

**CIVIL PARKING ENFORCEMENT (CPE)**

*To:* **Cabinet**

*Date:* **29th September 2009**

*From:* **Executive Director, Environment Services**

*Electoral division(s):* **All**

*Forward Plan ref:* **Not applicable**      *Key Decision:* **No**

*Purpose:* **To consider the possible extension of civil parking enforcement (CPE) arrangements beyond Cambridge.**

*Recommendation:* **Cabinet is recommended to support further negotiations with the 4 District Councils (South Cambridgeshire, East Cambridgeshire, Huntingdonshire and Fenland) to:**

- i. explore participation in joint CPE operations for on and off street parking; and**
- ii. prepare a detailed financial model for extended CPE operations.**

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## **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 Along with speeding, parking enforcement is a popular topic raised at neighbourhood panels, where concerns have been voiced over the lack of enforcement. The potential for a countywide CPE operation has been discussed with the District Councils through the Planning and Transport Joint Lead Members Forum, when various service delivery options were considered.

2.2 At its meeting on 15<sup>th</sup> January this year, 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 Arrangements for the termination of the agreement on 31<sup>st</sup> March 2010 are now being agreed with the City Council. Discussions are also in hand on an agreement whereby the County Council will provide enforcement within the City Council's off-street car parks where and when required.

2.5 At its meeting on 7<sup>th</sup> July, 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. The new contract, which is expected to commence on 1<sup>st</sup> April, will include options to undertake enforcement activities in other district areas as and when required.

### 3. EXTENDING CPE

#### Process

- 3.1 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. Informal discussions with district councils have been ongoing since last year to assess the appetite for a countywide CPE arrangement and a workshop session was held in November 2008 to explore the issues associated with CPE.
- 3.2 Any extension of CPE to other district areas would be subject to an application to Government for the necessary powers

#### Joint working

- 3.3 Further, more formal discussions are required to explore the potential for a joined up countywide parking enforcement scheme for both on- and off-street parking. It is recommended that these be undertaken in accordance with the following principles which are consistent with current parking policy:
- County and District Councils set up a joint parking board as a forum for developing parking policy and for overseeing parking enforcement performance
  - County Council employs a parking enforcement contractor to undertake all parking enforcement with service level agreements with participating districts
  - County Council processes all penalty charge notices in-house and manages all appeals with District Council participation if requested
  - Separate accounting systems for on- and off-street parking
  - County Council to be responsible for any on-street enforcement financial surplus or deficit
  - District Councils to be responsible for any off-street enforcement financial surplus or deficit in their area
  - Any deficit from on-street parking enforcement to be managed by the County Council on a countywide basis (see 3.5 below)
  - Any surplus from on-street parking enforcement remaining, following the management of any deficit within a countywide on-street parking enforcement account, to be invested in the district within which the surplus was generated (see 3.5 below).
- 3.4 **Appendix A** is a draft standard agreement that has been developed to facilitate joined up County and District working. It is recommended that this is put forward formally to each District Council to facilitate discussions on how joint working might be achieved and to help determine the areas within which to extend CPE operations.
- 3.5 Any on-street operational surpluses generated would be used collectively to meet any operational deficit arising in any district area. The accounts in individual district areas would be monitored closely and enforcement resources adapted to manage the risk of any deficits arising. Any surpluses remaining after any deficits were covered would then be redistributed back to those districts that generated surpluses, for investment in parking, public transport,

highway or environmental improvements in accordance with County Council priorities.

#### Current position of District Councils

- 3.6 **Table 1** is an officer assessment of the current position of each District Council based on informal discussions.

Table 1

South Cambridgeshire	Cabinet resolution backing the introduction of CPE No significant implications for the District Council which has no off-street parking orders requiring enforcement
East Cambridgeshire	Keen for CPE powers to be considered for the District Discussions required over how on and off street enforcement could be co-ordinated
Fenland	Unlikely to introduce off-street parking charges in the near future so no pressing need for CPE powers for its car parks
Huntingdonshire	Concerns over the financial implications as the District Council currently provides enforcement for the County Council for on-street parking bays where charges apply Some interest is retaining a parking enforcement role

#### Joint Parking Board

- 3.7 The formal discussions with District Councils will also provide an opportunity to explore the idea of a Joint Parking Board, with Member and officer representation from participating councils, through which all aspects of parking management could be co-ordinated to achieve the most cost effective service delivery through combined procurement arrangements. Given the expected budget pressures on all authorities, there may well be significant savings to be made through this approach.

#### Timescale

- 3.8 As part of the proposed formal discussions with District Councils, officers would seek to agree viable timescales for roll out within those Districts that are interested in joint parking enforcement. If a decision is taken to proceed with extending CPE, it is likely that a minimum lead time of 12-15 months would be required to deliver the service on the ground, taking into account the time required for DfT to process any application and grant the required powers.
- 3.9 It would be possible to phase the extension of CPE to other Districts and this may be an option worth considering given the capital investment required. However, it must be noted that the DfT has now indicated that authorities can now only make up to 3 separate applications for CPE powers.

- 3.10 Subject to Cabinet support, officers plan to complete the formal discussions with District Councils by the end of the year and to have prepared a detailed model to allow scrutiny of the financial implications, with a further report to Cabinet in January when consideration would be given to submitting any application for extended CPE powers. During this process, officers will also seek to determine with District Council colleagues, the required expected political processes and timetables for those Districts proposing to participate in joint CPE operations.

#### **4. FINANCIAL ASSESSMENT**

- 4.1 Some initial work by consultants, RTA Associates, suggests that there would be limited scope for generating any significant operating surpluses and, therefore, the financial model will be a crucial element in the political decision making process.
- 4.2 A detailed model needs to be prepared to establish the financial implications for the County Council and any participating District Council. To facilitate this, detailed discussions with Districts would be required to establish how operational overheads could be apportioned to achieve the most cost effective service delivery for all parties. Subject to Cabinet support, this work would be completed by the end of the year.
- 4.3 To facilitate an application for wider CPE powers, all on-street parking restrictions will need to be reviewed and any signing and lining defects rectified before the DfT grants the required powers. A similar exercise would be required of District Councils for their off street parking. There would also be capital set up costs associated with increasing the operational capacity of the back office processing operation. An initial assessment suggests a cost of around £500,000. Further work is planned in the next few months to provide a more accurate assessment of these costs.
- 4.4 Taking into account the lead time for rolling out any extension to CPE, the capital investment required for development and implementation would be phased over two years. Most of the work to review parking restrictions would be undertaken in the first year with the work to bring signing and lining up to the required standard being funded in the second year. Given the expected pressures on the capital budget in the coming years, Cabinet will need to decide what priority to give to extending CPE during the budget setting process for the coming financial year.

#### **5. RESOURCES & PERFORMANCE INFORMATION**

##### Financial

- 5.1 See Section 4 above  
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.

## 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

- 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

### 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.

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### Source Documents

### Location

Cabinet Agenda and Minutes 27/01/04, 10/07/08,  
15/01/09, 07/0709

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.