

Report to	-	Overview and Scrutiny Committee
Date	-	24 July 2017
Report of the	-	Executive Director of Business Operations
Subject	-	Civil Parking Enforcement

Recommendation: It be **RESOLVED:** That:

- 1) Cabinet be requested to endorse the work and investigations undertaken thus far by the Overview and Scrutiny Committee with regard to the introduction of Civil Parking Enforcement within the Rother District, give consideration to the contents of the draft Business Case presented by East Sussex County Council and make any observations to the Task and Finish Group; and
 - 2) A Task and Finish Group be established comprising eight Members, to be appointed in accordance with political balance requirements and the Terms of Reference as set out at Appendix B to be approved.
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Introduction

1. Minute OSC16/31 resolved that officers work with East Sussex County Council (ESCC) to produce a draft business case to show the implications of introducing Civil Parking Enforcement (CPE) in Rother.
2. Minute OSC16/49 requested that Members complete maps within their Wards identifying issues of parking in their area to help inform the business case being developed by ESCC for the decriminalisation of on-street parking enforcement. This was supported by Rother officers providing similar observations, supplemented by ESCC knowledge of parking issues in the district.
3. Since November 2015, the Overview and Scrutiny Committee (OSC) has received presentations, advice and views from the following to inform the Committee on CPE:
 - East Sussex County Council
 - Hastings Borough Council
 - Sussex Police
 - Tunbridge Wells Borough Council
 - Wealden District Council
4. Following the above work, this report provides Members with a draft business case for consideration (Appendix A).
5. Due to the complexity of the subject, it is recommended that a Task and Finish Group be established to consider this in more detail. Attached at Appendix B are draft Terms of Reference for approval. The Task and Finish Group will focus on four key objectives:

- (a) Review the ESCC business case on CPE.
 - (b) Review the options and key requirements and costs of each option available for CPE implementation.
 - (c) Assess the impact of CPE and charging structure on Rother's off-street parking regime (with consideration of including off-street parking in the CPE order).
 - (d) Gauge the appetite of local residents and businesses for CPE.
6. To complete the work it is recommended the Task and Finish Group may need to meet on a number of occasions to report back to October's OSC. ESCC officers will be required at these meetings to offer advice and guidance.

Dr Anthony Leonard
Executive Director of Business Operations

Risk Assessment Statement

There are a number of risks attached to this report.

If there is no progress with CPE the public may become frustrated by the lack of enforcement. The Police have officially stated they will not enforce parking infringements but will only enforce dangerous parking.

If on the other hand CPE is progressed and charging is introduced then there may be some opposition by residents and businesses.

To minimise the risks good communication will be essential.

Business Case for Civil Parking Enforcement in Rother District

1. Background

- 1.1. Following concerns raised by the public with members about the lack of parking enforcement by Sussex Police in the Rother district area, the RDC Overview and Scrutiny Committee invited East Sussex County Council (ESCC) to their committee in November 2015 to give an overview of the parking problems in Rother and what Civil Parking Enforcement (CPE) might entail.
- 1.2. In July 2016, Sussex Police explained to the Scrutiny Committee that parking enforcement was not a priority for them and that they would only issue parking tickets for dangerous parking infringements. At this meeting both Hastings and Tunbridge Wells Borough Councils gave their views on the benefits of CPE. In the discussions at this meeting concerns were expressed about the perceived negative aspects of doing nothing balanced against that of introducing CPE. It was also presented by those attending the meeting that CPE could provide essential benefits across the district.
- 1.3. Following a series of meetings with members and officers the RDC Overview and Scrutiny Committee requested that ESCC, through partnership working with RDC, produce a business case to show the implications of introducing CPE across Rother and an update report to be made to the Overview and Scrutiny Committee.
- 1.4. ESCC officers have been working to develop a business case. This has involved Councillors and RDC officers providing information to help support the development of the business case. The actions to date have included:
 - an initial review of the main parking concerns across the District;
 - an outline of the scope of work required for a Civil Parking application to the DfT;
 - outline proposals to manage on-street CPE;
 - estimated set up and annual running costs;
 - options for charging and/or enforcement to offset or underwrite these costs;
 - an initial draft outline or a suggested CPE scheme for Rother district; and
 - a timeline for the implementation of a CPE scheme (if supported).

2. Initial Review of the Main Parking Concerns

2.1. Review of existing parking restrictions:

ESCC Officers have undertaken a survey of parking restrictions throughout the district. These have been digitalised onto the ESCC's ParkMap system, which is a required undertaking should we progress to map based Traffic Regulation Orders (TRO's). (Page 1 of Appendix 1 indicates where there are parking restrictions throughout the District and pages 2 to 6 provide a greater illustration of the build-up of parking restrictions within each Town and Village.)

2.2. Summary of concerns presented:

Information from Members and officers has been collated and catalogued. Page 7 of Appendix 1 provides an example of the information recorded following the requests received.

Appendix 1 pages 8 through to 16 provides detail on the existing parking zones, the type of request that's been raised in relation to the maps along with the suggested amendments to be made to the permit areas.

Requests for new parking restrictions or for an amendment to an existing restriction would need to be evaluated further and then consulted on should they be considered to be necessary for a future parking scheme.

A large number of the concerns that have been raised are generally about a lack of enforcement on the existing restrictions throughout the District. If CPE were adopted the majority of these issues should be managed effectively within a relatively short period of time, following regular and consistent enforcement.

3. Civil Parking Enforcement Application

The application by ESCC to the Department for Transport (DfT) for CPE powers will be a lengthy process, given the projected timescales for the application itself and the preliminary work which must be done ahead of the application. Once a decision has been made to proceed with the application it will take between 18 and 24 months to introduce CPE.

It is suggested that an application for CPE should be based on the current restrictions with any essential amendments to allow for the introduction of the CPE scheme such as additional permit zones or paid-for parking. Reviews of ESCC's existing parking schemes in Eastbourne, Hastings and Lewes are undertaken every 16 months to ensure all restrictions are fit for purpose and suggested amendments proposed for consultation where required.

The application to the DfT for CPE would need to confirm that all of the existing parking restrictions along with their associated TRO's had been checked and confirmed. This would require an inspection of the parking signs and lines within the district and repair work undertaken where required. A consolidation / amendment order would need to then be prepared and consulted on.

The DfT would require confirmation that the application was supported by the District Council and other key stakeholders and the application submitted six months prior to the order being made.

4. Civil Parking Enforcement

- 4.1. The introduction of CPE will allow a consistent approach to the enforcement of parking restrictions and assist with the reduction of congestion. CPE requires the County Council to take full responsibility for the management of on-street parking restrictions on a district-wide basis. This commitment is on-going as there is no option to hand it back to the police or revert from CPE once parking enforcement has been decriminalised. Although it is possible for ESCC to delegate authority to RDC to manage a CPE scheme, ESCC consider that it is most efficient and cost effective to manage the on-street

parking enforcement in East Sussex as one operation rather than having a number of agency operations.

This allows for a single cost effective parking enforcement contract, a single back-office team dealing with PCNs and appeals as well as a common approach to customer service and debt management. This arrangement has been demonstrated with the three large schemes currently managed by ESCC for the past several years and it continues to adapt to new requirements as stipulated under legislation.

The ESCC back-office team are responsible for all parking related correspondence and are able to provide up to date accounts for each scheme under its management. ESCC encourage the formation of a Parking Board for each area where it manages CPE to enable Officers and Councillors to promote a strategic view on the administration of the scheme.

In recent years ESCC have been presented with numerous parking issues that are affecting residents and businesses within Rother district. If CPE were introduced ESCC could deal effectively with those problems created by commuter parking at stations, uncontrolled parking in town centres and dangerous parking. These issues are currently dealt with successfully on a daily basis within the Eastbourne, Hastings and Lewes CPE areas. Our aim is to see a consistent parking policy applied across the county, rather than having these benefits only available to a proportion of our residents, businesses and visitors.

The effective control of parking helps address local parking problems and helps achieve some of the broader transport objectives as set out in our Local Transport Plan (LTP). This includes improving road safety, achieving better flows of traffic through town centres and improving the economic viability of areas through the efficient management and use of parking spaces.

CPE gives local authorities greater control in reducing inconsiderate parking. This helps with the following:

- ease congestion caused by inconsiderate parking;
- improve road safety;
- provide parking for specific users such as residents, businesses and blue badge holders;
- increase the turnover of parking spaces making it easier for visitors and shoppers to park; and
- provide facilities for loading and unloading.

4.2. It is important to note that the introduction of CPE will rely on effective and consistent enforcement. To leave parking restrictions for long periods of time without inspection could be deemed as lulling motorists into a false sense of security encouraging them to contravene.

4.3 It should be noted that free time-limited parking is time consuming to patrol and enforce and produces no income to self-finance the required management. In the absence of a pay and display ticket, enforcement officers are required to log full details of each vehicle that is seen to be parked, this includes the exact location along with the tyre valve positions on both the front and rear wheels. The same CEO must then re-inspect the vehicles within the no return period. This requires a greater number of staff

and hence a higher cost to manage. The purchase and display of pay and display tickets provides evidence of the time the vehicle has been parked and therefore makes enforcement simpler, requiring fewer enforcement staff.

It is unlikely that the cost of enforcement can be covered by the income from penalty charges alone, and that without income from on-street charging (pay and display), CPE is unlikely to be viable.

4.4 Suggested Options for Parking Enforcement:

4.4.1 Do nothing

Sussex Police have explained to the Committee that parking enforcement is not a priority for them and that they would only issue parking tickets for dangerous parking infringements. MP's and Councillors are often challenged on parking matters on the highway. It is well known that there is little or no enforcement by Sussex Police, and therefore a good deal of abuse of parking restrictions occurs on a daily basis. Increasingly ESCC is being asked to deal with numerous parking issues that are affecting residents and businesses across the district, but are currently powerless to take action. It is recommended that doing nothing is not a preferred option.

4.4.2 Adopt CPE without on-street charging (pay and display) but with a greater provision of resident parking in Bexhill and Rye.

With this option, it is suggested that there are only minimal changes to the existing parking restrictions which will then be monitored and enforced by Civil Enforcement Officers. The introduction of regular parking enforcement will see a significant level of parking displacement into areas that are currently unrestricted. The existing permit zones do not have sufficient parking provisions for the area that is eligible to apply for a permit. To limit the impact it is suggested that the existing permit area would need to be increased and new zones developed to assist in protecting residents from commuter and visitor parking. (Suggested new parking zones are shown on Page 12 of Appendix 1).

However, experience shows that this option would not generate sufficient income to support the scheme. Income would only be received from the sale of permits and the issue of Penalty Charge Notices. Free time limited parking bays require a much greater level of resource to manage and enforce them effectively. Essentially short stay parking is provided where a turnover of vehicles is required to positively promote local trade. The District has a number of parking areas restricted by time limited parking. These along with parking restrictions throughout Rother would require regular enforcement.

SET UP COSTS	
Project Manager £134,680 (12 months) 50% split with Wealden (in the event that WDC elect to proceed with CPE)	£67,340
Officer from Rother on the project team	No cost to ESCC
Traffic Regulation Order (TRO) review 1 x SP 22 £23,842 plus 26% = £30,040	£30,040
TRO review	£15,020

1 x SP 22 £23,842 plus 26% = £30,040 with 50% split with Wealden	
ICT Costs	£10,000
Consultations, surveys and surgeries	£40,000
Signs and road markings	£40,000
Legal costs	Internal
Advertisements	£20,000
Set Up Costs	£222,400

RUNNING COSTS	YEARLY	DETAILS
Operational expenditure (non-enforcement)	£70,000	Lines & Signs, Traffic Enforcement Centre (TEC), Patrol, Maintenance contract
Contractor Enforcement	£391,245	12 Civil Enforcement Officers (CEO's) 2 Supervisors and 2 Senior CEO's 3 vehicles
Contractor Admin	£27,000	1 admin staff (based in ESCC library)
ESCC staff with £1,000 each of ICT costs	£108,000	3 (FTE) notice processing, TRO, admin & % of lead officers time as is paid by the other schemes (£15k)
Parking stationery	£40,000	PCNs, carriers and Pay & Display tickets
Virtual resident permits (1,287)	£2,697	
Visitor, trade, hotel and healthcare permits (2,400)	£480	
Headline Running Costs	£639,422	

Income from Permits and PCN's

APPROXIMATE INCOME FROM ADDITIONAL SCHEMES		
Permit Income	£34,580	Annual permits plus scratch cards
PCN income	£71,500	Estimate (2,500 PCN's issued with average collection rates)
Potential Annual Income	£106,080	

Year 1 total set up and running costs	£861,822
Year 2 onwards running costs	£639,422
Projected operational surplus/(Cost)	(£533,342)

The scheme would have an estimated on-going annual running cost of £640,000. Income is suggested to be in the region of £106,000 leaving an annual operational shortfall of £533k. The scheme would therefore not be viable. Added to this sum is the set up costs which are an additional £222,000 that would need to be funded up front or paid back from parking income.

4.4.3 Adopt CPE with a view to introducing on-street charging (pay and display) in strategic locations within Battle, Bexhill, Burwash, Etchingham, Robertsbridge and Rye

The main difference with this option based on experience, is that on-street charging in the form of pay and display parking would be required where time limited parking

currently operates to improve the efficient management of Parking in those areas. It is, therefore, suggested that some limited pay and display parking is provided in the towns of Battle, Bexhill, Burwash, Etchingham, Robertsbridge and Rye where the majority of the existing time limited parking is currently in place.

It is suggested that the seafront in Bexhill would need pay and display parking. In-line with the previous option there would need to be a larger area of permit parking within Bexhill to protect the residents from displaced vehicles that are looking to avoid paid-for parking. It should be noted that, on those streets near car parks, the on-street charges should be set slightly higher than any adjacent car parks to ensure the preference of parking off-street is more desirable.

To minimise the financial impact to residents and visitors to the area, it is suggested that the on-street parking charges are set at a relatively low level.

Pay and display would be easier and more efficient to enforce than free time-limited parking as the pay and display ticket would clearly show time of arrival and maximum duration of stay. Schemes that operate pay and display parking will use fewer resources to undertake compliance checks as there is no need to record and observe vehicles for the period of permitted parking.

A parking scheme with this set up has a larger up front cost given the need to purchase pay and display machines but requires fewer CEO's to manage the scheme on a day to day basis.

RUNNING COSTS	YEARLY	DETAILS
Operational expenditure (non-enforcement)	£70,000	Lines & Signs, TEC, Patrol, Maintenance contract
Contractor Enforcement	£221,857	6 Civil Enforcement Officers (CEO's) 1 Supervisor and 1 Senior 3 vehicles
Contractor Admin	£27,000	1 admin staff (based in ESCC library)
ESCC staff with £1,000 each of ICT costs	£108,000	3 (FTE) notice processing, TRO, admin & % of lead officers time as is paid by the other schemes (£15k)
Parking stationery	£40,000	PCNs, carriers and Pay & Display tickets
Virtual resident permits (1,287)	£2,697	
Visitor, trade, hotel and healthcare permits (2,400)	£480	
Maintenance of P&D machines	£52,584	Maintenance (Inc. parts)
Cash collection	£75,000	Cash collection
Headline Running Costs	£597,618	

Income from P&D, Permits and PCN's

APPROXIMATE INCOME FROM ADDITIONAL SCHEMES		
Permit Income	£34,580	Annual permits plus scratch cards
PCN income	£71,500	Estimate (2,500 PCN's issued with average collection rates)
P&D	£620,192	
Potential Annual Income	£726,272	

Year 1 total set up and running costs	£1,155,346
Year 2 onwards running costs	£597,618
Projected operational surplus	£128,654

Based on experience of parking schemes elsewhere, annual running costs are considered to be in the region of £597,000. Income from the scheme is likely to be in the region of £726,000 generating a potential operating surplus of £128,000.

Setup costs are the same as the first table but will need to include the provision of pay and display machines estimated to be £335,000, giving a total set up cost of £557,000. Based upon the estimates above the scheme would be in surplus in year five.

Any surplus income from parking schemes is strictly governed under legislation and must be spent on transport related items in the county. Elsewhere in the County this surplus income has been used to provide schemes to improve traffic flow and road safety, along with the provision for passenger real time information across the bus network.

An application for CPE can be presented for just the on-street areas throughout the district but there is also an option to apply for both the on-street and off-street parking areas. There should be significant efficiency gains in having a unified civil parking enforcement operation. This could be explored further during the gathering of information for CPE.

5. Conclusion

The application to the DfT for CPE powers is essentially a legal process and it is important that a clear and full understanding of the requirements is achieved prior to decision making. CPE is a means by which an authority may deliver wider transport and social objectives but should not be treated in isolation or as a means to income generation. The impact of CPE on the local and wider economy, on the street scene and on public safety will be very important to understand and evaluate ahead of any change to parking policy.

The findings from this business case support that effective parking enforcement cannot be afforded without some form of on-street parking charges. The business case presented in this report demonstrates that not only are enforcement costs significantly higher without being able to rely on pay and display tickets, but insufficient revenues would be received from the sale of permits and the issue of penalty charge notices to cover the set-up costs and annual operating costs. To cover the set-up costs and annual operating costs some element of on-street charging would be required.

If a decision is made to make an application for CPE, it will take in the order of 18 – 24 months to implement the scheme.

Report by:
Karl Taylor, Assistant Director – Operations (ESCC)

CIVIL PARKING ENFORCEMENT TASK AND FINISH GROUP

Terms of Reference

- Aims and Origin**
- To review with East Sussex County Council (ESCC) the business case presented to the Overview and Scrutiny Committee (OSC) and establish whether the implementation of a Civil Parking Enforcement (CPE) scheme in Rother, as set out in the business case, would alleviate parking issues, ease congestion and improve road safety in the district.

Dealing with on-street parking infringements is currently the responsibility of Sussex Police. At present civil parking enforcement has not been adopted in the Rother District. Control of on street parking is a statutory power conferred by legislation and intended to assist in delivering safe and efficient traffic management. CPE is governed by Part 6 of the Traffic Management Act, 2004. ESCC are the regulatory body and Sussex Police are the enforcing body and although Rother District Council (RDC) is not an enforcement authority, it can, under this Act, request through ESCC to introduce CPE, if required. We have no power to direct, only to ask ESCC to consider CPE.

As a result of increasing concerns over parking issues, road safety and congestion due to the reduced enforcement by the Police within the district, ESCC has been working to produce a business case to assess the viability of introducing CPE for the Rother District. The business case covers; a review of the main parking concerns, outline the scope of the work required for a civil parking application, outline proposals to manage CPE, consider the impact of RDC off-street car parks, estimate costs of set up and running CPE, provide levels of charging and/or enforcement that would be required to offset or underwrite these costs, provide an initial draft or a proposed CPE scheme for Rother, and an implementation timeline.

- Scope**
- a) Review the ESCC business case for CPE.
 - b) Review the options and key requirements and costs of each option available for CPE.
 - c) Assess the impact of CPE and charging structure on RDC's off-street parking regime (with consideration of including off-street parking in the CPE order).
 - d) Gauge the appetite of local residents and businesses for CPE.

- Desired Outcome**
- An evidence based list of options available to the

Council, analysis of the cost and requirements and whether CPE implementation would be supported by businesses and residents resulting in the desired outcomes including easing congestion, improving road safety, improving the local environment, improving the quality and accessibility of public transport, managing parking.

Timescale

- Preliminary meeting and review –
- Evidence gathering and interviews –
- Report back to OSC – October 2017

Membership

- Eight (six Conservative, one AOI and one LD)

Officer Lead

- Dr A. Leonard

Quorum

- Three