

Cabinet



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Civil Parking Enforcement	
Report No:	CAB/SE/17/016	
Report to and date/s:	Cabinet	7 February 2017
	Council	21 February 2017
Portfolio holder:	Peter Stevens Portfolio Holder for Operations Tel: 07775 877000 Email: peter.stevens@stedsbc.gov.uk	
Lead officers:	Mark Walsh Assistant Director (Operations) Tel: 01284 757300 Email: mark.walsh@westsuffolk.gov.uk	Darren Dixon Car Parks Manager Tel: 01284 757413 Email: darren.dixon@westsuffolk.gov.uk
Purpose of report:	To receive a proposal for the transfer of Civil Parking Enforcement to West Suffolk authorities, and agree formal decision making process.	
Recommendations:	<p>Subject to the approval of Council, Cabinet is <u>RECOMMENDED</u> to:</p> <ol style="list-style-type: none"> (1) note the contents of this report and the estimated financial impact of introducing Civil Parking Enforcement (CPE) shown at Exempt Appendix A to Report No: CAB/SE/17/016; (2) support Suffolk County Council in seeking the transfer of Civil Parking Enforcement to St Edmundsbury Borough Council; (3) enter into an Agency Agreement with Suffolk County Council for the period 2019-2029 to undertake delegated Civil Parking Enforcement powers across the Borough; <p style="text-align: right;"><i>Continued over....</i></p>	

	<p>(4) contribute £10,000 towards the countywide set up costs for Civil Parking Enforcement;</p> <p>(5) agree that St Edmundsbury Borough Council will meet the cost of operating Civil Parking Enforcement delivered by a West Suffolk service, subject to (i) the retention of all on-street parking and neighbourhood parking receipts; (ii) a Service Level Agreement with Suffolk County Council on the processing of new requests for Traffic Regulation Order (TRO) restrictions and the maintenance of lines and signs; and (iii) assume delegated responsibility for on street pay and display tariff setting and the provision of on-street parking bays (subject to a Highway Authority pre-defined assessment);</p> <p>(6) provide CPE enforcement in parts of Babergh and Mid Suffolk and a separate agreement with the individual District Councils to enforce their off street car parks, on a full cost recovery basis; and</p> <p>(7) approve delegated authority to the Assistant Director (Operations), in consultation with the Portfolio Holder for Operations, to sign-off the final agreements relating to the introduction of Civil Parking Enforcement.</p>
<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p> <p>As it is a decision of full Council and not Cabinet.</p>
<p>Consultation:</p>	<ul style="list-style-type: none"> • N/A
<p>Alternative option(s):</p>	<ul style="list-style-type: none"> • Civil Parking enforcement powers to be retained by Suffolk Police • Civil Parking Enforcement contracted to another authority/private sector by Suffolk County Council (SCC)
<p>Implications:</p>	
<p><i>Are there any financial implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • Significant annual financial expenditure and a reliance on income receipts to mitigate operating deficit.

<i>Are there any staffing implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> Staffing restructure will be required to accommodate expanded team. Existing staff will require training in new roles 	
<i>Are there any ICT implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See Section 2 of the report. 	
<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> Enforcement undertaken under Road Traffic Act 1984. 	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
The Council decides not to enter into CPE agreement with SCC	Medium	Both Authorities agree terms as define in this report	Low
Transfer of CPE not approved by Secretary of State	Medium	Robust business cases Consent from all strategic county bodies	Low
Risk of Penalty Charge Notice (PCN) shortfalls	Medium	Conservative estimates have factored the number of PCN issued/income assumptions based on experience elsewhere and levels of existing enforcement in West Suffolk.	Low
Financial deficit on CPE account	High	Deficit can be mitigated by the retention of on-street parking income and tariff setting powers transferred from SCC. A Service Level Agreement (SLA) with SCC providing financial safeguards for the delay to maintenance/repair of lines and signs resulting in loss of income.	Low
Safety implications for lone working of Civil Enforcement Officer	Medium	Radios, body worn video devices and staff training budgeted for in business case.	Low
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		Exempt Appendix A – Estimated financial impact for implementing Civil Parking Enforcement in SEBC	

1. Key issues and reasons for recommendation(s)

1. Background

- 1.1 Civil Parking Enforcement (CPE) is where local authorities take over responsibility for 'on-street' parking restrictions from the police. Of the 327 District Councils in England, just 25 are not designated as Civil Enforcement Areas (CEAs). Suffolk hosts 6 of those 25 where parking violations are still enforced by the police.
- 1.2 Suffolk Constabulary is not permitted to retain any income from parking enforcement with all monies being sent to the Treasury. Given competing higher priorities and reduced resources, the current level of parking enforcement in Suffolk is seriously limited. Therefore, there is an emerging collective desire to move the responsibility for the enforcement of on-street parking restrictions in Suffolk from the Police to Local Authorities. This was recently endorsed by the Suffolk Public Sector Leaders Group (SPSLG) in seeking to ensure there is a basic level of enforcement in the county. It is viewed that CPE has the benefit a common enforcement service for both on and off street parking for the convenience and ease of understanding for the motorist as well as a more efficient operation.
- 1.3 In two-tier authority areas such as Suffolk, subject to the consent of the Secretary of State for Transport, CPE can only be transferred to the County Council who may operate it directly or by delegation under an agency agreement with District and Borough Councils. Suffolk County Council (SCC) has already delegated CPE powers to Ipswich Borough Council for many years and a similar form of delegation is preferred across Suffolk with three separate operational teams patrolling the county - West Suffolk (St Edmundsbury and Forest Heath), East Suffolk and Ipswich. The Mid Suffolk and Babergh authorities have declined to undertake the management of CPE themselves and the enforcement of these districts will be shared across the three operational teams. Babergh and Mid Suffolk Councils have also approached West Suffolk to manage some its off street car parks, including Sudbury and Stowmarket, on a full cost recovery basis.
- 1.4 The proposed powers delegated to this Council would include the enforcement of double yellow lines, loading bays, taxi ranks, school keep clear areas and bus stops. The frequency of patrols is a significant factor and the deployment plan will be consistent with guidelines set out under the Traffic Management Act 2004 on which the Secretary of State for Transport will consider granting approval for CPE in the county.

2. Financial Implications

- 2.1 There are financial implications resulting from CPE. The set up costs for implementing the scheme across the county will be in the region of £1.13m which includes the cost of equipment and software requirements along with the associated costs of submitting the CPE application to the Department of Transport. The set up costs of £1.13m

will be shared with £10,000 met by the six district and borough councils (excluding Ipswich Borough Council where CPE already exists), £190,000 from the police and the remaining £880,000 met by the Council. The County Council will also fund the review of all lines, signs and the accompanying traffic regulation orders at a likely cost of £250,000.

- 2.2 The revenue implications for this Council are important. Minded that in having the CPE powers delegated to the Borough Council, we also assume the financial risk of the scheme. Therefore, external consultants, Mouchel, were appointed to support all Suffolk authorities in the business planning process for the project with the aim of providing realistic cost and income assumptions.
- 2.3 The level of expenditure is dependent on the level of enforcement required which will determine the number of staff and vehicles that are needed. It is assumed that two Team Leaders and 14 Civil Enforcement Officers are employed in SEBC in addition to a patrol manager, radio controller and staff processing Penalty Charge Notices. This is a prudent forecast as overprovision would lead to an inefficient parking operation. Economies of scale savings may result from procurement and, subject to a separate business case, consideration will also be given to a central Suffolk back of house system for the processing of fines. It is estimated that the annual cost of operating the scheme will be around £700,000 for St Edmundsbury Borough Council (SEBC).
- 2.4 Under their guidance for CPE applications, the Department of Transport advise that schemes should be self-financing as soon as practicable and off street car park income is not required to underwrite the costs (with exception of Penalty Charge Notices). Therefore, the financial model for CPE is reliant on limited revenue opportunities, generated from unpredictable and as yet unknown levels of Penalty Charge Notices (PCN's). Fine income is difficult to predict but having taken external advice and made comparisons with other authorities, it is estimated that average annual income from PCN's will be £320,000 in SEBC and thereby an annual operating CPE deficit of £380,000 in SEBC (the combined deficit in West Suffolk including Forest Heath District Council (FHDC) will be in the region of £540,000).
- 2.5 CPE is unlikely to reach a cost neutral position based on the projected costs and estimated income from the issue of parking fines. On-street income in other civil enforcement areas has been accepted as the preferred mechanism to ensure the viability of the service and ensures no long term financial dependency from other Council funding streams.
- 2.6 Currently on-street pay and display parking is provided in Bury St Edmunds. This is managed and enforced on a cost neutral basis by SEBC and all surplus income is returned to the SCC On-Street Parking Account (OSPA) to reinvest into projects that support the SCC Transport Plan across the county. In 2015/16 on-street income raised from pay and display and resident parking in the town amounted to over £830,000, of which over £600,000 was returned to SCC.

- 2.7 Recognising the level of deficit in SEBC and subject to final agreement, SCC will allow all income generated on street, including Angel Hill, to be retained by the Borough Council (an update on this will be provided at the meeting). This will be subject to SEBC funding the estimated £80,000 cost of on-street enforcement in parts of Babergh and Mid Suffolk supplemented by PCN income. In addition, SCC will allow SEBC to determine tariff charges on street and to take control over the provision of on-street pay and display parking, including the provision of new and extending existing bays (subject to consultation with the Highway Authority). The County Council would retain primacy over actual location of such parking against agreed criteria which will be developed. Such criteria would be for instance if the Council as Highway Authority considers that road safety or traffic management would be adversely affected or if there would be adverse consequential impacts on other parts of the highway network.
- 2.8 Exempt Appendix A sets out the overall budgetary position for SEBC. This has identified in-house efficiencies and economy of scale savings, including the displacement of vehicles who park illegally on-street to off-street parks and the impact of retaining all on-street income. It is projected that the CPE account will be self-financing with the added contingency of opportunities to introduce further on-street pay and display bays in Bury St Edmunds and new bays in Haverhill.
- 2.9 The financial risk to SEBC can be further mitigated by a robust Service Level Agreement (SLA) with the County Council which would set clear timescales for maintenance and repair of the signs and lines on the highway to be compliant with the Traffic Regulation Order. A delay would result in potential lost income from enforcement and therefore the agreement would seek financial penalties if the redial works are not dealt within a reasonable period of time. It is anticipated that the SLA would also include defined timescales for amendments to Traffic Regulation Orders that relate to parking restrictions and neighbourhood parking schemes.

3. **Programme Management**

- 3.1 Formal agreement by all authorities in Suffolk to endorse the transfer of CPE powers from the Police is needed by the end of February 2017. Each authority will need to approve its individual business case and accept financial risk for their own CPE operation. This endorsement is required for the application to the Secretary of State for Transport. It is anticipated the formal application will be made later in the year with the CPE becoming fully operational by April 2019.
- 3.2 The delegation of CPE operations in SEBC will be underpinned by an agreed Memorandum of Understanding with the Police and an Agency Agreement with SCC for the period 2019-2029. The latter will detail the terms of the CPE delegation from SCC and include how the scheme is managed and financed, the details for which are set out in the estimated financial impact for implementing Civil Parking Enforcement at Exempt Appendix A to this report. Delegated authority is required for the Assistant Director (Operations), in consultation with the Portfolio Holder for Operations, to sign off the final agreements.