

# **Taunton Deane Borough Council**

**Executive - 4 December 2008**

## **Report of the Parking and Civil Contingencies Manager**

### **Proposed Civil Parking Enforcement Partnership (This matter is the responsibility of Executive Councillor Coles)**

#### **1.0 Introduction**

- 1.1 The Traffic Management Act 2004 has given a duty and responsibility to Somerset County Council as Highway Authority to consider the future of Civil Parking Enforcement (CPE) across the county. At present CPE is carried out only in Taunton Deane, with the Police still being the responsible authority in the other four Districts.
- 1.2 An Officer group from all six Councils has been meeting to consider the options. This group met recently with Portfolio Holders to present these and to seek guidance on the way forward. Following on from this all Districts are considering reports through their current cycles about the introduction of CPE in their areas. The main body of these has been agreed across the group, with each District presenting it in accordance with their own requirements. A copy of the report considered by Sedgemoor is attached.
- 1.3 The situation in Taunton Deane is slightly different as we do not need to consider all the aspects of CPE itself. The issues here are the implications of the proposal to form a Civil Parking Enforcement Partnership to provide a county-wide service as opposed to continuing with our present operation.

#### **2.0 Executive Summary**

- 2.1 This report outlines the proposal for a county-wide Civil Parking Enforcement Partnership and seeks the Executive's support to the formation of a steering group, management board and delivery team to take the project to the next stage.

#### **3.0 The Proposal**

- 3.1 The proposal is for one organisation to carry out on- and off-street parking enforcement across the whole county, seeking economies of scale across various activity streams not achievable in single district operations. The background information, options and proposals are set out in the attached report. Even though Taunton Deane is already operating CPE there are financial and operational implications if a partnership is formed. At this stage these are not clear as there is a lot more investigative work to be done.

- 3.2 It is important to say at the outset that the scope of activities being considered does not include the setting of off-street charges themselves. This would remain with the Districts.
- 3.3 The project divides into two stages. The first, and the subject of this report, is the investigative and exploratory work needed to establish the advantages and disadvantages, operationally and financially, of a partnership. The issues to be addressed are listed in Appendix A to the report and the split of work between the partners and estimated resource requirements at Appendix B.
- 3.4 The proposal was considered by the Overview & Scrutiny Board on 27 November. Their comments and views will be reported verbally.

#### **4.0 Recommendations**

The Executive is recommended to support the proposal and

- give approval to the consideration of the introduction of a Somerset Civil Parking Enforcement Partnership;
- nominate a Member to join the steering group and officers to join the management board and delivery teams; and
- give approval to officers contributing time towards the investigative stage (Stage 1) work items as detailed in the Appendix B.

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**COMMITTEE:** Executive

**DATE:** 26<sup>th</sup> November 2008

**SUBJECT:** Introduction of Civil Parking Enforcement

**REPORTING OFFICER:** Adrian Gardner (Group Manager, Environment)

**CONTACT:** Tom Dougall, Transport Policy Officer (01278 – 435257) tom.dougall@sedgemoor.gov.uk

**PORTFOLIO HOLDER:** Cllr Andrew Gilling

**WARDS AFFECTED:** All

## **1 Purpose of Report**

- 1.1 To request agreement for this Council to continue to work with other Somerset local authorities to develop detailed proposals to deliver Civil Parking Enforcement.
- 1.2 The working group will evaluate options and make recommendations about delivery of Civil Parking Enforcement throughout the county. These recommendations will be brought back to this Council with details of the financial, resource and governance implications at point where approval is required to move forward with the delivery stage of the project.

## **2 Background**

- 2.1 Parking enforcement is carried out in a variety of ways across Somerset. In most districts, the Police manage on-street enforcement and district councils manage off-street public car parks. Some district councils operate limited on-street charging schemes or residents parking schemes.
- 2.2 The top priority for the Police is the prevention and detection of crime. The Police therefore cannot give parking enforcement the level of attention that the public might expect. Some district councils make a financial contribution towards the Police Community Support Officer service to alleviate this problem. However, PCSOs have a wide range of duties and can't focus solely on parking issues. The Police support the introduction of CPE in Somerset.
- 2.3 Higher levels of enforcement are available through Civil Parking Enforcement. Under this arrangement, the majority of on-street parking offences come under civil law, rather than under criminal law. Legislation allows the government to transfer enforcement powers to the highway authority. Somerset County Council received these powers for the area of Taunton Deane in 2001 and the Borough Council exercises the powers under a delegation agreement. CPE for the remaining districts of Somerset

has been under discussion for some time.

- 2.4 Civil Parking Enforcement covers all parking within the designated area. This includes offences in publicly owned off-street car parks as well as on-street parking offences. Income from penalty charges is used to fund the enforcement operation but off-street ticket income remains with the car park operator. Evidence from areas with CPE shows that such a regime –
- Increases compliance with on-street waiting restrictions
  - Reduces traffic congestion
  - Increases the use of off-street car parks
  - Provides a visible presence of authority on the street

### **3 Current Position**

- 3.1 The Traffic Management Act 2004 introduced new powers and duties for traffic authorities to reduce traffic congestion. Poor parking enforcement can lead to traffic congestion and the subsequent problems of delay and pollution. Commuters parking all-day in short-stay shopper parking bays can restrict the commercial life of towns. It is therefore in the interests of both the County Council and district councils to achieve effective parking enforcement.
- 3.2 The Department for Transport has issued a document titled 'Operational Guidance on Parking Policy and Enforcement'. This document gives guidance on implementing and operating Civil Parking Enforcement. In two-tier areas, the guidance recommends one enforcing authority for the area, rather than the county operating on-street enforcement and the district operating off-street enforcement. This should lead to clarity for the public and efficiencies for the operating authority.
- 3.3 The guidance makes provision for district councils to operate CPE under an agency agreement with the highway authority as currently happens with Taunton Deane. An alternative to the agency agreement model is a Parking Enforcement Partnership operating across the whole of Somerset. Under this model, a parking partnership would employ the Civil Enforcement Officers to patrol both streets and car parks. The partnership would also process penalty charges. District Councils would buy a patrol service for off-street car parks and the County Council buy a patrol service for on-street enforcement. This model offers potential for economies of scale and consistency in on-street enforcement across the county. In addition, the operation would be of sufficient size to provide the option to contract-out the enforcement service to a private company.
- 3.4 Somerset County Council favour the Parking Enforcement Partnership model and have invited district councils to consider combining enforcement functions into a single body. A joint portfolio holder meeting of 25<sup>th</sup> September 2008 concluded that further investigations and discussions on this option are needed to identify risks and advantage. This explorative stage of the project needs joint governance by all the authorities, which could be achieved by adopting the arrangements shown below.

Portfolio Steering Group	(Portfolio Holder)
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Project Management Board	(Group Manager/Director)
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Project Delivery Team	(officer)
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## 4 Options Considered

### 4.1 *Keep the Existing Arrangements*

At present, police parking enforcement cannot meet public expectations and in some cases there is an assumption that no enforcement will take place. This allows commuters to park all-day in limited waiting areas, leading to a shortage of space for visitors and shoppers. Some drivers persistently park in no-waiting areas, causing inconvenience to other road users. As traffic levels continue to increase we can expect these problems to get worse. On-street charging schemes and residents parking schemes are not effective without consistent enforcement of all on-street restrictions. Keeping the present arrangements would not improve the quality of life to residents.

### 4.2 *District-wide Parking Enforcement*

This option is similar to the current arrangements in the Borough of Taunton Deane. Somerset County Council, as transport authority, delegates enforcement powers to the district council. The two authorities agree enforcement priorities and strategies. The district council would need to cover any operating loss. The two authorities would need to come to an agreement concerning any surplus from on street enforcement and charging.

This option achieved the aims of CPE within Taunton Deane but required the Borough Council to subsidise the service. Expansion of this 'stand alone' model to every district could result in -

- A lost opportunity to have flexible resources large enough to meet peak demands on enforcement and notice processing. This would particularly affect authorities with smaller parking operations;
- A failure to achieve economies of scale, particularly if contracting out all or part of the service proved to be the sensible option; and
- Several variations in enforcement procedures and policies across the county. This would not be in the best interest of the motoring public.

### 4.3 *A Civil Parking Enforcement Partnership*

This option involves the creation of a new body to create a common notice processing and enforcement service. District Councils and the County

Council would in effect purchase a patrol service and notice processing from the CPE Partnership. Such a partnership would introduce a certain degree of resilience to the operation compared with a district-based scheme as a larger number of staff could cope better with leave, sickness or changes in volume of Penalty Charge Notices. The partnership could afford to employ staff with experience of CPE and so give an improved service.

Staff currently employed as car park inspectors by district councils would transfer to the partnership and be designated 'Civil Enforcement Officers'. However, the situation is not as clear-cut with back-office staff as ticket processing forms just a part of several peoples' jobs in all but the larger authorities. The proposal would free up some existing back-office staff time for other duties.

Some functions would probably remain with the district councils, such as maintenance of car parks, cleaning, setting of tariffs etc. Others could transfer to the partnership where there is business case for joint working. The Project Management Board will need to clarify responsibility for items listed in Appendix A and identify areas for potential joint working. The work streams needed to progress the project are shown in Appendix B. The joint Parking Officer Working Group proposes that each council takes responsibility for some of the work streams. This will share the load and promote the sense of partnership.

## **5 Financial Implications**

- 5.1 Consultants have produced a cost model for various modes of CPE provision within the county. Initial indications are that CPE could be provided at a lower cost by a county-wide enforcement and notice processing partnership rather than a district-based team. For the Sedgemoor District Council, this saving could be £5,000 in initial costs and £63,000/year in revenue costs. If the enforcement element is contracted out by the county-wide partnership, this saving could rise to £52,000 in initial costs and £81,000/year in revenue costs.
- 5.2 The final cost model will depend a great deal on recommendations of the Project Management Board on the items in Appendix A, such as cash collection arrangements, income from residents parking schemes and the level of parking enforcement in each town. These recommendations and detailed financial implications will be brought back to this council for consideration. This will allow the Council to decide whether or not to commit to the delivery stage of the project through an inter-authority agreement.

## **6 Human Resources Implications**

- 6.1 The CPE parking partnership option would involve transfer under TUPE of district council parking inspectors and possibly some back office staff to the parking partnership or private contractor. It will be important to keep staff, HR officers and unions informed of the progress of the project.

- 6.2 There will be a requirement to contribute officer time towards to project, which may require adjustment of workload priorities.

## **7 Link to Corporate Priorities**

- 7.1 Proposals for CPE should be developed to align with the corporate strategy, and specifically the regeneration objectives.
- 7.2 CPE must be an integral part of the Local Development Framework and development management policies. In key growth towns like Bridgwater, the framework and regime of any CPE must assist in the delivery of the higher-level objectives of the town. The future of on-street and off-street car parks will be considered as part of the Bridgwater Vision process and the integrated transport strategy work being led by the County Council.
- 7.3 The proposal could support regeneration initiatives by making the district a more pleasant place in which to live and a more attractive place to visit. Efficiency could be improved by generating additional income from cars diverting from on-street parking to off-street car parks.

## **8 Finance Comments**

- 8.1 At this stage the financial implications are not clear. As the project develops it will be essential to investigate the financial implications before any decisions are made.

## **9 Legal Comments**

- 9.1 The legal issues are dealt with in the body of the report.

## **10 Human Resources Comments**

- 10.1 The HR implications have been dealt with in paragraph 6 of the report.

## **11 Environmental and Community Safety Implications**

- 11.1 Efficient enforcement of parking regulations should improve both the environment and community safety.

## **12 Risk Management Implications**

- 12.1 Detailed risk management implications will form part of the project initiation document to be considered by a future Executive. However, the table below shows risks associated with the development stage.

<b>Risk</b>	<b>Consequence</b>	<b>Probability</b>	<b>Impact</b>	<b>Treatment</b>
Councils fail to agree on the way to proceed with the	Loss of good reputation  No CPE and no	2	4	Take part in discussions with other authorities

investigation work	improvement in congestion for public			
A Council decides not to proceed with the investigation work	No CPE and no improvement in congestion for the public of that authority	2	4	Promote a partnership which is advantageous to all authorities

### 13 Equalities Issues

13.1 There are no equalities issues.

### 14 Scrutiny Committee

14.1 The Scrutiny Committee of 4<sup>th</sup> November 2008 considered the proposals in this report. The committee's recommendations to the Executive are –

- Give approval to officers contributing time towards the investigation stage of all options for the introduction of Civil Parking Enforcement.
- Would expect a further report from the Officers giving alternative methods of working with the other Districts & County with the option of Districts having fully delegated authority to operate their own Enforcement regimes. The report will include financial comparisons between the different schemes.

14.2 Section 4.2 was added to this report to meet the concerns of the Scrutiny Committee and some financial information added to section 5. Both Scrutiny Committee and Executive will receive further reports as the project develops.

### 15 Conclusion

15.1 The current level of on-street parking enforcement does not meet the community's needs or expectations. A Civil Parking Enforcement Partnership may provide an opportunity for the councils within Somerset to deliver an improved level of service to the public.

15.2 Local authorities within Somerset can best influence the nature and direction of the partnership by taking part in the discussions of the portfolio steering group, management board and delivery team.

15.3 Members will receive details of the financial, resource and governance implications at a point where approval is required to move forward with the delivery stage of the project.



## **16 Recommendations**

16.1 This report recommends the Executive to -

- Approve the investigation and development of detailed proposals for the delivery of Civil Parking Enforcement Partnership in Sedgemoor in partnership with Somerset CC. This will include evaluation of district-wide and county-wide delivery options.
- Nominate a member to join the steering group and officers to join the management board and delivery team.
- Give approval to officers contributing time towards the investigation stage (Stage 1) work items as detailed in Appendix B

## **17 Background Papers**

17.1 Operational Guidance to Local Authorities: Parking Policy and Enforcement Traffic Management Act 2004 (Department for Transport) March 2008

17.2 Financial Summary – Parking Service Delivery Options (*Sedgemoor paper not relevant to Taunton Deane*)

## **18 Appendices**

18.1 Appendix A – Issues to be addressed by the project management board.

18.2 Appendix B – Estimate of officers time needed to develop Stage 1 of the project

# Appendix A

## Issues to be addressed by the Project Management Board

Which authority will be the administering authority

Parking partnership governance arrangements

Proposals for the sharing of costs and income

Arrangements for cash collection and banking

Administration of Penalty Charge Notices

External and internal communication strategy

Arrangements for management and implementation of on-street residents parking schemes

Use of income from on-street charging

Number of patrol hours needed in each town

Rate per hour charged for enforcement

Employ Civil Enforcements Officers direct or out-source to a commercial company

Provide a new IT system or use one of the existing district council IT systems.

Arrangements for the public to pay penalty charges

Provide new accommodation or use existing local authority hosts

Which JE system to use for partnership staff

Details of the inter-authority agreement

Selling season tickets

Enforcement policy and procedure

Arrangements for existing external contracts for cash collection, notice processing etc

Procurement arrangements

## Appendix B

### Estimate of Officer time (hrs) needed to Progress Stage 1 of the Partnership

Note – all the partners will contribute towards all the work streams, but each authority will lead on a number of them, as set out below.

<b>Stage 1 (Up to August 2009) Approximate officer time required</b>	<b>Project work streams</b>
Somerset County Council Officer time 1153 hrs	Project Management Set Up Interim Governance Arrangements Approval Of First Stage Resources & PID County Parking Strategy Consultation on CPE Application Application For Designation Order Option - Contracted Out Enforcement Traffic Sign And Road Marking Review TRO Review Prepare District wide T.R.O.s Amend/Update Signs & Markings Final pre-CPE Review and Go Live
Avon and Somerset Police Officer time 127 hrs	Not leading a workstream
Mendip Officer time 413 hrs	Delegation to Parking Board Publicity Appoint management team
Sedgemoor Officer time 368 hrs	Cost and income sharing Formula (Regeneration) Inter-authority agreement (Legal Services)
South Somerset Officer time 399 hrs	Enforcement policy Enforcement procedures Staffing requirements Recruit staff
Taunton Deane Officer time 377 hrs	Enforcement delivery options IT requirements, assess and develop systems In-house enforcement options
West Somerset Officer time 375 hrs	Enforcement delivery review Accommodation and equipment

