

**Public
Key Decision - Yes**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Parking: Agency Agreement for Civil Parking Enforcement in Huntingdonshire

Meeting/Date: Cabinet 17th March 2022

Executive Portfolio: Operations and Environment

Report by: Head of Operations

Ward(s) affected: All

Executive Summary:

The report proposes the adoption of the draft Agency Agreement to allow the progression of the decriminalisation of on-street parking offences in Huntingdonshire.

As at HDC, the draft Agency Agreement is being circulated to a wider audience at CCC for comment in line with the authorities' routes for approval and delegated powers.

This draft agreement will enable officers of both authorities to move forwards in the works to implement Civil Parking Enforcement. As the District are funding the implementation which includes the rectification of on-street issues due to lapsed CCC maintenance, having in place an agreement is a key step to ensure that HDC are not committing to spend without an agreement that is satisfactory to the District.

Recommended

That the Cabinet endorse the contents of the Agency Agreement proposed, subject to the final amendments being presented following the undertaken of the review by County Council Officers & Councillors required as part of CCC endorsement.

1. Purpose of the report

1.1. This report presents the draft Agency Agreement between Huntingdonshire District Council(HDC) and Cambridgeshire County Council(CCC) required for HDC to undertake the enforcement of on-street offences once parking within the district boundary has been decriminalised.

1.2. To present the status of the Implementation of CPE project (Appendix 3)

2. Background

2.1. In 2021, Scrutiny & Cabinet endorsed the recommendations to:

- Update the Off-Street Parking Strategy 2018-2023 to enable the progression Decriminalisation of Parking in Huntingdonshire
- Approve the two-year project 'Decriminalisation of Parking' in Huntingdonshire to be started from 1st April 2021 utilising the budget provision already made for the project with associated revenue implications.
- Authorise Officers to seek an agency agreement with the Highways Authority, Cambridgeshire County Council, in line with recommendations (a) and (b) above.

2.2. Following endorsement by CCC at their Highways & Transport Committee September 2021, officers of both authorities have established a working group, with Huntingdonshire leading the drafting of the Agency Agreement between the two authorities.

2.3. The draft Agency Agreement is presented today.

2.4. HDC started a project to implement CPE in May 2021, the status of this project is green – on-schedule as set out in Appendix 3.

3. Analysis

3.1. The draft agreement attached:

- Sets out an agreement for a 5-year initial period.
- That CCC will be responsible for the ongoing signs & lines highways maintenance following implementation.
- Includes a termination clause should CCC terminate which would require CCC to pay back to HDC the total investment made by HDC in the CPE process less 20% per year of complete operation (considered investment complete over the agreements initial 5-year term).
- That HDC retain any enforcement surplus for a period of 5 years should it occur, which legally can be ringfenced and used to offset future deficit.
- Confirms clearly (appendix 2) the responsibilities of both CCC & HDC.

- Conforms with the original approval given by Cabinet to proceed and the documents presented at that time.
- 3.2. Whilst CCC have been involved in the draft process, the draft document is now with CCC for circulation (as with HDC) to an audience wider than the working group. Whilst we have had questions to clarify, we have not received any objections. This document is working through officers and the relevant political channels. CCC will need to clarify the position to be added to the document should HDC wish to terminate the agreement early (section 4.4 of the agreement).
- 3.3. The draft agreement attached has been reviewed by 3C Legal. No areas of concern have been raised. A check will be undertaken of the final agreement by 3C Legal.

4. Comments of Overview & Scrutiny

- 4.1. The Panel discussed the Parking: Agency Agreement for Civil Parking Enforcement in Huntingdonshire report at its meeting on 3rd March 2022.
- 4.2. It was clarified to the Panel, following a question from Councillor D'Souza, that CPZ referred to Controlled Parking Zones, which are mentioned in the agreement, although there are none in the district at present, to ensure they be covered by the agreement should they be introduced in the future.
- 4.3. In response to a question from Councillor D'Souza, it was explained that where on street parking fees be collected on behalf of Cambridgeshire County Council (CCC), an administration fee was kept by Huntingdonshire District Council (HDC) and the remainder returned to CCC, with the proviso that it be investing within Huntingdonshire on parking enforcement.
- 4.4. The Panel also heard that existing parking enforcement officers would be retained and additional vacancies created within the team to meet the anticipated demand created by this agreement.
- 4.5. In response to a question from Councillor Mrs Wilson, the Panel were assured that the 3C Legal Team had been involved in the creation of the agreement to ensure it remained robust and covered eventualities in case of termination by other parties.
- 4.6. Following questions from Councillors Gardener and Mrs Wilson, the Panel heard that some road markings within the district are classed as being in acceptable condition, however work would be undertaken where marking fall below this standard to ensure that all signs and lines within the district would be to an acceptable standard and in addition be digitally catalogued.
- 4.7. The Panel were reassured that lone working policies and risk assessments would be carried out following concern from Councillor Alban. Assurances were also made that personal security solutions would

also be investigated to ensure safety of staff prior to the commencement of the agreement.

4.8. The Panel were advised that should CCC terminate the agreement, then responsibility would revert back to them as they hold statutory responsibility.

4.9. Following an enquiry from Councillor West, the Panel heard that legislation surrounding pavement parking was in the process of being updated, but the Panel were assured that where able to under the legislation, parking offences on pavements would be enforced.

4.10. Councillor Gardener enquired regarding the maintenance of highway markings and the Panel heard that where it can be demonstrated that markings have fallen below an acceptable standard and are affecting enforcement of offences, lost revenue could be reclaimed.

4.11. The Panel were reminded that should individual towns and parishes wish to apply for highways markings, applications should be made to CCC under the Local Highways Improvement Scheme.

4.12. The Panel were also advised that a comprehensive communications plan would be in place once the agreement has been approved.

4.13. The Panel welcomed the report and encourage the Cabinet to endorse the recommendations contained within the report.

5. Risks

5.1. The project is being managed by officers at HDC in accordance with the Councils project management framework and the established project board. The project status is green with the project being on track with work progressing. A live risk register is in place with risk and mitigation identified. The project has a review booked in for April.

5.2. The Council has not committed spend to review all on-street signs and lines, or the associated remedial works to rectify at this time. This is part of the risk management approach to ensure that we are not committing spend (which historically would have been borne by CCC) until we have in place a satisfactory Agency Agreement.

6. Link to the Corporate Plan

6.1. The introduction of CPE in Huntingdonshire will support the Council's Vision:

To support a safe and healthy environment, deliver economic growth, provide value for money services and create opportunities for the people of Huntingdonshire.

6.2. CPE supports the delivery of Place objectives.

We want to make Huntingdonshire a better place to work, invest specifically:

Create, protect and enhance our safe and clean built and green environment, and;

6.3. Support development of infrastructure (transport) to enable growth.

7. Consultation

7.1. The Agency Agreement draft has been developed by the working group of officers of both HDC & CCC.

7.2. This draft is now subject to wider circulation at both authorities.

8. Legal Implications

8.1. This draft document has been reviewed by 3C Legal and no concerns raised. The final document which will include CCC termination clause and may include other amendments will be reviewed by 3C Legal prior to adoption & signing.

8.2. On-street enforcement is governed by the Traffic Management Act and associated stator guidance. This means that matters such as:

- enforcement policies are governed by statute with the lead authority being the Highway Authority.
- that Penalty Charge Notice (PCN) level is confirmed by the Highway Authority based on statutory levels set.

9. Reason for the recommended decisions

9.1. The Council must have in place an Agency Agreement to undertake on-street enforcement on behalf of the County Council.

9.2. The draft Agency Agreement conforms to the original approval for the CPE project given in 2021.

10. List of appendices

Appendix 1	Draft CPE Agency Agreement
Appendix 2	Draft CPE Agency Agreement Schedule 2
Appendix 3	Cabinet CPE Update Feb 2022

11. Background Papers

[Cabinet 11th Feb 2021 – Item 56 Civil Parking Enforcement](#)

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