

CHANGES TO PARKING ENFORCEMENT IN CONWY
Background and Frequently Asked Questions
June 2006

BACKGROUND:

Current enforcement: In Conwy a parking ticket will be issued by a police officer or traffic warden because the driver has committed an offence such as parking on double yellow lines. Breaking the laws relating to parking, waiting and loading is currently a criminal offence.

The fine is paid to the Treasury in London; it does not go to North Wales Police, nor is any of it retained within Conwy. If the fine is not paid it is recoverable from the owner of the vehicle through the Magistrates Courts. The driver's licence can also be endorsed.

New enforcement: From 1st September 2006 responsibility for enforcing waiting, loading and parking regulations within the Council's area will transfer from the police to Conwy County Borough Council. The official term for this new system is "decriminalised parking enforcement". This is because such offences will no longer be classed as criminal – hence the term "decriminalised" – but will become civil offences. They will still be serious, however, and will be dealt with accordingly.

As it is not immediately obvious what the term "decriminalised parking enforcement" actually means we shall simply refer to the new parking management system in our documentation unless there is a requirement to use the official terminology.

Jargon: "On-street" refers to parking or loading bays, meters, waiting restrictions and prohibitions that are located or painted on the streets;
"Off-street" refers to the same things but in areas which are not directly on the street such as car parks;
"Penalty Charge Notice" or PCN – the correct term for the new parking ticket which will be issued from 1st September 2006;
"Parking Attendant" or PA – fully trained and qualified council employees who replace the Police Traffic Wardens.

QUESTIONS:

1. [This is just the County Council trying to make easy money isn't it?](#)

Absolutely not. The new system has, by law, to be self-financing in due course (usually about three years from being introduced). Funds raised from managing parking throughout Conwy will be used for this – i.e. to pay for the Parking Attendants, the costs of processing fines and so on.

After these costs have been absorbed any surplus funds which have been raised from payments made at on-street pay and display machines and on-street parking penalties, are ring-fenced by law and have to be transferred to our local Highways Authority. The Highways Authority, in turn, is only permitted to use that money to finance transport-related improvements within our area.

In contrast, any money raised from off-street parking (from both fines and pay and display machines) is NOT ring-fenced. The Council may use this money for any purpose; at present this goes to support highways related infrastructure.

2. [Who is going to manage this scheme?](#)

Conwy County Borough Council through its own, existing parking management services. The Council has been managing all off-street parking enforcement, notice (ticket) processing and collection of penalties for some years now so the service will simply be extended to include on-street management.

3. [Does this mean you are going to keep putting up parking charges and fines on a regular basis?](#)

No. We need to be sure that the level of the fine is high enough to deter drivers from parking their vehicles in contravention of the regulations, but it still has to be fair.

Parking charges will be reviewed from time to time, but that doesn't mean that they will be constantly going up. The charges were increased on 23 May 2005 and, at present, we do not anticipate any further increase on 1 September 2006.

The current Excess Charge for Conwy is £50.00 for off-street parking offences, reduced to £20.00 if paid within 14 days. Fixed Penalties issued by the police for parking offences is currently £60.00. Both types of offence will be standardised at £60.00 reduced to £30 if paid within 14 days. This is the standard level applied in areas where local authorities are managing parking enforcement.

4. [Who sets the level of the parking fines? It seems very high?](#)

When applying to take responsibility for parking management the local authority has to ask the Welsh Assembly Government (WAG) for permission to create something called a Special Parking Area or SPA – this is the area within which parking enforcement is decriminalised.

As part of the application the authority has to provide a financial plan to show the WAG that its financial model is correct. This has to include the level at which it is planned to set the fine in order to make the scheme viable as it has to be self-financing. By granting the SPA the WAG automatically agrees that the level of the fine has been correctly calculated.

5. [Who sets the parking regulations in our towns and rural areas?](#)

The local authority – in this case Conwy County Borough Council.

6. [I've had parking restrictions outside my house for years and have parked there without any problem until now. Can these be removed?](#)

We shall be reviewing all existing waiting restrictions as part of the scheme's introduction. If restrictions appear to be redundant or we are advised that they no longer serve a purpose we will consider removing or altering them. If, however, there is good reason for them to remain then they will be enforced after 1st September 2006.

7. [What about residents' parking schemes?](#)

There is currently no policy for the provision of Residential Parking within the County Borough. We need to introduce the new system of enforcement and let it operate for a while before we consider whether it may be necessary to introduce residential parking schemes.

8. [Conwy County Borough Council must be going to make money from this somewhere along the line. Where are these profits going to come from? Surely it must be from the fines?](#)

The parking enforcement scheme as a whole is required by law* to be self-financing and much of the funding will come from normal payments made by motorists when they park their vehicles either legally or illegally.

Only drivers who park in contravention of the regulations will receive PCNs. Motorists who park correctly and pay for the time they stay will not receive 'tickets'. Both they and pedestrians will see the benefits of less congestion, improved safety and improved traffic flow. This will have a positive impact on the general environment in our towns.

** Circular 1/95 of "Guidance for Decriminalised Parking Enforcement" which refers back to the Road Traffic Act 1991.*

The financial position of the Council will be subject to the normal levels of audit control, scrutiny and accountability through its published accounts.

9. [Why do you need to change the regulations to 'police' the system better? Why can't the police carry on doing it?](#)

Under the old system, the police simply haven't had the resources available to enforce the parking regulations effectively. People generally prefer them to concentrate their efforts on trying to catch people committing what they feel are more serious offences.

Because of the growing numbers of vehicles on the roads, the resulting increase in illegal and inconsiderate parking has become a nationwide problem, not just one for us here in Conwy.

This is why more than 100 local authorities outside London plus 33 in London have already changed to the new system and either have their own in-house expert management to enforce it (as we do) or have brought in external management companies to do it on their behalf.

As we are already experienced at managing the County's off-street enforcement it means we have an efficient, well-managed, cost-effective system in place right from the start.

10. [Are any staff going to lose their jobs?](#)

No. In fact we will begin recruiting additional people both for the administration side and to train as Parking Attendants. No decision has yet been taken on the final number of Attendants to be recruited but it is likely to be around thirteen. We may employ additional Parking Attendants during the summer to cope with the increased traffic.

We currently employ seven Parking Attendants who patrol our off-street parking areas and one on-street area of the Parade in Llandudno. The Police employ one Traffic Warden.

11. [How are you recruiting?](#)

Ads in the local papers and job centres in June 2006.

12. [What sort of people are you looking for?](#)

Men and women who are confident and smart in appearance, who are happy to wear the new Parking Attendant's uniform, who are good communicators, can demonstrate common sense and sound judgement and are keen to be friendly and helpful to the public.

What we *don't* want is people who think that if they are a Parking Attendant then they have some kind of power and authority to wield over others. Parking Attendants are there to perform a service for the whole community for the benefit of the people of Conwy.

13. [What's the difference between a Parking Attendant and a Traffic Warden?](#)

It may seem like splitting hairs but there is an important difference between them.

Parking Attendants are employed by the Council and will enforce the new parking control system. Traffic Wardens are employed by and report to the police under the old system.

14. [Will Parking Attendants be paid some kind of bonus for issuing as many Penalty Charge Notices as they can?](#)

Definitely not. There is no incentive or bonus involved. All Parking Attendants will be fully trained in how, when and why penalty charge notices can and should be issued.

15. [How will the Parking Attendants get around?](#)

On foot and in vehicles.

16. [Can the police issue parking tickets after 1st September 2006?](#)

Only for cases such as obstruction – but these are fixed penalty notices (criminal offences which will be endorsed on your driving licence). It should be noted that the police are still responsible for enforcing the regulations involving moving traffic or offences involving obstruction of the highways. Take a look at your Highway Code to find out what these are.

17. [Will people with disabilities be affected?](#)

Only in a positive manner.

They will benefit from the fact that the change in the way parking regulations are enforced should result in fewer people parking in the designated disabled parking bays who are NOT disabled (which is illegal and will still be 'in contravention' after 1st September 2006). The rules which apply to where they are allowed to park, providing they are displaying the correct badge, will not change.

Enforcement of off-street disabled parking bays will continue as at present.

As from 1st April 2003 orange badges are no longer valid. Disabled drivers *must* display the blue badge which is recognised by all member countries of the European Union.

Everyone eligible for a blue badge receives a copy of the Department for Transport's (DfT) 13 page "Blue Badge Scheme" booklet. This clearly explains what parking concessions are permitted (and what are not) and what the badge holder's responsibilities are with regard to use of the badge.

Fraudulent use of badges is a major problem nationwide. Badges must not be lent to friends or relatives and will be withdrawn if the holder misuses it. It is a criminal offence for non-disabled people to use a blue badge and offenders can be fined up to £1,000. It is also a criminal offence to drive a vehicle displaying a blue badge unless the badge holder is in the vehicle, except in the very specific circumstances described in the booklet. These will remain criminal offences after the implementation of the new parking enforcement scheme.

Drivers of vehicles displaying a blue badge are required to pay the same tariff in the car parks as other drivers, unless otherwise stated on the notice boards.

18. [Who will be affected by the change to the new enforcement scheme?](#)

The only people who will notice any change are those who regularly park their vehicles illegally at the moment – on double yellow lines, for instance or on mandatory zigzag lines outside schools – the latter is not allowed even if you are dropping off or picking up children.

19. [How much are the current and new fines and what happens if I don't pay? \(refers back to an earlier question, see question 3\)](#)

It will be set at £60.00 because it's supposed to discourage people from doing it again. However, if the fine is paid within 14 days it drops by half, to £30.00. If it's **not** paid and we have to contact the owner of the vehicle, then it could rise to as much as £90.00 and possibly more.

The fines are enforceable and steps will be taken through the County Court to recover the money. The current cost is £20.00 if paid within 14 days and £50.00 if not.

20. [What if I think the Penalty Charge Notice \(ticket\) was issued unfairly?](#)

You write to us saying why you think it was unfair. We will consider your arguments and give you our response. If we believe the ticket was issued for valid reasons but you are unhappy with the decision you have the right to appeal to an independent adjudication body (National Parking Adjudication Service). We will tell you whom to contact if you want to do this.

21. [How can the fines be paid?](#)

You can make your payment through any of the Council cash offices in Llandudno, Colwyn Bay, Conwy or Llanrwst, by post, by telephone (credit card or debit card) or in any main post office.

22. [Why aren't car parks managed by private contractors affected by the change?](#)

They are affected in cases where a car park has an 'off-street parking places order' on it. In this case the car park comes under the regulations even if it is private, but the regulations can only be enforced by Conwy's Parking Attendants.

23. [How much is it costing to set up the scheme?](#)

Provision has been made in the annual budget so the costs are covered by the normal operating expenditure of the Council. As mentioned before, the system is required by law to be self-financing once it has been set up.

At this stage some of the costs are not yet finalised so a total figure cannot be given but the Council's annual accounts will show it in due course.

24. [Are you going to start clamping vehicles and towing them away?](#)

It is not intended to use clamping. However, the Council will have authority to authorise removal of vehicles causing obstruction and the police will retain their existing powers in this respect.

25. [Is every local authority doing this on 1st September 2006?](#)

No. Many have already done so and are extremely pleased by the results. Many others are in the process of considering whether they should do so. Once responsibility has been transferred to the local authority it cannot be reversed and power handed back to the police – the law forbids this.

Near us, Denbighshire began this system in July 2004 as did the whole of Lancashire. Blackpool introduced it in November 2003. Neath Port Talbot changed over in 1999 and Carmarthenshire in February 2004. Liverpool changed over in 2002 and Sefton (including the Southport area) also uses this system.

26. [Which law is involved?](#)

The Road Traffic Regulation Act 1984 started the process when it became possible to transfer responsibility for enforcement in permitted parking places e.g. on-street meters, disabled bays and so on from the police to the local authorities. Enforcing yellow line infringements remained the responsibility of the police. They are still responsible for ticketing offences such as obstruction (e.g. blocking a street) and offences committed by moving vehicles.

The Road Traffic Act 1991 allowed local authorities to take over all enforcement (excluding obstruction and moving vehicle offences) although it was only in fact permitted in the London Boroughs to begin with (from July 1994). The results from London were then assessed and gradually authorities from outside London began to follow suit. Guidelines were published in 1995 setting out advice for the local authorities on managing the new system.

27. [Name some other places which are using this system apart from the ones shown above.](#)

Every London Borough, nine Greater Manchester authorities, Milton Keynes, Winchester, Birmingham, Edinburgh and Glasgow.

28. [Could there be any problem with fraud?](#)

The legislation states that annual audited accounts have to be submitted to the Welsh Assembly Government. The council will also have a team in place to monitor all aspects of the new operation.

29. [What sort of systems?](#)

If we told you then they wouldn't be secure would they?

30. [Isn't this just some kind of stealth tax on motorists?](#)

The new enforcement system will not affect motorists who park correctly and safely. Having fewer (and hopefully no) vehicles parked in potentially dangerous locations will improve road safety for everyone. A safe town centre is more attractive for people to visit.

Remember double yellow lines are enforceable 24 hours a day, seven days a week, unless the signs say otherwise. However, a single line can generally be parked on after 6pm - but drivers are responsible for checking the applicable times shown on the sign plates alongside the restriction where they are thinking of parking.

31. [Enforcement hours – car parks.](#)

Generally, from 9 a.m. to 6 p.m. including Sundays. In some car parks charges are also made for parking during the evening and over-night.

[Enforcement hours – single yellow lines.](#)

Generally from 8 a.m. to 6 p.m. but drivers are responsible for checking the regulations displayed on the signs as they can vary.

32. [Does this mean footway parking will be enforced as well?](#)

The Parking Attendant will issue a ticket if a car is parked on a footway where there are also yellow lines on the road. Yellow lines don't just cover the road but also the footway.

Where there are no yellow lines present but drivers park on the footway, the Police will still have responsibility for issuing tickets for obstruction of a footway.

33. [What about parking outside schools?](#)

If there are no yellow lines and traffic is congested, dangerous, silly or selfish, then only the Police can take action.

34. [What are you doing to tell people about these changes?](#)

We are still at the early stages of discussing the best ways to tell people about the new parking control system but we will use a variety of methods and people will be warned well in advance.

We are likely to use a combination of some of the following:

- news releases
- advertising in the media
- an information leaflet
- letter to head teachers of schools, colleges and hospitals
- letter to chambers of commerce and other business associations
- information on the Council's web site

35. [Can Parking Attendants break the parking rules to issue tickets?](#)

Parking Attendants will have special dispensation to park in contravention only where it is absolutely necessary for them to do so in order to undertake their duties of enforcement - and only where the safety of other road users is not compromised further than already exists.

It should be noted that members of the public will voice strong, and understandable, objections to the practice and contact the media so this situation should be avoided if at all possible.

There have been a number of very unfavourable and unpleasant articles in the national and regional media on the subject of PAs being seen to break the parking regulations themselves. Strict guidelines will be set up for all our Parking Attendants.

36. [Who else is going to be exempt from parking on yellow lines?](#)

Emergency Services vehicles if on call, some Health workers, Postal Services (but only when delivering). The usual exemptions that are already in place will continue.

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