

Public
Key Decision Yes*

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Civil Parking Enforcement Update

Meeting/Date: 16th January 2024: Cabinet

Executive Portfolio: Cllr Simone Taylor Executive District Councillor for Leisure, Waste and Street Scene

Report by: Operations Manager (GM)
Assistant Director Strategic Insight & Delivery (NS)

Ward(s) affected: All

Executive Summary:

Civil Parking Enforcement is a legislative change which enables enforcement of number of on-street parking offences by the Highways Authority. In Huntingdonshire, the enforcement of these offences will be delegated by way of an Agency Agreement between the District and County.

This report provides an update the progress made on the delivery of Civil Parking Enforcement within Huntingdonshire.

This report seeks endorsement for the recommendations below and presents the reason for these recommended approaches.

Recommendation(s):

The Cabinet/Committee is recommended to:

- a) Note the work undertaken to date and the preparedness of HDC and CCC to apply for Decriminalisation of Parking in Huntingdonshire against the previously approved timescales.
- b) Note the new expected go live date as determined by the Department for Transport's capacity constraints outside of the control of both CCC and HDC.
- c) Endorse the proposal set out in Section 4.4 for 'Go Live & Warning Notice Approach'.
- d) Endorse the proposal set out in Section 4.5 for 'CPE Stakeholder Briefing & Update Approach'.
- e) Endorse the signing of the PATROL agreement as set out in Section 4.6 by the Assistant Director (Strategic Insight & Delivery).

1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to provide an update on the progress made on the delivery of Civil Parking Enforcement within Huntingdonshire. This report provides an update in relation to the delivery timescales and makes a recommendation for the approach to 'go live' and 'Stakeholder briefing & updates'.

2. BACKGROUND TO CIVIL PARKING ENFORCEMENT - IMPLEMENTATION

- 2.1. Civil Parking Enforcement (CPE) is the outcome of a process that decriminalises a number of on-street parking offences enabling them to be enforced as a civil matter by a Local Authority. This represents a significant change to the current position whereby these offences may only be enforced by the Police.
- 2.2. Until the transition to Civil Parking Enforcement takes effect, the enforcement of on-street parking matters remains a function of the Police. HDC are not able to support enforcement due to legislative restrictions.
- 2.3. The process being undertaken (often referred to as decriminalisation of parking) will see the establishment of a Civil Enforcement Area (CEA) in Huntingdonshire. This is a statutory process that will see the Highways Authority (Cambridgeshire County Council) make an application to the Department for Transport (DfT) for the CEA. Following a DfT review, the application will be laid before Parliament for approval.
- 2.4. Ordinarily the adoption of Civil Parking Enforcement would be pursued by the Highways Authority, however previous independent assessments concluded that whilst CPE could be implemented, it was not financially viable to do so.
- 2.5. A report brought before Cabinet (11th Feb 2021) saw approval given to pursue 'Civil Parking Enforcement' in Huntingdonshire. This would utilise a HDC budget provision made towards the implementation and ongoing associated revenue implications.
- 2.6. Officers of Cambridgeshire County Council & Huntingdonshire District Council are working collaboratively to deliver this outcome for Huntingdonshire.

3. BACKGROUND TO CIVIL PARKING ENFORCEMENT - OVERVIEW OF RESPONSIBILITIES

- 3.1. Huntingdonshire District Council will undertake the ongoing on-street enforcement of Civil Parking including charge notice progression. The annual anticipated budget deficit (~60k p/a) created by the operation of Civil Parking is within the Council MTFS. This takes into consideration a number of changes including an increased number of enforcement staff (recruitment to be undertaken ahead of 'go live').
- 3.2. Huntingdonshire District Council will contribute towards the on-street remedial works costs required to uplift the current standard of 'signs & lines' associated with on-street parking restrictions. Budget is allowed for within the MTFS.

3.3. Cambridgeshire County Council will retain all other responsibilities as the Highways Authority. As such, responsibility for new on-street parking restrictions and scheme implementations will remain with CCC. More information on improvement schemes including the process of application can be found at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/improving-the-local-highway>

3.4. Cambridgeshire County Council will retain responsibility for the ongoing maintenance of 'sign & lines' when the operation of Civil Parking Enforcement commences.

3.5. The Councils will work jointly to delegate other associated elements as appropriate to facilitate the delivery and ongoing enforcement of Civil Parking.

3.6. It should be noted that the Police will still retain enforcement powers for:

- Dangerous and obstructive parking
- Vehicles parked on pedestrian crossings and zig zag lines.
- Moving traffic offences e.g., speeding and passing through 'no entry' zones

The above is the current position in other LA areas and may change subject to decisions to be made by CCC on county wide policy and legislative changes.

4. MATTERS FOR CONSIDERATION

4.1. CIVIL PARKING ENFORCEMENT – WORKS COMPLETED

4.1.1. The delivery of Civil Parking Enforcement in Huntingdonshire requires significant undertaking of works to enable delivery. Key areas of work include:

- Traffic Regulation Order Review
- Sign & Line remedials
- Back-office enforcement systems preparation
- Department for Transport Application
- Development of an Agency Agreement

4.1.2. Traffic Regulation Order Review Works:

- Onsite review and mapping of all on-street restrictions district wide has been completed.
- Mapping will be used for the preparation of CPE Traffic Regulation Orders (TRO's)
- Review/mapping has been used to identify currently non-compliant sign & line elements.
- A review of off-street parking orders has been undertaken to prepare a CPE ready order.

4.1.3. Sign & Line remedials:

- A design works package is being created for all identified non-compliant sign & line elements. This works package provides detailed information required for the completion of remedial works.

- Once complete, the works packages will be used for the procurement of the works.

4.1.4. Back-office enforcement systems preparation:

- We are reviewing the available systems for enforcement of parking and associated functions. We have spoken with other LA's who have recently adopted civil parking to understand any system shortfalls they may have identified. This will be used to inform our system specification.
- We submitted our application to Traffic Enforcement Centre (TEC) and received our charge notice prefix. This step is required for all authorities undertaking civil parking enforcement. TEC is effectively a registration point for unpaid parking tickets/ penalty charge notices, which enables the LA to enforce as if a County Court Order for debt recovery.

4.1.5. Department for Transport Application:

- CCC have undertaken the required consultation steps to date ahead of application submissions.
- Both authorities have provided information required for the application process.
- The application will be submitted by CCC.

4.1.6. Development of an Agency Agreement

- The agency agreement between CCC & HDC details the relationship and delegated responsibility. A draft is being progressed to reflect the processes required to be in place, the funding sources and any other required information.
- The final draft will be brought to Cabinet via O&S for comment.

4.2. **IMPLEMENTATION – SIGNS & LINES**

4.2.1. The implementation of Civil Parking Enforcement will require significant work to address highways sign & lines issues to ensure that they are compliant with the required standards. The review and mapping of all signs/lines within the district boundaries has enabled the development of a remedial works list in collaboration with CCC.

4.2.2. Having reviewed the CCC framework contract, the estimated total value of these works would exceed the budget allocated towards the delivery of Civil Parking.

4.2.3. We have taken a proactive step to control the budget by undertaking soft market testing with an alternate provider which brings estimate back in line with the allocated funds.

4.2.4. Whilst the original project did plan to utilise the CCC contract, the project will now include a competitive market tender. This has been discussed and has the support of CCC officers.

4.2.5. We are currently undertaking further on-site surveys of items on the remedial works list compiled to look to remove items where CCC works have already been undertaken since the onsite surveys completed 2022.

4.3. IMPLEMENTATION – CHANGE TO DELIVERY TIMELINE

4.3.1. The process being undertaken to achieve the establishment of a Civil Enforcement Area (CEA) in Huntingdonshire is ‘decriminalisation’ which is a statutory process leading up to the application to the Department for Transport (DfT). Following DfT review, the application must be laid before parliament for parliamentary approval (DfT to Parliament).

4.3.2. The CPE project currently has a ‘go live’ date for enforcement of October 2024 based on the application to the Department for Transport (DfT) being made by CCC in April 2024 (the window provided by DfT).

4.3.3. CCC received information from DfT on 09/10/2023 during the SCDC application process that the timescales from submission to ‘go live’ have increased due to parliamentary delays. We will now likely receive the approval from DfT in January 2025. No date has been provided for within January 2025. HDC has no influence over this approval timeline.

4.3.4. This change is reflected in our recommendation in Section 4.4

4.4. GO LIVE & WARNING NOTICE APPROACH

4.4.1. It is normal practice for a Local Authority to have a period of ‘warning notice’ issued at the commencement of Civil Parking Enforcement.

4.4.2. A warning notice is issued in place of change notice. It advises that the circumstances observed would normally be an offence, however no further action will be taken on this occasion which will be made clear on the notice.

4.4.3. These warning facilitate the publics adjustment in adhering to highways restrictions in place that may not have been enforced for a number of years. The warning notice period serves an additional purpose in providing a live test phase before the ‘chargeable notice’ enforcement commences.

4.4.4. Whilst it is permissible for no warning notice period, this period is ordinarily for a minimum period of 4 weeks.

4.4.5. We have been advised of the expected delays (section 4.3.3) and that we will likely receive approval in January 2025. No date has been provided for within January.

4.4.6. We therefore recommend that the following approach is adopted:

- Commencement of enforcement with payable notices is 3rd March 2025.

- Warning notice period will be issued at least throughout February 2025. We will be flexible in this period overall duration commencing in January from the point authorised by DfT and Parliament.

4.4.7. This flexible warning notice approach allows us to specify the go live date in advance which:

- supports the ability to communicate to the public the date of enforcement change, and;
- reduces the risk of impact upon this date impacted should approval from DfT and parliament not be received until late January 2025.

4.5. STAKEHOLDER BRIEFING & UPDATE APPROACH

4.5.1. Civil Parking Enforcement represents a legislative charge impacting all wards within the District. We therefore feel it is appropriate to ensure that clear information is made available that:

- Confirms to Parish and Town Councils the extents of Civil Parking Enforceable offences and what remains within the Police remit.
- Recognises the interest of Parish and Town Councils and provides updates on progress made towards the delivery.

In addition to the above we feel it is important to provide our own Cllrs the opportunity to ask questions around the scope of Civil Parking prior to 'Go Live' regarding HDC's remit.

4.5.2. To achieve these objectives, we recommend the following approach is adopted:

- **HDC Cllrs:**
 - *To host an afternoon drop-in session consisting of a repeated presentation and opportunity for questions to be asked of officers. This will include information on the charge notice process and member involvement.*
- **Parish Councils:**
 - *To host an afternoon drop-in session consisting of a repeated presentation and opportunity for questions to be asked of officers. We will suggest that a Parish nominate 2 persons to attend the session on their behalf.*
- **Town Councils:**
 - *To host a session per Councils consisting of a presentation and opportunity for questions to be asked of officers. We suggest this invitation is extended to the Mayor and Clerk with the opportunity to bring up to 5 persons in total.*
 - In addition to the above, in the drop-in sessions we will encourage HDC Cllrs, Parish and Town Councils to refer to our website for updates on Civil Parking Enforcement. We will ensure that the HDC website on Civil Parking Enforcement is kept up to date with any significant changes and advise HDC Cllrs when updates are made via the weekly member email.

4.6. PATROL/TPT Delegated Authority for Signing

- 4.6.1. The Council currently operates its car parks under Parking Orders made under the provisions of the Road Traffic Regulations Act 1984. Charge notice appeals received are reviewed by officers of the Council. Should the charge notice remain unpaid, the matter is progressed to the Magistrates Court.
- 4.6.2. Following the adoption of Civil Parking Enforcement, the Magistrates Court is no longer involved in the progression of charge notices. CPE Matters are referred to the Traffic Penalty Tribunal (TPT) to provide independent adjudication.
- 4.6.3. TPT is a function of PATROL (Parking and Traffic Regulations Outside London). PATROL has a statutory duty to make provision for the independent adjudication of parking and traffic penalties issued under the Traffic Management Act 2004.
- 4.6.4. To facilitate the operation of CPE, the Council must enter into an operational arrangement with PATROL. It is recommended that members endorse the Assistant Director (Strategic Insight & Delivery) to sign this agreement to enable our future use of the statutory services when required for the progression of parking matters.

4.7. FUTURE REPORTING

- 4.7.1. As the implementation of Civil Parking Enforcement is progressed, officers will bring forward reports relating to the Agency Agreement & HDC Parking Enforcement Principles.
- 4.7.2. Agency Agreement: Development of the Agency Agreement and a summary of its content can be found in Section 4.1.6. There are elements of the AA that are still under discussion. We anticipate this report will be available in April 2024.
- 4.7.3. HDC Parking Enforcement Principles: This will look at the 'Principles & Priorities of Enforcement' for HDC with recognising our priorities and aims with enforcement resource available. We anticipate this report will be available in summer 2024.

5. FINANCIAL IMPLICATIONS

- 5.1. HDC have allocated capital to the value of £364,500 towards the implementation of civil parking enforcement.
- 5.2. CCC have allocated £150,000 per District pursuing Civil Parking Enforcement. This allows for an allocation of £50k to be retained by CCC for Traffic Regulation Order review/advertising and officer time allocated towards civil parking implementation. The remaining £100k was to be allocated by towards 'remedial design works'. As agreed with CCC, an alternate provider may be appointed by HDC from HDC budget to undertake this work. The remaining £100k of CCC funding has been agreed to be reallocated to be combined with HDC's funding to support the on-street sign and line works.

5.3. This provides a total budget of £464,500. Within this, expenditure will be made for HDC Enforcement hardware; HDC off-street signage updates and remedials; on-street remedial works (signs & lines).

6. COMMENTS FROM OVERVIEW & SCRUTINY

6.1. This paper will be presented at Overview & Scrutiny on 4th January 2024. The comments of O&S will be inserted prior to the Cabinet meeting.

7. REASON FOR RECOMMENDATIONS

7.1. The Council remains committed to delivery of Civil Parking Enforcement as evidenced by the progression made towards implementation through the works delivered so far in pursuit.

7.2. We are recommending a go live approach that supports a warning notice period as this is normal practice. The approach we have recommended also recognises local circumstances relating to a non-fixed DfT notification date.

7.3. We recognise the importance of CPE and member interest. The approach set out recognises this level of interest and aims to provide both updates and details of what this significant change will represent to enforcement.

7.4. PATROL has a statutory duty to make provision for the independent adjudication. CPE requires providing the opportunity for independent adjudication. No alternate option for this function is available to the Council.

8. KEY IMPACTS / RISKS

8.1. Implementation Date: We will receive the approval from DfT in January 2025. A parliamentary election must be held before the end of January 2025. This has the potential for further impact on parliamentary approval and is not currently included within the Jan 25 position. If an election is announced this could lead to a congestion of Parliamentary time. An update will be provided to Cabinet to note any impact on delivery timescales.

8.2. Agency Agreement: HDC need to have in place an Agency Agreement with CCC in order to have powers delegated to enable the ability to enforce Civil Parking. Should the Councils not reach a position of agreeable terms; or it is considered the terms of the agreement then CPE may either not progress, or the application to the DfT will be delayed.

8.3. The soft market testing undertaken for the remedial works required represented a significant reduction in costs vs utilisation of CCC's appointed highways contractor. It should be noted that this returned figure was an estimate and is unconfirmed until the completion of the procurement exercise.

8.4. The delays to the implementation of Civil Parking Enforcement will mean a longer dependency on the Police to undertake on-street enforcement.

9. BACKGROUND PAPERS

Cabinet 11 Feb 2021 – Decriminalised Parking

<https://democracy.huntingdonshire.gov.uk/moderngov/documents/s114049/Item%206%20-%20Civil%20Parking%20Enforcement%20Report.pdf>

Overview and Scrutiny (Customers and Partnerships) – 4 Feb 2021

<https://democracy.huntingdonshire.gov.uk/moderngov/documents/s114030/OS%20Covering%20Report.pdf>

Cabinet 18 Oct 2018 - Off Street Parking Strategy

<http://applications.huntingdonshire.gov.uk/moderngov/ieListDocuments.aspx?CId=256&MId=7393>

Overview and Scrutiny (Economy and Growth) 16 Jan 2018 - Decriminalised Parking Presentation

<http://applications.huntingdonshire.gov.uk/moderngov/ieListDocuments.aspx?CId=10212&MId=7285>

10. CONTACT OFFICERS

Operations Manager (GM)

Assistant Director Strategic Insight & Delivery (NS)