

Report title: Civil Parking Enforcement (CPE) Update

To: Highway and Transport Committee

Meeting Date: 7th March 2023

From: Executive Director of Place and Sustainability.

Electoral division(s): South Cambridgeshire

Key decision: 2023/011

Outcome: The Committee is asked to consider the application for Civil Parking Enforcement (CPE) in the South Cambridgeshire districts. The outcome, if approved, would be the progression of the application to the Department of Transport.

Recommendation: The Committee is asked to:

- a) Delegate the authorisation for Cambridgeshire County Council (CCC) to submit Civil Enforcement Area (CEA) or Special Enforcement Area (SEA) applications to the Department for Transport for Designation Orders for the introduction of CPE in South Cambridgeshire, Fenland, and Huntingdonshire to the Service Director Highways and Transport, in consultation with the Chair and Vice Chair of the Highways and Transport Committee.

Officer contact:

Name: David Allatt
Post: Assistant Director, Transport Strategy and Network Management
Email: David.Allatt@Cambridgeshire.gov.uk
Tel: 07411 962132

Member contacts:

Names: Cllr Alex Beckett / Cllr Neil Shailer
Post: Chair of Highways and Transport / Vice Chair of Highways and Transport
Email: alex.beckett@cambridgeshire.gov.uk / neil.shailer@cambridgeshire.gov.uk
Tel: 07729 977826

1. Background

- 1.1 Civil Parking Enforcement (CPE) transfers the powers and responsibilities for on-street enforcement from the Police to the Highway Authority in accordance with the Traffic Management Act 2004.
- 1.2 To take up these powers, Cambridgeshire County Council (CCC) as the Highway Authority is required to make an application to the Secretary of State via Department for Transport (DfT) for a Designation Order which decriminalises parking enforcement across the whole of the application area
- 1.3 On the 7th of September 2021, this committee resolved to:
 - a) Authorise Cambridgeshire County Council (CCC) to prepare a Civil Enforcement Area (CEA) or Special Enforcement Area (SEA) application to the Department for Transport for a Designation Order for the introduction of Civil Parking Enforcement (CPE) in Fenland, Huntingdonshire, and South Cambridgeshire.
 - b) Delegate the approval of Agency Agreements with Fenland, Huntingdonshire and South Cambridgeshire District Councils, a funding agreement with the Greater Cambridge Partnership (GCP) and the Department for Transport (DfT) application to the Executive Director of Place and Sustainability, in consultation with the Chair of the Highways and Transport Committee.
- 1.4 This report builds on point a), it sets out the work undertaken by officers in relation to the preparation of Special Enforcement Area (SEA) application to be submitted to the Department for Transport for a Designation Order for the introduction of Civil Parking Enforcement (CPE) in South Cambridgeshire.
- 1.5 Due to a number of different factors, each the three districts have progressed at different rates, with districts now at different stages of the CPE application and implementation process, as follows:
 - South Cambridgeshire - the signs, lines and TRO review has been completed, the Financial Agreement approved, and the majority of the remedial design work commissioned along with the first tranche of remedial installation. The CPE application has been drafted and is attached (appendix 1)
 - Fenland - the signs, lines and TRO review is nearing completion and the commission of the remedial design work has commenced. The drafting of the Agency Agreement is underway along with the CPE application. Due to the complexities of these documents this process has taken longer than initially expected.

Officers from both authorities aim to have an Agency Agreement drafted by June 23 and be in a position to submit the CPE application (if endorsed) by the end of September 23.

Whilst there is a degree of uncertainty around the delivery programme of the remedial work and the discussion on the Agreement is ongoing, the indicative date for Designation Order being created and CPE brought into effect, at this time, remains May 24.

- Huntingdonshire - the signs, lines and TRO review is underway. The Agency Agreement is currently being discussed. Officers from both authorities aim to have an Agency Agreement drafted by June 23 and be in a position to submit the CPE application (if endorsed) by the end of September 23.

Whilst there is a degree of uncertainty around the delivery programme of the remedial work and the discussion on the Agreement is ongoing, the indicative date for CPE being brought into effect, at this time, remains October 24.

- 1.6 The decision to proceed with the implementation of CPE is an important first step in moving towards a whole management approach for parking enforcement in Cambridgeshire and it is anticipated that the introduction of CPE will bring multiple benefits, including increased compliance of parking restrictions with associated improvements to traffic flow, road safety and a reduction in obstructive and dangerous parking.

2 Main Issues

Designation Order

- 2.1 A Designation Order cannot be rescinded. If the application is successful, the County Council will be responsible for both the enforcement and administration of any on-street restriction within the approved CEA and/or SEA as well as the cost of completing any outstanding remedial works required to ensure signs, lines and road markings meet the required CPE standard.
- 2.2 Whilst the Financial and Agency Agreements aim to reduce the County Council's financial exposure, if the Agreements are not renewed or revoked after the initial period (5 years) , any outstanding remedial work and any operational deficit will need to be supported financially by the County Council. Current forecasts suggest there will be an operational deficit in Fenland, Huntingdonshire, and South Cambridgeshire, creating a financial risk for the County Council. Work continues to identify opportunities to mitigate these deficits.

CPE Application

- 2.3 The application for CPE and Bus Lane Enforcement defines how CPE will be delivered across the District and how CPE will be funded. The DfT is seeking clarification on several key elements which include:
 - CPE target date (when CPE is to commence)
 - The area to be designated and any road to be excluded (road such as the A14 which falls outside of the County Council jurisdiction).

- Confirmation that all TROs, signs and lines are accurate, enforceable and comply with current Traffic Regulations.
- The operational responsibilities in relation to CPE administration and enforcement.

2.4 It is expected that it will take six months for the DfT to process and approve an application, this includes any clarifications requested by the DfT, then for the application to be laid before parliament, the Minister to sign it off and the designation order coming into force. However, this is dependent on parliamentary availability.

2.5 Discussions continue in relation to the CPE applications for both Fenland and Huntingdonshire. As per the recommendation, these will be agreed and progressed in due course.

CPE Funding Expectation

2.6 Previous CPE guidance stated that local authority parking enforcement should be self-financing as soon as practicable. Whilst this is still a sensible aim, applications for CPE can be granted without a scheme being self-financing. There is the expectation that authorities must be certain that they can afford to pay for CPE from within existing funding. The Secretary of State will not expect either national or local taxpayers to meet any deficit. County Council Officers are working with districts to mitigate this risk as best possible through the funding agreements.

South Cambridgeshire

2.7 **CPE Responsibilities** - Due to the proximity of South Cambridgeshire to County Council's existing enforcement and administration base in Cambridge City, it is proposed that enforcement, and the administration of CPE in South Cambridgeshire will be undertaken by the existing Parking Service Enforcement Team.

2.8 **Financial Commitment** -. Whilst the below offers estimated costs, it should be noted there is still a degree of uncertainty surrounding these costs. Once the remedial work (design and installation) target costs have been received, officers would be in a better position to revisit and review the below cost profile.

Item	Estimated cost
IT Upgrade Set-up	£18k
Administration Set-up (Inc. Training, equipment & relevant licences)	£19k
Enforcement Set-up (Inc. training & equipment)	£52k
Remedial Design work, TRO mapping & TRO consolidation*	£159k
Remedial Work Installation costs	£317
External Consultants & Legal costs	£7k
Total:	£572k
Annual Operational Deficit (5 Yr. Period)	£191K
Grand Total:	£763k

**A contribution of up to £150k will be made (subject to approval) by the joint transport organisations (the County Council, the GCP and the CPCA). This funding will in the main, cover the required remedial design work, TRO mapping and associated TRO work.

- 2.9 The Financial Agreement with the GCP provides a basis for the working relationship and the respective responsibilities of the County Council and the GCP in undertaking CPE functions. The overarching financial principle of the Financial Agreement is that the funding responsibility for CPE implementation, and responsibility for all ongoing CPE financial risk is to sit with the GCP for the agreement period.

Summary

- 2.10 The GCP has committed to cover all associated CPE set-up costs and committed to covering any annual operational deficit for a period of 5 years. This commitment is supported by a Financial Agreement. However, consideration should be given to the financial burden the County Council would inherit if the agreement was revoked or when the agreement expires. These costs could include:
- Estimated set-up costs £572k
 - Estimated ongoing operational deficit in the region of £30k - £50k per annum
- 2.11 By utilising existing contracts and the County Council's Parking Team as far as possible, the enforcement and administration responsibility risks are low. Enforcement activity would be controlled locally, giving CCC a higher level of control and flexibility to manage the demand for parking. CPE also offers some flexibility to develop the service to meet local community and traffic management needs, one such opportunity may be the introduction of on-street paid for parking or bus gates. It should be noted that the introduction of such restriction would only be considered in locations where there is an appropriate traffic management requirement.
- 2.12 Discussion is still required with SCDC regarding funding and risk after 5 years.
- 2.13 **Sign, line and road marking maintenance**
- 2.14 A major part of the preparation for commencing CPE, is ensuring that Traffic Regulation Orders (TROs), signs and lines associated with parking restrictions are accurate, enforceable and comply with current Traffic Regulations. Following a signs, lines and TRO review an average of c1,000 queries were highlighted per district, queries relate to where on-street restrictions do not match those of the TRO and/or reflect current standards. Whilst any remedial work will be carried out prior to the launch of CPE and those works funded by the Districts and the GCP, the number of sign and lines to be maintained by the County Council following the launch of CPE across all three Districts is likely to increase significantly.
- 2.15 The CCC and Districts ability to operate CPE effectively will in part, be determined by the condition and accuracy of the signs and lines denoting the parking restrictions. To ensure robust enforcement through the appeals process and to prevent reputation damage, motorists need to understand through signs and lines, the restrictions that are in place.

- 2.16 The County Council's highways maintenance budget may need to be reviewed and additional funding sought to cover the on-going maintenance and upkeep of any additional and pre-existing on-street signs and lines.

3. Alignment with corporate priorities

3.1 **Environment and Sustainability**

The introduction of CPE will enable the Councils to move away from relying on the Police for parking enforcement and to have the ability to focus enforcement on specific areas. Areas where traffic flow, accessibility, and safety is compromised by persistent obstructive parking and where congestion and, air pollution are high and parking turnover is essential to supporting local business.

3.2 **Health and Care**

The introduction of CPE will by addressing obstructive parking, improve access for all who use the highway and those that use pavements. It will support safer roads, a reduction in car use, and alignment to Vision Zero/Road safety partnership outcomes. In addition, CPE will reduce congestion and improve air quality.

3.3 **Place and Communities**

The introduction of CPE will enable:

- The release Community Policing resources.
- Councils to address persistent, dangerous and obstructive parking to ensure traffic flow and parking turnover.
- Council's to improved access for all who use the highway (including pavements)
- Councils to support the local economies
- The reduce of congestion and the improvement of air quality

3.4 **Children and Young People**

There are no significant implications within this category.

3.5 **Transport**

The flexibility CPE brings will enable the targeted enforcement of problematic parking. It will support the economic growth of market towns and help with the creation of successful, well-functioning communities. It will help manage some of the conflict around parking, the use of cycle paths, footways and help to embed good parking behaviours.

4. Significant Implications

4.1 **Resource Implications**

A Designation Order cannot be rescinded, if the application is successful, the County Council will be responsible for both the enforcement and administration of any on-street restriction within the approved CEA and/or SEA. All, or part, of these responsibilities can be delegated to the Districts via an Agency Agreement.

Whilst the Agency Agreement aims to reduce the County Council's financial exposure, if the Agreement is not renewed or it is revoked, any operational deficit will need to be covered by the County Council. It is currently anticipated that there will be an operational deficit in

South Cambridgeshire, Fenland and Huntingdonshire.

Establishing Financial Agreement with GCP will mitigate a certain level of risk. The GCP has indicated that it will cover the associated set-up costs and any operation deficit for a period of 5 years.

For the implementation of CPE. County staff would need to be made available by the County Council to cover the project management, Policy review, TROs alignment and consultation, drafting and submitting the CPE application and facilitating enforcement and administrative services if required.

The County Council's highways maintenance budget would need to be reviewed and additional funding sought to cover the on-going maintenance and upkeep of any additional and pre-existing on-street signs and lines.

Provision by CCC of a one-off set up funding contribution of £50k per District authority to support participating districts in implementing CPE, noting that Districts will be responsible for all other costs.

Note in addition to their other CPE grant contributions, GCP and CPCA will match the set-up funding contributed by the County Council currently identified as £150k from each organisation. At the time of writing, this has been agreed in principle, and we await letters of confirmation.

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

All requirement procurement activity will be fully compliant with the Council's Contract Procedure Rules.

4.3 Statutory, Legal and Risk Implications

Once an CEA/SEA has been approved, there is no way to reverse the process. The County Council would have to ensure that systems are in place to provide enforcement and administration services and resource and financial deficits covered.

Whilst the agency agreement aims to reduce the County Councils exposure, there is the risk that the districts may have underestimated operational shortfalls and that any agency agreement could be revoked.

4.4 Equality and Diversity Implications

There are no significant implications with this priority. An Equality Impact Assessment is attached in appendix 2.

4.5 Engagement and Communications Implications

As part of the CPE application process, key stakeholder such as the Police, emergency services, MOD, National Highways, Logistics UK, Road Haulage Association and Traffic Commissioner as well as the Authorities adjoining each District have been consulted in respect to the introduction of CPE across all 3 Districts. In addition, the bodies instrumental to Penalty Charge Notice processing, Traffic Penalty Tribunal, Traffic Enforcement Centre and the DVLA have also been contacted.

Prior to CPE launch and in consultation with the Districts, an information leaflet will be sent to residents and businesses within each District.

4.6 **Localism and Local Member Involvement**

There are no significant implications within this category.

4.7 **Public Health Implications**

There are no significant implications within this category.

4.8 **Climate Change and Environment Implications on Priority Areas:**

4.8.1 Implication 1: Energy efficient, low carbon buildings.

Status: Neutral

Explanation:

4.8.2 Implication 2: Low carbon transport.

Status: Neutral

Explanation: CPE enables local authorities to effectively manage and enforce on and off-street parking areas which in-turn supports/encourages a move towards more sustainable and low carbon transport options.

4.8.3 Implication 3: Green spaces, peatland, afforestation, habitats and land management.

Status: Neutral

Explanation:

4.8.4 Implication 4: Waste Management and Tackling Plastic Pollution.

Status: Neutral

Explanation:

4.8.5 Implication 5: Water use, availability and management:

Status: Neutral

Explanation:

4.8.6 Implication 6: Air Pollution.

Status: Positive

Explanation: CPE enables local authorities to effectively manage and enforce on and off-street parking areas to prevent inconsiderate and obstructive parking which help to keep traffic moving and reduces vehicle emissions.

4.8.7 Implication 7: Resilience of our services and infrastructure and supporting vulnerable people to cope with climate change.

Status: Neutral

Explanation:

Have the resource implications been cleared by Finance? **Yes**

Name of Financial Officer: Sarah Heywood

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the Head of Procurement? **Yes**

Name of Officer: Clare Ellis

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or Pathfinder Law? **Yes/**
Name of Legal Officer: Linda Walker

Have the equality and diversity implications been cleared by your Service Contact?
Yes
Name of Officer: David Allatt

Have any engagement and communication implications been cleared by Communications?
Yes
Name of Officer: Sarah Silk

Have any localism and Local Member involvement issues been cleared by your Service Contact? **Yes /**
Name of Officer: David Allatt

Have any Public Health implications been cleared by Public Health? **Yes**
Name of Officer: Iain Green

If a Key decision, have any Climate Change and Environment implications been cleared by the Climate Change Officer? **Yes**
Name of Officer: Emily Bolton

5. Source documents guidance

5.1 Source documents

[Document.ashx \(cmis.uk.com\)](#)

[Document.ashx \(cmis.uk.com\)](#)

Appendix 1 – CPE Application (South Cambridgeshire) (Marked as confidential)
Appendix 2 – Equality Impact Assessment (CPE)

EQUALITY IMPACT ASSESSMENT - CCC476309698

Which service and directorate are you submitting this for (this may not be your service and directorate):

Directorate	Service	Team
Highways & Transport - Trans, Strat & Dev	Traffic Management	Traffic

Your name: Nicola Gardner

Your job title: Parking Policy Manager

Your directorate, service and team:

Directorate	Service	Team
Highways & Transport - Trans, Strat & Dev	Traffic Management	Traffic

Your phone: 07557800355

Your email: Nicola.Gardner@Cambridgeshire.gov.uk

Proposal being assessed: Civil Parking Enforcement (CPE)

Business plan proposal number: Cambridgeshire County Council

Key service delivery objectives and outcomes: Objectives: To make a Civil Parking Enforcement (CPE) application to the Secretary of State via Department for Transport (DfT) which will create Civil Enforcement Area (CEA) or Special Enforcement Area (SEA) across Fenland, Huntingdonshire, and South Cambridgeshire. Outcome: The effective management and enforcement of on and off-street parking areas across the above-mentioned administrative areas to address habitual inconsiderate parking, support local economies and contributes to the Councils overarching environmental objective to reduce congestion and improve air quality

What is the proposal: Currently parking enforcement outside of Cambridge City is undertaken by the Police. With stretched resources, policing parking contraventions is understandably not a high priority. The introduction of CPE will move these powers and responsibilities from the Police to the Highway Authority, Cambridgeshire County Council (CCC), in accordance with the Traffic Management Act 2004. Through individual Agency Agreements, CCC will delegate some/all enforcements and administrative responsibilities which will enable the local authorities to focus enforcement where it is most appropriate.

What information did you use to assess who would be affected by this proposal?: Feasibility studies undertaken by Fenland District Council (FDC) and Huntingdonshire District Council (HDC).

Are there any gaps in the information you used to assess who would be affected by this proposal?: No

Does the proposal cover: All service users/customers/service provision in specific areas/for

specific categories of user

Which particular employee groups/service user groups will be affected by this proposal?:

Local Authorities will have enforcement flexibility however they will need to consider additional staff to cover the increased workloads and secure funding to cover set-up and ongoing costs. Reduced pressure on limited Police resources. With the free flow of traffic local communities should see reduced congestion and air pollution and improved access to local amenities. With the enforcement of time-limited bays, an uplift in footfall to local business. For those who hold a valid blue badge, greater parking opportunities particularly close to local facilities. Drivers should see improved journey time, better access to local amenities/ shops and Penalty Charge Notice (parking ticket) being issued to those who park in contravention.

Does the proposal relate to the equality objectives set by the Council's Single Equality Strategy?: Yes

Will people with particular protected characteristics or people experiencing socio-economic inequalities be over/under represented in affected groups: Don't know

Does the proposal relate to services that have been identified as being important to people with particular protected characteristics/who are experiencing socio-economic inequalities?: Yes

Does the proposal relate to an area with known inequalities?: Don't know

What is the significance of the impact on affected persons?:The proposal is a change in the enforcement responsibility from the Police to the local authorities. This does not change the parking policy itself, nor access to parking provision.

Category of the work being planned: Project

Is it foreseeable that people from any protected characteristic group(s) or people experiencing socio-economic inequalities will be impacted by the implementation of this proposal (including during the change management process)?: No

Age: The proposal is a change in the enforcement responsibility from the Police to the local authorities. This does not change the parking policy itself, nor access to parking provision.

Disability: As per 'Age' above. And for those who hold a valid blue badge, greater parking opportunities particularly close to local facilities.

Gender reassignment:

As per 'Age' above

Marriage and civil partnership: As per 'Age' above

Pregnancy and maternity: As per 'Age' above

Race: As per 'Age' above

Religion or belief (including no belief): As per 'Age' above

Sex: As per 'Age' above

Sexual orientation: As per 'Age' above

Socio-economic inequalities: As per 'Age' above

Head of service: David Allatt

Head of service email: david.allatt@cambridgeshire.gov.uk