities and Local Government new burdens team to confirm that the new burdens rules do not apply in this case - this does not mean there are no local government finance matters that might need to be addressed.</p>	<p>The RIA for the TMA 2004 stated that the Act would be cost neutral for local authorities. It also stated, specifically in relation to parking that enforcement authorities would be able to enforce parking in a way that was at least cost neutral.</p> <p>A RIA has been completed for this set of regulations, which also makes clear that local authorities can cover the costs of enforcing parking through the income from the parking charges and any parking penalty charges.</p>
<p><b>Estimated costs/savings</b></p>	
<p>10. Best estimate of reasonable costs and savings involved for local authorities for each individual year</p>	
<p>(a) Overall additional costs to local authorities for each year</p>	

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i. _____ Element attributable to 'one off' implementation costs	This is cost neutral as explained in section 7.
ii. _____ Recurring costs element (for the first 3 years)	This is cost neutral as explained in section 7.
(b) Estimated specific and identified savings for each year - these must be additional to the annual savings authorities are expected to make and their treatment consistent with the appropriate HM Treasury guidance on efficiency.	The proposals will make enforcement easier and we would expect that overall this may reduce the costs of enforcement.
(c) What are the direct and indirect impacts on local authorities pay and pensions costs?	
(d) Overall estimate of the Net Additional Cost (costs-savings) to local authorities for each year	
<b>Discussion with authorities</b>	
11. What discussions have taken place with local authority associations, e.g. with the LGA or LC? If there is no planned contact with local authorities through representative bodies, please explain why.	<p>DfT held a stakeholder workshop and 5 meetings of the working group to consider how to strengthen the DPE system. LC and LGA were members of both these groups.</p> <p>The public consultation was sent to the LC, the LGA and all local authorities in England in July 2006.</p>
12. Give a brief description of the authorities' views, particularly on costs and financing (note: there is no obligation to agree final finance assessments with them).	<p>76% of Local Authorities thought that the Partial RIA in the consultation represented a fair analysis of the policy.</p> <p>There were considered to be some transitional costs for authorities changing from DPE to CPE (including software and training costs). However these funds would be recouped through income from the parking charges and any parking penalty charges and the more accurate issuing of PCNs that the Regulations and Guidance intend to bring about. There were deemed to be no extra costs for authorities yet to apply for DPE.</p> <p>The final RIA includes these points.</p>
<b>Providing the resources</b>	
13. Has the lead department identified where the funding for this new burden is coming from? Please give details.	There is no new burden and therefore no funding is required. The

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	powers are cost neutral.
14. What costing evidence/analysis do you have/are you going to undertake to demonstrate that the funding is sufficient, and when will you be providing this?	N/A
15. If costs are to be met by charging, do these cover the full net additional costs, and do authorities have the freedom to determine the fee levels consistent with recovering reasonable costs?	N/A
16. If your assessment is that the proposal will result in no additional costs being placed on local authorities, how will you ensure that this is the case?	Those wishing to take on CPE powers must submit a business case to DfT outlining how they will fund this. We normally require LAs to show that they will break even after 3 years. It is very unlikely that a LA would volunteer to take on these powers if they would not be able to fund them sufficiently.
<b>Finance Director's Sign Off</b>	
17. Certification that the estimated net additional costs falling on local authorities has been assessed in accordance with the guidance on new burdens and that this will be fully funded. That to the best of Finance Director's knowledge the estimates are a true and fair assessment of the net additional costs falling on authorities. Confirmation that their department is aware that if the proposed policy or initiative is implemented, there may be an independent post event scrutiny carried out (paid for from within their department's existing resources) of actual costs of new burdens falling on local authorities, and that under or over-payments of grant revealed by the scrutiny may inform future decisions on funding.	<b>Signed:</b> <b>Name:</b> <b>Date:</b> <b>Telephone Number:</b> <b>Address:</b>

Please send the form to the relevant Communities and Local Government contact in Annex C.

For completion by New Burdens Team: Date received: ..... Reference number: .....