

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Civil Parking Enforcement
Meeting/Date: Cabinet – 17 September 2015
Executive Portfolio: Councillor Robin Howe
Report by: Interim Head of Service (Operations)
Ward(s) affected: All

Executive Summary:

1. The report confirms the outcome of the review work conducted by an independent consultant into the desirability of the Council supporting the County Council to adopt Civil Parking Enforcement (CPE) powers. The outcome is the recommendation not to proceed with CPE until a clearer case is made for such powers and the funding of the necessary highways infrastructure by the County Council is confirmed, as part of the development of a robust traffic management plan for Huntingdonshire.
2. The general conclusions of the consultant are that the creation of a Civil Enforcement Area (CEA) in Huntingdonshire is operationally desirable but will not be financially viable. In order for the for the Council and County Council to adopt the powers required for CPE run by this Council, there would be set up costs of £175,000 with an on-going net operating cost of £35,000 per annum, increasing year on year with inflation.
3. The consultant predicts Parking Officers issuing 25 to 30 PCN's for on-street parking per week but did not confirm the current level of enforcement work undertaken by the Police to evidence a substantive level of on-street parking contraventions.
4. Independently of the consultant efforts have been made to obtain this information for the Police. The information made available by the Police was limited and only for Huntingdon. In 2014 only 204 parking tickets were issued and 133 of these were for general obstruction. Despite a request for clarification the Police did not confirm whether this was in respect to double yellow lines or more general obstruction. Consequently the need for CPE is not proven.
5. In response to the concerns of the Overview and Scrutiny Panel the Parking Service will introduce arrangements for capturing the detail of non-compliance with existing parking orders from the Town and Parish Councils were it was available and to report these back to the Panel.

Recommendation(s):

That the Cabinet:

1. Does not commit to being the County Council's agent for Civil Parking Enforcement in Huntingdonshire because the case for such powers has not yet been made and such powers are not financially viable.
2. Agrees that the Parking Service should engage with the County Council about the development of a comprehensive traffic management strategy for Huntingdonshire that includes funding by the County for the infrastructure costs if the strategy proposes a CEA for the district.

1. PURPOSE

- 1.1 The report confirms the outcome of the review work conducted by an independent consultant into the desirability of the Council supporting the County Council to adopt Civil Parking Enforcement (CPE) powers. The outcome is the recommendation not to proceed with CPE until a clearer case is made for such powers and the funding of the necessary highways infrastructure by the County Council is confirmed.

2. BACKGROUND

- 2.1 RTA Associates Ltd were commissioned by the Council and the County Council to investigate the feasibility of creating a Civil Enforcement Area (CEA) across the whole of the District Council's administrative area and the resulting financial viability of such a step. A CEA is an area in which the parking offences became a civil contravention, using the powers of the Traffic Management Act 2004. Within a CEA, the responsibility for the enforcement of virtually all parking passes from the Police to the Highway and Traffic Authority (the County Council).
- 2.2 The income from the parking control notices (PCN's) issued is retained by the Highway Authority to be used to fund the CEA and any surplus being ring-fenced for highways related matters. The Council's would be involved as the County Council's agent in enforcement of the civil parking enforcement powers.
- 2.3 The CEA must also include the off-street car parks currently enforced by the Council, in order to provide a uniform enforcement capability in all Council parking areas. These off street car parks which are Council owned are currently controlled using an off street parking places order under the Road Traffic Regulation Act 1984 have to be included in any CEA application to the Department for Transport (DfT).
- 2.4 Cambridgeshire Police who have the current responsibility for parking enforcement on street will support an application for a CEA to cover the whole of Huntingdonshire on the basis they wish to see more enforcement on street but have they limited resources at their disposal. The Police have reduced their traffic warden force in recent years and currently there are no traffic wardens enforcing on street parking in Huntingdonshire but there are some PCSO's capable of enforcing when time allows who have delegated traffic management powers.
- 2.5 The application process takes 8 to 12 months and from the date of the Designation Order and from the date of approval the Police cannot enforce the majority of parking related offences; and the Council must be ready to take them on it new responsibilities immediately.
- 2.6 The Government's view is that CPE is a positive contribution to traffic management and the main benefits are stated as follows:
- A coordinated parking enforcement function across both on and off street parking;
 - Improved compliance is stated in permitted parking spaces;
 - Growth in demand for vehicular access to urban centres would be restrained;

- Future resident permit schemes could be underpinned by the parking controls available to a CEA.
- Improved environmental conditions though reduced traffic in urban centres and safer traffic conditions, though less illegal parking and better circulation.
- On street parking enforcement would become locally accountable;
- Police resources can be diverted to other purposes.

However the consultant's report need not empirically evidence any of these benefits in Huntingdonshire. Of the 326 authorities in England, 305 have adopted CPE.

3. ANALYSIS

- 3.1 The general conclusions of the consultant is that the creation of a CEA in Huntingdonshire is operationally desirable but will not be financially viable. In order for the for the Council and County Council to adopt the powers required for CPE run by this Council, would have set up costs of £175,000 with an on-going net operating cost of £35,000 per annum, increasing year on year with inflation. These projections include the current income from this Council's enforcement activities off street and projected additional income form increased use of this Council's off street parking as a result of tighter enforcement of illegal parking on street.
- 3.2 The consultant states that if the set up costs can be written off (£133K for the County Council) then over 3 to 5 years the CPE service could be self-financing generating a small surplus of circa £6K per annum. However this is dependent on driver reactions (increased use of car parks) and close management of enforcement activities.
- 3.3 The consultant predicts Parking Officers issuing 25 to 30 PCN's for on-street parking per week but did not confirm the current level of enforcement work undertaken by the Police to evidence a substantive on-street parking contraventions.
- 3.4 Consequently, independently of the consultant efforts have been made to obtain this information for the Police. The information made available by the Police was limited and only for Huntingdon. In 2014 only 204 parking tickets were issued and 133 of these were for general obstruction. Despite a request for clarification the Police did not confirm whether this was in respect to double yellow lines or more general obstruction.
- 3.5 Consequently, it is proposed that the Council should not commit to a CEA for the following reasons:
- a) There is no evidence provided by the Police of substantive parking infringements on street in Huntingdon, St Ives and St Neots that merit a Civil Parking Enforcement service that requires an annual revenue subsidy of circa £35,000 per annum.
 - b) There is no traffic management strategy developed by the County Council for Huntingdonshire that proposes a CEA as part of an integrated approach for traffic management (Inc. capital works for improving traffic flow and capacity) to respond to evidenced need to address illegal parking on street; traffic congestion resulting from increased access pressures to the urban centres; and increasing pollution levels.

- c) There is no commitment from the County Council confirmed by the consultant to fund the necessary infrastructure works (£130,000) on the highway required for a CEA that would enable a CEA to breakeven after 3 to 5 years.
- d) There is not a pressing need to extend resident parking schemes in Huntingdonshire and should this emerge in future years the decision to commit to a CEA can be revisited.
- e) The Council is not receiving calls to the Parking Service from residents or businesses demanding increased parking enforcement in the urban centres and for greater locally accountable through to the Council.
- f) The Police have deprioritised on street parking enforcement because of the pressure on their resources and this would suggest that they have evaluated that illegal street parking is not a substantial issues even if it is desirable to increase resources for activities if delivered by the Council. No resources would transfer from the Police to the Council to support the CEA.

3.6 It is also proposed that the Council should engage with the County Council about the development of a comprehensive traffic management strategy for Huntingdonshire that includes funding by the County for the infrastructure costs if the strategy includes for a CEA for the district.

4. COMMENTS OF OVERVIEW & SCRUTINY PANEL

4.1 The Overview and Scrutiny Panel resolved to support the recommendations following discussions around the levels of non-compliance with existing traffic orders. In response to the concern of some Councillors about the lack of data regarding current levels of non-compliance with traffic orders the Portfolio Holder confirmed the Parking Service would introduce arrangements for capturing such detail from the Town and Parish Councils were it was available and to report these back to the Panel.

5. KEY IMPACTS/RISKS & HOW WILL THEY BE ADDRESSED

5.1 The case for CPE powers has not been evidenced in respect to substantial illegal parking, traffic congestion (caused by increased numbers of people accessing the three major towns) and increasing pollution levels in Huntingdon, St Ives and St Neots. However these environmental factors need to be actively monitored by the County Council for the highway/traffic issues and this Council in respect to the air pollution. If there is an increase in these environmental factors then a decision to adopt CPE powers can be revisited as part of a holistic traffic management response that is strategy driven.

6. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

6.1 The further engagement proposed with the County Council will take place over the coming months to agree if there is a desire to develop a more holistic traffic management strategy for Huntingdonshire.

6.2 Parking Service will also introduce arrangements for capturing detail of non-compliance with existing traffic orders from the Town and Parish Councils

were it was available and to report these back to the Panel over the coming months.

7. LINK TO THE CORPORATE PLAN

- 7.1 The Council's approach to parking enforcement has to both support the corporate objectives of 'A Strong Local Economy' (accelerating business growth and investment) with 'Establishing Sustainable Growth' (enhancement of our built and green environment). This requires a balance to be achieved and without evidence to confirm illegal parking and traffic congestion are increasing in the three towns the proposed deferment of adopting CPE powers is proposed as the correct balance at this point in time.

8. CONSULTATION

- 8.1 Not applicable before consideration by the Cabinet and then Overview and Scrutiny.

9. LEGAL IMPLICATIONS

- 9.1 The application process to create a CEA would take 8 to 12 months and would require the support of the Police. After the establishment of a CEA the Council would have to participate in an independent appeals mechanism, known as the Adjudication Service. The Council would need to apply to join this service. This service functions as a Section 101 Committee, so it will require elected Members to formally represent the Council at the very infrequent meetings of the Committees that are held annually. The costs of joining this service have been included in the financial projections that highlight a £35,000 on going subsidy required to support the adoption of CPE powers.

10. RESOURCE IMPLICATIONS

- 10.1 Adoption of Civil Parking Enforcement powers by the County Council with this Council acting as the agent for the enforcement of these powers would require annual subsidy of £35,000 per annum. The case for such powers has not been evidenced therefore without the County Council funding separately the highway infrastructure required for a CEA then such a scheme is not financially viable.
- 10.2 This financial projection also includes the current income from this Council's enforcement activities in respect off street parking (£150,000 per annum) and the projected additional income form increased use of this Council's car parks as a result of tighter enforcement of illegal parking on street being incorporated into the new CPE service. This would constitute a net loss of income to the Council of £150,000 per annum and the projected additional income (£42,000) from increased parking projected on the Council's car parks.

11. OTHER IMPLICATIONS

- 11.1 If the enforcement service for a CEA is delivered in-house by this Council it will require an upgraded IT system for processing of parking tickets and for the administration of Parking Control Notices.
- 11.2 The consultant states that CPE powers can improve environmental conditions, e.g. reducing pollution, traffic flows etc. but such potential benefits in Huntingdonshire have not been evidenced.

12 REASONS FOR THE RECOMMENDED DECISIONS

- 12.1 The consultant's report did not reach a definitive conclusion on whether this Council should support the County Council in adopting CPE powers and then act as the County Council's agent in the delivery of the powers. Consequently the report is necessary for this Council to clearly decide its' position and then to work with the County Council on the development of future traffic management plans for Huntingdonshire.

13. LIST OF APPENDICES INCLUDED

- 13.1 None

BACKGROUND PAPERS

None

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