

Appendix A

Public

Key Decision: Yes

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: CPE Update and Off-Street Parking Places Order

Meeting/Date: 15th April 2024: Cabinet

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

Report by: Head of Economy, Regeneration & Housing Operations Manager

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. Our signed Agency Agreement delegates the enforcement and processing of these offences from the County to the District Council.

This paper will provide an update on the progress on the delivery of the implementation of Civil Parking Enforcement.

To enable to Council to progress with implementation, the current off-street parking places orders need to be updated to reflect the changes in legislation under which we will be operating and accommodate changes in phasing necessary to enable off-street enforcement to continue.

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

Recommendation(s):

The Cabinet is recommended to:

- a) Endorse progression of the proposed order through the relevant steps as set out in the paper with a view to establishing the replacement order.
- b) Delegate authority to the Corporate Director (Place) to make and confirm future off-street parking places orders, and changes to off-street parking places orders, not relating to charges after consultation with the relevant Executive Councillor
- c) Note the Cambridgeshire County Council Civil Parking Enforcement Policy & Operational Guidance.

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek endorsement to progress the proposed parking order through the relevant steps with a view to establishing a replacement off-street parking places order that supports continued enforcement of our car parks once Civil Parking Enforcement commences.
 - 1.1.1 The report will also provide a background to, and update on the progress made towards the implementation of Civil Parking Enforcement in Huntingdonshire.

2. BACKGROUND

- 2.1 Civil Parking Enforcement (CPE) is the outcome of a process that decriminalises several 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 The adoption of Civil Parking Enforcement has been undertaken by 322 of 327 authority areas (including Transport for London) within England.
- 2.3 The process sees the Highways Authority make an application to the Department for Transport (DfT) to establish a Civil Enforcement Area (CEA) and Special Enforcement Area (SEA). Following a DfT review, the application will be laid before Parliament for approval to enable the enforcement change to take place.
- 2.4 Ordinarily the process of decriminalising parking and the subsequent Civil Enforcement of Parking is owned by the County Council as the Highways Authority. Previous independent assessments concluded that whilst CPE could be implemented, its ongoing operation was not financially viable to do so.
- 2.5 Recognising that the County Council does not wish to undertake CPE operation a report brought before Cabinet (11th Feb 2021) which gave approval to pursue Civil Parking in Huntingdonshire. This would see CPE operation undertaken by the District Council utilising a HDC budget provision for the implementation and ongoing associated revenue implications.
- 2.6 Later in 2021, a paper was taken to CCC Highways & Transport Committee expressing our wish to pursue CPE. It was agreed that CCC would support the process to establish a Civil Enforcement Area (CEA) and Special Enforcement Area (SEA) in Huntingdonshire, delegating operation to the District Council by way of an appropriate agreement.

3. OFF-STREET PARKING PLACES ORDER

- 3.1 Off-Street Parking Places Orders are the legal documents made under the relevant acts that define the rules and restrictions applicable to council car parks.

3.2 OFF-STREET PARKING PLACE ORDER: SUMMARY OF CHANGES

- 3.2.1 The current council off-street orders refer to both Excess Charge Notices and Penalty Charge Notices. Under Civil Parking Enforcement, all offences are categorised as Penalty Charge Notice. This change directly supports the transition to Civil Parking Enforcement.
- 3.2.2 The proposed order combines two current off-street orders into a single order. This change supports future management of parking orders should legislations related to Civil Parking Enforcement be amended. This will also support the service in progression of charge notices to the f service under CPE as only a single order document will be referred to.
- 3.2.3 The implementation of CPE has provided an opportunity to review terminology and definitions within the order to reflect changes in technology, specifically those relating to electric vehicles.

3.3 OFF-STREET PARKING PLACE ORDER: PROCESS OF IMPLEMENTATION

- 3.3.1 The Council will advertise the proposed order as required with a copy of the proposed order and associated plans made available on the Councils website. The Notices of Proposal will be displayed on site.
- 3.3.2 A mailbox has been set up to receive comments on the proposed order from those who wish to comment. Comments will be collated and provided in a summary report for Cabinet to consider.

Table 1: Off-Street Parking Place Order: Process of implementation timeline

1	April 2025	A report to O&S that: <ul style="list-style-type: none">• Invites O&S Panel is invited to comment on the recommendation made in the Cabinet report.
2	April 2025	A report to Cabinet that: <ul style="list-style-type: none">• Proposes a suitable draft parking order• Recommends that Cabinet endorse progression of the proposed order through the relevant steps as set out in the paper with a view to establishing the order.
3	May 2025 (28 days)	The proposed order will be advertised for a period of 28 days to provide an opportunity for public comment.

4	June 2025 (2 weeks)	Collation of comments received and to be provided in a summary report for Cabinet to consider and confirm order.
5	June 2025 (1 week)	Sealing of Orders ready for commencement

3.4 OFF-STREET PARKING PLACE ORDER: LEGAL IMPLICATIONS

3.4.1 The proposed off-street order and the process of implementation has been reviewed by the Council 3C Legal Services who have confirmed they are satisfied with both the Order and the process proposed to ensure the Council has an Order in place that meets CPE requirements.

3.4.2 It should be noted that the date stated within the proposed order within '1. Commencement and Citation' will be amended to reflect the commencement date for Civil Parking Enforcement prior to the sealing of the Order.

3.4.3 The Council has a delegated authority to the Head of Operations after consultation with the relevant Executive Councillor to make and confirm Off-Street Parking Places Orders in future years involving any changes of minor significance and reviews of charges in line with inflation. As this change is substantive, it is not considered covered by this delegation.

3.5 OFF-STREET PARKING PLACE ORDER: REASON FOR RECOMMENDATION

3.5.1 The Cabinet is recommended to *endorse progression of the proposed order through the relevant steps as set out in the paper with a view to establishing the replacement order.*

3.5.2 The reason for the recommendation is that:

- The Council remains committed to delivery of Civil Parking Enforcement as evidenced by the decision made to enter the Council into the Agency Agreement with Cambridgeshire County Council, and the progress made towards implementation through the works delivered in pursuit.
- The proposed parking order is required as part of the adoption of Civil Parking Enforcement and it is therefore recommended that Cabinet endorse progression of the proposed order through the relevant steps as set out in this paper with a view to establishing the replacement order.
- An equality impact assessment undertaken for Civil Parking Enforcement recognises that the focus of the change who is undertaking enforcement. It does not change the restrictions in place and is concluded to not be at the detriment of any group or individual with protected characteristics.

- To 'Progress delivery of Civil Parking Enforcement across the District to enforce on-street parking activity' is an action within the Councils Corporate Plan.

3.5.3 The Cabinet is recommended to *Delegate authority to the Corporate Director (Place) to make and confirm future off-street parking places orders, and changes to off-street parking places orders, not relating to charges after consultation with the relevant Executive Councillor.*

3.5.4 The reason for the recommendation is that:

- Adoption Civil Parking Enforcement in the District may lead to changes in behaviour leading to abuse of Council land outside of the current boundaries of the car parks. This delegation would enable the Council to adjust the restriction boundaries on its land to respond to issues.
- Where it is recognised that off-street car parks provided by the Council are subject to abuse following the implementation of Civil Parking Enforcement such as those provided for a specific purpose (e.g. Leisure Centre car parks) restrictions can be amended to support the intended purpose which may include adjustment of maximum stay.
- Additional Council land that may be used to offer off-street parking can have off-street parking orders put in place to support swift operation.
- The delegation allows an agile and proportionate response to any necessary amendments needed to reflect operation of CPE and any challenges that may result; for example amendments to maps; wording of signage; Order corrections etc.
- The delegation is reflective of other delegations which exist, both directly relating to car parking, but also the operation of other services by the Council. This is important in connection with the principles of Priority 3 of the Corporate Plan "Doing our core work well"

4. **CPE POLICY & OPERATIONAL GUIDANCE**

4.1 **CPE POLICY & OPERATIONAL GUIDANCE: BACKGROUND**

4.1.1 The CPE Policy and Operational Guidance (Appendix 2) is a Cambridgeshire County Council policy document established by them in their role as the highways authority. This policy sets out how road users should park in accordance with marked restrictions, and the circumstances when enforcement action will take place.

4.1.2 This policy was reviewed by Cambridgeshire County Council in 2025 to reflect the extension of a Civil Enforcement Area (CEA) and Special Enforcement Area

(SEA) into South Cambridgeshire, and the anticipated CEA & SEA for Huntingdonshire.

4.2 CPE POLICY & OPERATIONAL GUIDANCE: REASON FOR RECOMMENDATION

4.2.1 The Cabinet is recommended to *note the Cambridgeshire County Council Civil Parking Enforcement Policy & Operational Guidance*

4.2.2 The reason for the recommendation is that in accordance with the sealed Agency Agreement:

- The District Council has a duty to undertake civil enforcement of static on-street contravention in accordance with the relevant TRO, CPE Policy and the SLA, and;
- Process PCNs from point of issuing through to taking steps to recover payment through registered or certificated enforcement agents in accordance with the TRO and in-line with the CPE Policy and Operational guidance and that denoted in statutory guidance and legislation, and;
- Undertake other duties including administration of waiver, suspensions, dispensation and permits in accordance with the TRO and in-line with the CPE Policy and Operational Guidance.

5. PROGRESS UPDATES

5.1 PROGRESS UPDATE: AGENCY AGREEMENT

5.1.1 In April 2024, a paper was brought before O&S and Cabinet so that the Council could consider the implications of the proposed Agency Agreement. On the 16th April 2024 Cabinet resolved to agree the recommendations contained within the report enabling us to enter into the Agency Agreement.

5.1.2 The Agency Agreement dated 19th July 2024 was sealed by both Cambridgeshire County Council and Huntingdonshire District Council, committing HDC to the funding of implementation and to the operation of CPE for an initial 5-year period.

5.1.3 Huntingdonshire District Council will undertake the following core Civil Parking Enforcement on-street functions:

- enforcement of Civil Parking offences and charge notice progression (appeals)
- resident parking permit administration (income retained by HDC)
- parking bay/restriction suspensions (chargeable – HDC retained) and waivers

Table 2: Agency Agreement summary of functions

	Huntingdonshire District Council	Cambridgeshire County Council
Car Park Enforcement	X	
On-Street Enforcement*	X	
Notice Processing	X	
Parking Permit Administration	X	
Highway Maintenance		X
Suspension of Restrictions	X	
New Permit Schemes (e.g. design)		X
Highway Restrictions (e.g. design)		X

**in accordance with legislation. The Police will still retain enforcement powers for a number of offences.*

5.1.4 Under the terms of the agreement, the Council may choose to hand back responsibility for all functions by serving notice 12 months prior to the end of the agreement. The service will undertake a review during years 3 & 4 of operation, enabling an informed decision to be taken in year 4 of operation as to whether to end or seek extension to the agreement.

5.2 **PROGRESS UPDATE: RESTRICTION MAPPING & REVIEW**

5.2.1 The parking restrictions within the District have been mapped. This mapping has been used to inform a Traffic Regulation Order (TRO) review by Cambridgeshire County Council to ensure that the correct documentation is in place to support the on-site restrictions.

5.2.2 These TRO works provide correct digital maps which will be used by the District Council during the progression of charge notices through the adjudication process.

5.3 **PROGRESS UPDATE: REMEDIAL WORKS**

5.3.1 The Council has awarded contracts for remedial works for signing and lining across the district.

5.3.2 In relation to lining works, works are being progressed with regular submissions to CCC Street works for sign off to undertake. Works have been prioritised to undertake those with less intrusive traffic management requirements whilst plans are finalised and agreed CCC for those requiring more complex traffic management.

5.3.3 In relation to sign works, the majority has been complete as a large proportion of the works were sign plate removal or replacement. There are a few items outstanding where new posts are required.

5.3.4 We are on track for completion of all works prior to CPE commencement allowing time for quality checks to be undertaken.

5.4 PROGRESS UPDATE: DEPARTMENT FOR TRANSPORT APPLICATION

5.4.1 The Huntingdonshire application for Civil Parking Enforcement was submitted to the Department for Transport (DfT) late January by Cambridgeshire County Council. The DfT had a number of initial questions which were addressed by officers of CCC & HDC.

5.4.2 The DfT have since confirmed to CCC officers that they were 'content that this is now a compliant application'. The DfT next steps are to consult with their lawyers and confirm if they need any other amendments to be made.

5.4.3 Recent communication from the DfT to CCC Officers in March 2025 states that 'Your application has begun going through the legal drafting process' and that 'we will be in touch in the next few weeks to run the draft SI [Statutory Instrument] past you to ensure it is fit for purpose.'

5.5 This is considered positive progress, and it is likely that Civil Enforcement will be able to commence in August 2025.

5.6 PROGRESS UPDATE: BACK-OFFICE SYSTEMS

5.6.1 The Council has undertaken a review of the back-office enforcement systems available. The service is in the process of appointing a supplier supported by the Council Procurement Team.

5.6.2 As part of system implementation, the service is working with colleagues in IT and Information Governance. System testing has been allowed for withing the implementation of the system by the service.

6. COMMENTS OF OVERVIEW & SCRUTINY

6.1 This paper will be presented at Overview & Scrutiny on 3rd April 2025. The comments of Overview & Scrutiny will be available to the Cabinet meeting 15th April 2025.

7. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

7.1 To 'Progress delivery of Civil Parking Enforcement across the District to enforce on-street parking activity' is an action within the Councils Corporate Plan.

7.2 The Council is committed to delivery of Civil Parking Enforcement as evidenced by the decision made to enter the Council into the Agency Agreement with Cambridgeshire County Council.

8. LEGAL IMPLICATIONS

8.1 None beyond those set out and discussed at 3.4

9. LIST OF APPENDICES INCLUDED

Appendix 1: Proposed 'The District Of Huntingdonshire Off-Street Parking Places Order 2025'

Appendix 2: Civil Parking Enforcement Policy & Operational Guidance

10. FUTURE REPORTING

10.1 A future report will be brought forward to confirm the prioritisation of enforcement resource within the district, recognising our priorities and aims with enforcement resource available.

11. BACKGROUND PAPERS

11th Jul 2024: Overview and Scrutiny (Environment, Communities & Partnerships)

[Agenda for Overview and Scrutiny Panel \(Environment, Communities and Partnerships\) on Thursday, 11 July 2024, 7:00 pm - Huntingdonshire.gov.uk](https://democracy.huntingdonshire.gov.uk/moderngov/documents/s131929/CPA%20Update%20Report.pdf)

16th Apr 2024: Cabinet - Civil Parking Enforcement Update

[Agenda for Cabinet on Tuesday, 16 April 2024, 7:00 pm - Huntingdonshire.gov.uk](https://democracy.huntingdonshire.gov.uk/moderngov/documents/s131929/CPA%20Update%20Report.pdf)

4th Apr 2024: Overview and Scrutiny (Customers and Partnerships)

[Agenda for Overview and Scrutiny Panel \(Environment, Communities and Partnerships\) on Thursday, 4 April 2024, 7:00 pm - Huntingdonshire.gov.uk](https://democracy.huntingdonshire.gov.uk/moderngov/documents/s131761/5.%20CPE%20Update%20OS%20Report.pdf)

16th Jan 2024: Cabinet - Civil Parking Enforcement Update

<https://democracy.huntingdonshire.gov.uk/moderngov/documents/s131929/CPA%20Update%20Report.pdf>

4th Jan 2024: Overview and Scrutiny (Customers and Partnerships)

<https://democracy.huntingdonshire.gov.uk/moderngov/documents/s131761/5.%20CPE%20Update%20OS%20Report.pdf>

11th Feb 2021: Cabinet - Decriminalised Parking

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

4th Feb 2021: Overview and Scrutiny (Customers and Partnerships)

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

18th Oct 2018: Cabinet - Off Street Parking Strategy

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

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

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

12. **CONTACT OFFICERS**

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