

CIVIL PARKING ENFORCEMENT (CPE)

To: **Cabinet**

Date: **16th March 2010**

From: **Executive Director: Environment Services**

Electoral division(s): **All**

Forward Plan ref: **2010 / 007**

Key Decision: **Yes**

Purpose: **To:**

- i. Agree to enter into an arrangement to undertake certain parking enforcement functions on behalf of Cambridge City Council; and**
- ii. Consider progress on the extension of civil parking enforcement (CPE) arrangements beyond Cambridge.**

Recommendation: **Cabinet is recommended to:**

- i. Agree that, as from the 1st April 2010, the County Council shall undertake on behalf of Cambridge City Council, its enforcement duties in relation to off street car parks;**
- ii. Authorise the Executive Director for Environment Services in consultation with the Cabinet Member for Highways and Access, to negotiate and agree the terms of the agreement between the County Council and the City Council concerning the terms on which the County Council will undertake the parking functions;**
- iii. Authorise the Monitoring Officer to make any necessary amendments to the Scheme of Delegation in consultation with the Group Leaders;**
- iv. Agree a peppercorn rent for the premises being made available to the new parking enforcement contractor at Mill Road depot;**
- v. Note the progress on discussions with District Councils regarding civil parking enforcement outside Cambridge; and**
- vi. Support the principle of requiring on and off street parking charges as a pre-requisite for CPE operations in any district.**

<i>Officer contact:</i>	<i>Member contact</i>
Name: Richard Preston Post: Head of Network Management (South & City) Email: richard.preston @cambridgeshire.gov.uk Tel: 01223 814462 or 07788565533	Name: Councillor Steve Criswell Portfolio: Cabinet Member for Customer Service and Transformation Email: steve.criswell@cambridgeshire.gov.uk Tel: 01223 699173

1. OBJECTIVES

1.1 The objectives of civil parking enforcement (CPE) are to manage parking to:

- reduce congestion
- encourage correct, sensible and safe parking
- improve compliance with parking restrictions
- ensure designated parking spaces are used only by those they are intended for
- enable buses to operate more effectively
- improve air quality, health and the general environment
- reduce delays for emergency services
- keep Cambridgeshire moving.

2. BACKGROUND

2.1 At its meeting on 15th January, 2009, Cabinet considered a report that outlined some informal discussions with District Councils on the potential to extend civil parking enforcement (CPE) arrangements beyond Cambridge. The report also considered the outcome of a review of the current parking services agreement with Cambridge City Council through which CPE is delivered in Cambridge.

2.3 Cabinet resolved to:

- i) Note the informal discussions on extending CPE to outside Cambridge;
- ii) Approve serving notice of termination of the parking services agreement with Cambridge City and to transfer the staff involved to the County Council under the Transfer of Undertaking and Personal Employment rights regulations (TUPE);
- iii) Support negotiations with the City Council on arrangements to provide civil parking enforcement for its off-street car parks; and
- iv) Support preparatory work for the procurement of a new civil enforcement contract for Cambridge, to include options for the inclusion of other districts under any extended CPE scheme.

2.4 The Department for Transport (DfT) is strongly encouraging a joined up approach to encompass both on and off street enforcement. Therefore, a consensus with district councils will help in the development of any countywide scheme. Any extension of CPE to other district areas would be subject to an application to Government for the necessary powers.

3. CAMBRIDGE CPE UPDATE

Agency termination

3.1 Arrangements are well in hand for the termination on 31st March of the current parking agreement with Cambridge City Council. Under a new agreement, the City Council will continue to provide cash collection services for on-street parking ticket machines. In advance of this date, officers will be exploring the most cost effective

way of providing this service through joined up working with district councils. Discussions are also in hand on an agreement whereby the County Council will provide enforcement within the City Council's off-street car parks, which is explored in paras. 3.7 - 3.9 below. The staff currently employed by the City Council in the provision of CPE will transfer to the county on 1st April. The staff employed by the current enforcement contractor, Legion Parking Services, are expected to transfer to the new contractor at the same time.

- 3.2 The approach to the handover of responsibilities has been kept low profile as the public are not expected to notice any significant difference other than new uniforms for Civil Enforcement Officers (previously called Parking attendants). A communications plan has been developed by both councils to inform the public of the changes. The 'business as usual' message forms the key part of the communications plan and the reminder letters being sent out in March to those residents who have parking and visitor permits contains information on the change over and how and where to renew their permits.

Enforcement contract

- 3.3 At its meeting on 7th July 2009, Cabinet supported the procurement of a new CPE contract for Cambridge, based on the current form of contract, subject to modifications to comply wholly with Government parking enforcement guidance. Following a tendering process, the new contract has been awarded to NSL Ltd, who will commence enforcement duties in Cambridge on 1st April. The contract allows for enforcement to be undertaken in other districts in the county, as and when required.

Front desk facility

- 3.4 To replace the front desk facility currently provided by the City Council in the Guildhall, a new front desk is being established in the Central Library. From here, residents' permits and visitor permits can be purchased and parking penalty charge notices paid.
- 3.5 Once the operation of the facility has settled down, the opportunity will be taken to explore how this could be expanded to include other payments made to the county council and other councils, as well as looking at the opportunities for co-ordinating with the work of the Library service.

Mill Road Lease

- 3.6 The staff TUPE'd from the City Council will continue to work from the City Council's depot at Mill Road and current office space is being leased for this purpose for a two year period with the option of further years if appropriate to both parties. Expanding CPE operations to other parts of the county will need to be taken into account when determining any relocation option after two years.
- 3.7 The office space used by the current enforcement contractor is also being leased and provided to the new contractor at a peppercorn rent. This will avoid the administration required in charging a rent and then paying the rent back through contract payments and Cabinet is asked to approve this arrangement.

Enforcement for Cambridge off-street car parks

- 3.8 The City Council has requested the County Council to take on enforcement duties in its off-street car parks. This function is an Executive Function and, as such the Cabinet is the appropriate body to agree to undertake this function. Any changes necessary to the Council's scheme of delegation will be undertaken by the Monitoring Officer in consultation with Group Leaders.

Financial considerations

- 3.9 In line with the principles set out in the draft agreement shown in **Appendix A**, the costs of carrying out off-street parking enforcement will be reconciled with the income generated from penalty charge notices (pcns). A proportion of the service overhead will also be apportioned to the costs. Any deficit arising from this process will be met by the City Council. Any surplus will be accrued by the City Council.
- 3.10 Detailed discussions on the agreement are expected to be completed very shortly to allow the agreement to be signed on 31st March in time for off street enforcement to commence on 1st April. It is recommended that the final version of the agreement be approved by the Executive Director for Environment Services in consultation with the Cabinet Member for Highways and Access.

Legal Implications

- 3.11 CPE operations are conducted in accordance with regulations enacted under the Traffic Management Act 2004. The Parking Services Manager will be responsible for ensuring that CPE operations are administered in accordance with the regulations, in particular the consideration of representations against the issuing of pcns.

4. CPE OUTSIDE CAMBRIDGE

District Council discussions

- 4.1 In line with Cabinet's resolution, detailed discussions are in hand with East Cambridgeshire, Huntingdonshire and Fenland District Councils based on the draft agreement previously supported by Cabinet (see **Appendix A**). The Cabinet Member for Customer Service and Transformation has been involved in these discussions. A financial model that sets out the expected out-turns for each district for both on and off street enforcement has been shared with each District Council to facilitate and inform its decision on whether to support a move towards combined CPE operations in its area. Further iteration of the model is likely in response to issues raised by Districts as discussions continue.
- 4.2 South Cambridgeshire District Council has no direct interest in CPE operations as it does not have any car parks that require enforcement. However, it has been kept updated on the discussions with other districts and has received a copy of the financial model for information.

- 4.3 As with the proposed arrangement with the City Council, it is expected that the costs of the County Council carrying out off street parking enforcement will be reconciled with the income generated from pcns and a proportion of the service overhead will also be apportioned to the costs. Any deficit arising from this process will be met by the District Council, whilst any surplus will be accrued by the District Council.

Financial implications

- 4.4 The financial model suggests a deficit for all off street operations but this may be offset by potential savings that could be made by individual District Councils. East Cambridgeshire, Huntingdonshire and Fenland District Councils have been asked to consider these implications before taking a formal view on whether to support a County Council application for CPE powers in its area.
- 4.5 The model also shows that there would be a deficit in the on street operation in each district area which would need to be underwritten in some way. As set out in the County's current parking policies, any such deficit would be met from the surplus generated by on street parking charges. In 2008/09 on-street charges in Huntingdonshire produced an annual surplus of £53,000 which is short of the deficit predicted for on-street CPE operations.
- 4.6 If on-street parking charges were introduced in East Cambridgeshire and Fenland, they would also need to generate sufficient surplus to cover the predicted on-street CPE deficits. However, the application of on street charges also requires the application of off street charges to avoid distorting parking patterns and to ensure that some surplus was generated by on-street parking charges. In South Cambridgeshire, where a more modest deficit is predicted for on-street CPE operations, there is limited scope for introducing on street parking charges and how the anticipated deficit would be managed is problematic. In the short term, South Cambridgeshire could be combined with Cambridge for the purposes of CPE financial management and reconciliation.

Risk management

- 4.7 Therefore, for further CPE operations to be financially viable, it is the officer view that this should proceed if associated with the introduction of on and off street parking charges. East Cambridgeshire is currently considering the issue of parking charges in its car parks. In Fenland, the Area Joint Committee has recently recommended to the District Council that parking charges be applied to the parking bays in Wisbech Market Square. Whether the District Council supports this recommendation and wishes to see charges applied to other car parks has yet to be determined.
- 4.8 Cabinet will need to balance the need for more effective parking management through CPE with the financial risks that any commitment to CPE will bring as the process is irreversible. If Cabinet supports the officer view that on and off street parking charges are a pre-requisite of CPE operations, then this will be made known to the District Councils concerned to inform their decision making on whether to pursue joined up CPE operations.

- 4.9 It is planned to bring a further report to Cabinet in the late spring once the formal views of the District Councils are known, when a final decision on whether to proceed with an application for further CPE powers would be considered. Further financial modelling is in hand to predict the level of income that could be raised if on street charges were introduced in East Cambridgeshire and Fenland to give Cabinet a full picture of the financial risks that further CPE operations pose. The financial modelling is complex and it is suggested that a briefing session be held for Cabinet prior to the meeting.

Future process

- 4.10 Funding has been allocated next year from the capital budget to allow work on a countywide CPE scheme to proceed subject to Cabinet approval and the support of the district councils for joined up on and off street enforcement. Further funding is also earmarked for 2011/12. If the decision is taken not to proceed with an extension of CPE at this time, the funding would be redirected into other transport projects within the capital programme.
- 4.11 The funding would allow a start to be made on reviewing existing parking traffic regulation orders and the associated signs and lines to bring them up to the required standard for CPE enforcement. It would also allow preparatory work on the application to Government for the required powers. Further funding would be required in 2011/12 and the earliest that a countywide scheme could be up and running would be during the summer of 2011.
- 4.12 As advocated in earlier reports, if the decision is taken to move ahead with district councils on a countywide CPE scheme, it is recommended that further discussions are held on the establishment of a Parking Board, with Member and officer representation, to oversee the CPE operation and to explore other ways of co-ordinating parking services across the county.

5. RESOURCES & PERFORMANCE INFORMATION

Financial

- 5.1 See the financial implications set out in Sections 3 and 4 of the report.
Impact: Significant.

Property and Facilities Management

- 5.2 Further operational bases would be required outside Cambridge depending on which District areas are included within CPE operations.
Impact: Some.

Information Communication technology (ICT)

- 5.3 The back office penalty charge notice processing operation for Cambridge could easily be extended to manage additional business outside the Cambridge area.
Impact: Slight.

Human Resources

- 5.4 Possible transfer of District Council staff to new enforcement contractor and/or County Council under TUPE with terms and conditions retained.
Impact: Some.

Performance

- 5.5 Potential for improvement in parking enforcement across the county and freeing up police resource currently deployed to parking enforcement duties.
Impact: Some

Best Practice

- 5.6 Expanding CPE countywide will give an opportunity to extend the current operational arrangements in Cambridge, which are consistent with the Government's Traffic Management Act guidance on parking enforcement management, to all parts of the county.
Impact: Significant.

Key Risks

- 5.7 CPE carries the key risks shown below:
- a) Failure to adequately manage parking enforcement will increase congestion and undermine road safety;
 - b) Failure to cover the costs associated with parking enforcement will impact on budgets; and
 - c) Failure to adequately manage parking enforcement will undermine demand management and modal shift strategies.
- 5.8 In order to manage these risks the mitigating actions shown below are to be taken in accordance with the management action plans prepared by the identified risk owners:

Risk (a)+(c): Develop a joint approach to CPE with district councils to keep traffic moving, to reduce the risk of accidents on the road network and to encourage modal shift to sustainable forms of transport

Risk (b): Apply suitable parking charges, where appropriate, to ensure that any CPE operational deficit can be covered.

Implementing CPE carries the risk that those authorities who do not currently charge off-street parking will blame the County Council.

To mitigate this risk it is proposed that a Partnership approach is taken to both on and off street parking along similar lines to the RECAP arrangements.

Statutory Duties / Requirements

- 5.9 Legislation allows Government to require Highway Authorities to adopt CPE powers. Currently, over 200 authorities have taken on CPE powers and there is the possibility that at some time Government may make CPE a requirement. The process will require an application to DfT which will require input from Legal Services to ensure that the application requirements are met.
Impact: Significant.
- 5.10 The procurement process for enforcement is subject to EU legislation and will also require support from Legal Services to ensure statutory requirements are satisfied. Impact: Significant.

Partnerships

- 5.11 Government seeks a partnership approach to CPE with Districts working with Counties to provide a joined up parking enforcement service. Potential for further partnership working through a 'Parking Board' to reduce procurement costs and achieve consistency across the county.
Impact: Significant

Climate Change Implications

- 5.12 This project will result in the following changes in the County Council's contribution to climate change:
- a. The effective management of on street parking and the application of appropriate charges will support a modal shift towards sustainable forms of transport; and
 - b. The effective management of on-street parking controls through CPE will contribute towards improving air quality by encouraging modal shift towards sustainable transport.
- Impact: Some

Greenhouse Gas Emissions

- 5.13 CPE will influence modal choice and encourage greater use of sustainable transport, thereby reducing vehicle emissions.
Impact: Some

Environment

- 5.14 Potential for increased highway signage to satisfy requirements for successful CPE operations.
Impact: Some

Access and Inclusion

- 5.15 CPE will ensure the facilities made available for disability parking are better protected from abuse by other motorists.
Impact: Some

Crime and Disorder

- 5.16 CPE will free up Police resource currently deployed on parking enforcement.
Impact: Some

Transport

- 5.17 CPE is a key element in ensuring the expeditious movement of traffic on the county network, as required by the Traffic Management Act.
Impact: Significant

Engagement and Consultation

- 5.18 Any application for CPE powers requires a statutory consultation with the police and also advocates wider engagement with highway users which is standard practice for traffic management schemes.
Impact: Some
- 5.19 No impacts identified for Voluntary Sector, Equality and Diversity categories.

Source Documents

Location

Cabinet Agenda and Minutes 27/01/04, 10/07/08,
15/01/09, 07/07/09, 29/09/09

ET1028
Castle Court
Cambridge

County Council on-street parking policy

DISTRICT COUNCIL DRAFT AGREEMENT

The County Council is proposing that the introduction of civil parking enforcement to the other 4 Districts within the county be carried out by the formation of a partnership between Districts and County whereby:

1. A Partnership Board is formed of representatives of each District and the County Council to meet regularly and to review the operation of a countywide scheme to enforce on-street and off-street parking enforcement.
2. The County Council signs an agency agreement with each District Council which wishes to participate, to the effect that the County Council will provide an integrated enforcement service for all parking related Orders, both on-street and off-street. The levels of resource to be applied to on-street areas will be primarily determined by the County Council in consultation with each District Council, and the levels and deployment of enforcement in the off-street areas will be stipulated by the District Council. Levels of off-street enforcement will be determined by the numbers, days and hours of deployed Civil Enforcement Officers (CEOs) and the initial level will be those currently deployed by each District Council. These levels will be negotiable within the agreement and capable of alteration by agreement, and with reasonable notice. To document this agreement, an agency agreement will be determined delegating the powers to the County Council to enforce any District Council car park where Orders apply. This agreement will *not* include any other responsibilities within the car parks, such as cash collection, or maintenance (unless agreed otherwise), and the County Council will have no right to any income for paid for parking, including any increased income resulting from displaced parking caused by better on-street enforcement.
3. The County Council will maintain an off-street parking enforcement account for each District to which will be credited all income from Penalty Charge Notices (PCNs) issued in the off-street areas of each District. All costs of enforcement of each District's off-street areas will be debited to this account on an agreed basis, relating to the deployment of CEOs for the District's car parks, and the appropriate share of the central PCN processing costs, based on PCN numbers.
4. All income from any on-street charges, on-street permits, or from on-street PCNs, will be credited to an on-street account in the name of each District. All costs of on-street enforcement in each District will be debited from this account on an agreed basis.
5. At the end of each year, the accounts will be audited by County and District officers, and any surplus in the off-street account will be transferred to the relevant District Council, to be used in accordance with S55 of the 1984 Road Traffic Regulation Act, as defined in CPE Guidance dated March 2008. Any deficit in the off-street account will be paid to the County Council by the District Council, at year end. Any surplus in the on-street account will accrue to the County Council, to be used in the first instance to off-set deficits in other on-street accounts in other Districts. If surpluses remain overall, they will be used by the County Council as defined by S55 of the 1984 Road Traffic Regulation Act, and primarily in the District in which the surpluses were created.
6. All costs will be agreed by the Partnership Board annually through a budgeting process.

7. The set-up costs for the scheme will be met by the County Council, except where they are items specifically for a District Council e.g. the amendment of the District Council's Off-street Parking Places Orders to enable enforcement to take place under CPE, or any termination costs of support agreements e.g. for District Council IT systems, which is necessitated by the creation of this joint service.
8. All on-street PCNs will be issued in the name of the County Council, which means that the liability for the consideration of all on-street appeals and representations will rest with the County Council. All off-street PCNs will be issued in the name of the County Council, with a note that the County is acting on behalf of the District Council in this regard. The County Council will deal with appeals and representations under their agency agreement for all on-street and off-street PCNs. In the case of off-street PCNs, this could be done in consultation with the District, if requested. The County Council will publish its procedures and rules for the consideration of appeals and representations, and agree these with each District. Thereafter, the Districts and County Council will follow the published rules until such time as any change to the rules is agreed.
9. The County Council will arrange for the processing of all PCNs issued using the team currently at the City Council, but transferring shortly to the County Council. For certain functions, including appeals and representations in relation to off-street PCNs, the PCN processing team will consult with the District Council, if the District wish that to occur.
10. The PCN processing team will arrange for each District Council to be able to accept personal payments for PCNs issued in the County at local offices, if the relevant District Council wishes to provide that facility. There will also be facilities provided by the County Council for payments to be made by telephone, in person within Cambridge, by automated telephone, via the internet, and by post.
11. Each District Council which wishes will be provided with on-line access over the internet to *relevant* PCN case details on the central IT system. This will include photographs, scanned images of letters, details of telephone calls etc. There will be no ability to amend or add to the case record by a District Council. Districts will be able to access the current financial balance of any PCN, in order to answer questions from members of the public, such as when they want to pay their PCNs. Districts may also be asked to contribute to the annual reporting, as required in Guidance, of the enforcement scheme.
12. The integration of Permit management is highly desirable with the PCN records. To facilitate that, each District will have access to the central system to set-up and operate its own permit management system, using the existing County Council software, if it wishes. Each District will accept the costs of commissioning that software to suit its own needs, plus the on-going costs of special stationery etc, but access to use the permit IT system will be provided free of charges by the County Council.
13. Any District Council staff affected by the implementation of these proposals will have the right of transfer under TUPE to the County Council back office team, or to its Contractor providing the enforcement service.
14. The County Council will be responsible to ensure that all on-street TROs are fully enforceable; the relevant District Council will be responsible to ensure that any Off-street Parking Places Order is ready for enforcement on the commencement date, signs in car parks have been suitably amended, and thereafter, maintained in enforceable condition.

FINANCIAL ASSESSMENT

	Hunts		East Cambs		Fenland		South Cambs	
	Off-street	On-street	Off-street	On-street	Off-street	On-street	Off-street	On-street
CEOs deployed	3	5	2.8	5.6	2	3.8	0	1
PCNs issued	4,400	7,271	1,055	6,425	2,146	5,421	0	1,305
EXPENDITURE								
Enforcement + processing costs	£177,736	£277,357	£118,314	£245,086	£110,956	£206,787	£0	£49,780
INCOME								
PCN income	£130,085	£214,966	£31,191	£189,954	£63,446	£160,270	£0	£38,582
Out-turn (+ surplus / - deficit)	-£47,651	-£62,391	-£87,123	-£55,132	-£47,510	-£46,517	£0	-£11,198

PCN – Penalty charge notice

CEO – Civil Enforcement Officer

Assumptions:

Deployment rates for CEOs as advised by county consultants

Process costs based on current operation in Cambridge

CEO rates based on new contract