

# CHESHIRE EAST COUNCIL

## CABINET

**Date of meeting:**

**Report of:**

**Title: Application for Civil Enforcement powers – Former Congleton Borough Council Area**

### 1.0 Purpose of Report

- 1.1 To obtain the necessary approvals to progress the application to the Department for Transport for adoption of civil enforcement powers.

### 2.0 Decision Required

- 2.1 To reaffirm the decision made by the former Congleton Borough Council, and endorsed by the former County Council Portfolio Holder, to make application to the Department for Transport (DfT) to adopt civil enforcement powers under the Traffic Management Act 2004 in the former Congleton Borough Council area
- 2.2 To approve the penalty charge level to be adopted.

### 3.0 Financial Implications for Transition Costs

- 3.1 A financial model will accompany the application to the DfT which demonstrates the financial sustainability of adopting Civil Parking Enforcement (CPE) powers. The model is based on a penalty charge level of £70 (higher level contravention eg parking in a disabled bay without a valid badge) and £50 (lower level eg parking out of a marked bay on an off street car park). This is consistent with the level of Penalty Charge Notice (PCN) currently applied in Macclesfield and Crewe and Nantwich and is therefore recommended for adoption in the former Congleton Borough area.

### 4.0 Financial Implications 2009/10 and beyond

#### 4.1 Congleton Area Enforcement Financial Estimate

Initial Capital Set Up Costs :(cost of signs and lines review)	£15000
Initial Start-Up Revenue Costs :(chiefly PR campaign and Consultants' fees)	£15,121
Annual Revenue Costs :	£30189
Annual Income :	£39397 (year 1), then £51475 per annum.

The service should achieve net surplus (including capital) by end of the 2<sup>nd</sup> year, and an annual surplus thereafter of £21000 over annual expenditure of £30000.

## **5.0 Legal Implications**

- 5.1 It is intended that Cheshire East Council should assume Civil Parking Enforcement powers for the old Congleton Borough area, in line with those already assumed for the rest of the new authority.

## **6.0 Risk Assessment**

- 6.1 Failure to approve the level of charge will delay the implementation of civil enforcement powers

## **7.0 Background and Options**

- 7.1 Civil enforcement powers have been adopted by many Authorities nationally as on street enforcement has ceased to be a priority for the Police. At the present time adoption of powers is optional although it is anticipated that this will become compulsory from 2011.
- 7.2 CPE has already been adopted in two of the three districts forming the new Cheshire East Council, This, in itself presents an anomaly within the new Authority as such powers are intended to be applied across the whole district. The application will regularise this situation.

### ***For further information:***

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*Officer: Paul Burns*

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### ***Background Documents:***

Draft formal application to the Department for Transport  
Report to Congleton Borough Council

*Documents are available for inspection at:*

*Westfields*