



Report No: **328/2007** Public Agenda Item: **Yes**

Title: **Tor Bay Harbour Estate - Decriminalised Parking**

Wards Affected: **All wards in Tor Bay**

To: **Harbour Committee** On: **3 December 2007**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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## **1. What we are trying to achieve**

- 1.1 Tor Bay Harbour Authority is aiming to achieve a parking management strategy through decriminalised parking enforcement (DPE) on its harbour estate. This method of control is an improvement on the use of harbour byelaws and will ensure that the Council is better equipped to operate the harbour in a safe and efficient manner.
- 1.2 Harbour users will benefit from the scheme through the Council's priority to have excellent access and communication to, from and within Torbay.
- 1.3 Workplace transport safety will be improved through the implementation of decriminalised parking enforcement on harbour estate and this is in line with one of the Health and Safety Executive's priorities.

## **2. Recommendation(s) for decision**

- 2.1 **That the Harbour Committee endorse the use of decriminalised parking enforcement to regulate vehicles using the harbour estate;**
- 2.2 **That the Director of Marine Services be requested to exercise his delegated powers to procure the assistance of consultants to guide the Harbour Authority through the process of implementing decriminalised parking enforcement on the Tor Bay Harbour estate.**
- 2.3 **That the remaining risk is acceptable.**

### **3. Key points and reasons for recommendations**

- 3.1 Decriminalised parking was introduced into Torbay in 2005 and has been successful in implementing parking controls throughout the Bay.
- 3.2 The harbour estates at Brixham, Torquay and Paignton have suffered from unregulated parking problems for many years and this has been compounded by the difficulty in enforcing the relevant harbour byelaws.
- 3.3 Brixham Harbour is shortly to introduce a multi-million pound development which will significantly improve the shore side operation of the fishing industry but which will need robust parking enforcement to function efficiently.
- 3.4 Introducing decriminalised parking on the harbour estate will ensure that the estate will be a safer place and this will contribute towards the New Economy in line with the Community Plan.

**For more detailed information on this proposal please refer to the Supporting Information.**

**Kevin Mowat**  
**Director of Marine Services**

## **Supporting information to Report 328/2007**

### **A1. Introduction and history**

- A1.1 The statutory harbour of Tor Bay consists of the Bay itself and the enclosed harbours of Brixham, Paignton and Torquay. The primary legislation is the Tor Bay Harbour Act 1970 and it is this piece of legislation which forms the basis for the harbour byelaws that are used as a tool in the day to day regulation of the harbour by the Harbour Masters and their appointed staff.
- A1.2 There are 122 byelaws which are used as tools to regulate vessels and navigation, berthing, mooring and anchoring as well as the promotion of safety and the regulation of the harbour estate and the enclosed harbours. Byelaws are also specifically used to facilitate the collection of harbour dues the selling of fish and the regulation of the Brixham fish market. There is also a specific section for the control of vehicles on the harbour estate.
- A1.3 Byelaw 77 parking of vehicles states the following :- " No person shall park or leave a vehicle in any place where it is likely to obstruct the use of the harbour estate, or in any part of the harbour estate where the parking of vehicles is prohibited and notice of such prohibition has been erected by the Harbour Master."
- A1.4 Whilst Byelaw 77 is pretty explicit in it's wording and intention, unfortunately the practicality of its use as an enforcement tool is pretty limited. This is because of the onerous burden of proof required to obtain a conviction in the courts against the driver of a vehicle parked illegally on the harbour estate.
- A1.5 In 2002 Torbay Council's legal department did some research and provided the harbour staff with a number of legal documents to facilitate a successful prosecution. This paperwork consisted of serving notice on the vehicle followed by a formal warning and a number of further legal notices to the registered keeper of the vehicle. Again, whilst this worked as a deterrent in a number of cases the sheer complexity of keeping accurate records and the time taken to process details made the system cumbersome and impractical.
- A1.6 In 2005 DPE was introduced into Torbay and the Harbour Masters were in discussion with the Council's Consultants at the scoping stage. This early engagement led to the inclusion of the harbour estate in the application to the Secretary of State for the Designation Orders under the Road Traffic Act 1991, creating permitted parking areas (PPAs) and special parking areas (SPAs). However, at that time the harbour estate was not properly included within the DPE strategy.
- A1.7 Torbay's DPE has proved to be a successful deterrent and control measure. Although the Harbour Authority has resolved some of its parking difficulties, for example in Torquay through the deployment of fixed remotely controlled barriers, problems still remain in both Brixham and Paignton. Indeed the new fish market development in Brixham will see improvement to the handling, sale and onward shipment of fish, the full benefit of which can only be achieved with a successful parking management strategy.

## **A2. Risk assessment of preferred option**

### **A2.1 Outline of significant key risks**

There is a risk at the consultation stage that the community may reject the option of a decriminalised parking enforcement regime. This can be managed through open and transparent consultation with all stakeholders including conforming with all statutory requirements relating to the implementation process. There is a risk in not implementing decriminalised parking in that the Council may not be in a position to provide a quality of service to harbour users and that the safe and efficient operation of the harbour estate would be put in jeopardy.

### **A2.2 Remaining risks**

There is a risk that the Council's reputation may be damaged through the implementation of decriminalised parking but this would be mitigated by the positive impacts on environmental sustainability and crime and disorder.

## **A3. Other Options**

- A3.1 Other options would be to take no action and to continue to manage harbour side parking through use of the Harbour Byelaws. However, this approach has proved inefficient and unreliable in the past.

## **A4. Summary of resource implications**

- A4.1 Marine Services believe that a budget figure of £30,000 will secure the services of a specialist consultant to assist in implementing a decriminalised parking regime across the harbour estate. There will be resource implications in officer time for procurement and also in partnership working across other Council departments to ensure that the scheme is successfully implemented and administered effectively. Torbay Council's harbour assets will be further protected through more effective parking enforcement. There will be IT resource implications in the administration of the fixed-penalty system.

## **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

- A5.1 Implementing decriminalised parking on the harbour estate in partnership with the local communities will contribute towards environmental sustainability. Implementing decriminalised parking on the harbour estate will promote a reduction in crime and will promote community safety. Implementing decriminalised parking in partnership with local communities will promote good community relations.

## **A6. Consultation and Customer Focus**

- A6.1 These proposals have been consulted with the relevant stakeholders through both the Brixham Harbour Liaison Forum and the Torquay/Paignton Harbour Liaison Forum.

A6.2 The implementation of decriminalised parking on the Tor Bay Harbour estate will involve widespread formal consultation in line with current legislation.

**A7. Are there any implications for other Business Units?**

A7.1 Implementation of decriminalised parking will require working in partnership with the Car Parking section of Environment Services in order to have in place the mechanisms for the provision of IT, notice processing, administration, customer interfaces for queries and the payment of fines.

**Annexes**

None

**Background Papers:**

The following documents/files were used to compile this report:

None