

Report to	-	Overview and Scrutiny Committee
Date	-	19 March 2018
Report of the	-	Executive Director of Business Operations
Subject	-	Civil Parking Enforcement: Recommendations of the Civil Parking Enforcement Task and Finish Group

Recommendation: It be **RESOLVED:** That the findings of the Civil Parking Enforcement Task and Finish Group be considered and the following recommendations be made to Cabinet and full Council:

- 1) that Rother District Council write to East Sussex County Council to support an application to be submitted to the Department for Transport for Civil Parking Enforcement to be adopted;
 - 2) in applying for Civil Parking Enforcement, East Sussex County Council attempt to recover shared costs with Wealden District Council who are no longer progressing to assist in keeping costs down;
 - 3) the current charging structure and tariffs in Rother District Council's off-street car parks remain unchanged until the Civil Parking Enforcement decision is taken;
 - 4) the Council's off-street parking provision remain under the current management framework of The District of Rother Parking Places Order 1983;
 - 5) when the Council's Planning Core Strategy is reviewed, Electric Vehicle Charging Points be considered in planning policy, and subject to government advice received, as well as technological and industry advances;
 - 6) the indicative timetable for Civil Parking Enforcement be noted;
 - 7) that future East Sussex County Council consultation on the detail of the Traffic Regulation Orders changes, includes liaison with the affected Ward Members to obtain the Council's comments for their areas;
 - 8) that the Civil Parking Enforcement Task and Finish Group be reconvened to consider the first annual review of the Civil Parking Enforcement Scheme; and
 - 9) during the first annual review, assessment of the impact of Civil Parking Enforcement be considered on the usage and charging structure of the Council's off-street parking operation.
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Introduction

1. This report summarises the work of the Civil Parking Enforcement Task and Finish Group (CPET&FG) and pulls together the final recommendations to be approved by the Overview and Scrutiny Committee (OSC). The report represents the culmination of the work commenced in October 2017, flowing from evidence gathering, stakeholder engagement and other findings from the

Background

2. In November 2015, the OSC agreed to add a review of on-street parking on to its work programme. On-street parking enforcement is currently the responsibility of Sussex Police under the Road Traffic Act 1991. However, the new Sussex Police, local policing model <https://sussex.police.uk/about-us/priorities-and-direction/local-policing-model/> places prevention and detection of crime as a top priority with human trafficking, keeping communities safe and feeling safe, identifying and protecting vulnerable people and preventing and responding to harm as their main priorities. Due to limited resources and these new priorities, Sussex Police are unable to undertake enforcement of parking restrictions, unless considered dangerous.
3. By adopting Civil Parking Enforcement (CPE), East Sussex County Council (ESCC) would take over responsibility for parking enforcement from Sussex Police.
4. CPE would empower ESCC to enforce all on-street parking contraventions. Currently ESCC is not empowered to enforce yellow lines, limited waiting bays, taxi ranks, loading bays, bus lanes and zigzags; currently, enforcement can only be carried out by Sussex Police, who no longer sees this as a priority. For ESCC to progress this, and make an application to the Department for Transport (DfT), ESCC recommend they obtain written agreement from Rother District Council (RDC).
5. The Traffic Management Act 2004 allows councils, which are also local traffic authorities, to apply to the Secretary of State for Transport for a Civil Enforcement Area Order that allows the de-criminalising of parking enforcement in their area. Under this arrangement, ESCC can undertake enforcement of all parking restrictions in their area and retain the income received from parking penalties to help fund the costs of parking services, which when combined with the introduction of on-street charging for parking may result in a surplus. Any surplus must be kept in a separate account and used with prescribed parameters under legislation, in the main related to highways and transport.
6. CPE would enable ESCC to deal with all common parking issues. Currently all fine income received from fixed penalties issued by the Police goes directly to the treasury. The introduction of CPE would enable fine income to be retained within East Sussex to help fund a more appropriate level of enforcement and improve the local transport network.
7. Adoption of CPE powers is anticipated to have the following benefits:
 - reduce and ease congestion arising from inappropriate parking, ensure a more free flowing traffic – benefitting the economy and the environment;
 - protects communities from illegal and inconsiderate parking and would also make the streets safer and easier to navigate;
 - easing movement for the emergency services;
 - help to improve the transport network across East Sussex as any income from enforcement of illegal parking is retained locally and can be spent directly on transportation improvements; and
 - a more consistent approach would also be fairer for all, including those

who abide by the rules.

Civil Parking Enforcement Task & Finish Group

8. During 2016/17, the OSC received a number of presentations from ESCC, Sussex Police, Hastings Borough Council who introduced CPE in 1999, Tunbridge Wells Borough Council who adopted decriminalised parking enforcement in 2002 and introduced CPE in 2008 without on-street charging and Wealden District Council (WDC) whose current policy is not to charge for on-street or off-street parking. As a result of the information received, the OSC established the CPET&FG.
9. The CPET&FG met on five occasions and received a number of presentations from ESCC advising on the current position, complaints received from the public on increasing concern of the lack of parking enforcement, the benefits and downside to CPE and the CPE process itself. All the reports and minutes arising from these meetings have been published on the Council's website and made available to all Members. The CPET&FG comprised Councillors A.K. Azad, J. Barnes, J.J. Carroll, R.C. Carroll, C.A. Clark, S.H. Earl, S.D. Elford, K.M. Field, B. Kentfield, J. Potts, C.J. Saint and G.S. Stevens.
10. The desired outcome as set out in the CPET&FG's Terms of Reference (ToR) at Appendix 1 was to analyse the cost and requirements of CPE implementation and whether this would be supported by businesses and residents. The desired outcomes of CPE included easing congestion, improving road safety, improving the local environment, improving the quality and accessibility of public transport and managing parking. The outcome of this review is to determine whether RDC supports ESCC, as the Highways Authority, to apply to the DfT for CPE to be introduced.

Civil Parking Enforcement Process

11. To adopt CPE powers, ESCC will have to prepare an application for submission to the DfT. The DfT will then review the application and prepare a Designation Order which will be laid before Parliament. Before adoption, ESCC must ensure that all Traffic Regulation Orders (TROs) are correct and accurately reflect the current signs and road markings used on the roads.
12. If CPE were to be adopted within a two year timeframe, then the current TROs, along with those essential amendments that are necessary in making a viable scheme will need to be adopted. To introduce further new TROs to the current regime will delay the DfT decision. Once CPE is introduced then any new restrictions or changes to existing restrictions can be reviewed annually and amended accordingly, in line with current practice in CPE areas elsewhere in East Sussex.
13. The aim should be for CPE to be self-financing. Income from any fines issued will not be sufficient to immediately meet the implementation and running costs of a CPE scheme. Therefore, on-street charging for parking will need to be introduced to pay for the scheme over a period of years. It has since been confirmed by ESCC that the DfT would not grant an application for CPE if local taxation was increased to fund CPE. Furthermore, this was not supported by those who attended the stakeholder event.
14. With CPE, ESCC Civil Enforcement Officers would be able to manage

compliance with any on-street pay and display charges, including overstaying initial time purchased, which would be fairer and help safeguard the objectives of the pay and display parking scheme in encouraging a turnover of spaces. Under CPE, ESCC would be able to enforce bus lanes and residents parking schemes. The DfT recommends that when taking on CPE, councils should focus on the basic parking operation before moving toward additional functions.

Evidence Gathering

15. Gathering external evidence was a fundamental part of the work programme for the CPET&FG in carrying out its ToR. A Stakeholder Engagement Event was held on 29 November 2017. Prior to the event, each Stakeholder was asked to consider the following three questions:
 - i. Should we ask East Sussex County Council to apply to the Department for Transport to adopt Civil Parking Enforcement?
 - ii. Would you rather have Civil Parking Enforcement introduced as early as possible to deal with infringements on the current parking restrictions and thereafter make changes where necessary around the District? Or would you rather identify all of the areas of concern along with the best solutions, consult on these and then present an application following the amendments? This will be a much longer process, in the order of years, as there would be far more amendments to consult on prior to the submission of a Civil Parking Enforcement application.
 - iii. Is there a preference for businesses and residents to subsidise free parking through local taxation or to promote 'the user pays' and introduce parking charges to cover the cost of the scheme?
16. Representatives from the following organisations attended: Battle and District Chamber of Commerce, Battle Town Council, Bexhill Chamber of Commerce, Bexhill Forward, Bexhill Old Town Preservation Society, Bexhill Wheelers, Federation of Small Businesses, Hastings and Rother Disability Forum, Little Common Traders Association, Rother Neighbourhood Watch, Rye Conservation Society and Rye Town Council. Written representations were also received from 1066 Cycle Club, British Design / British Made (Battle High Street), Icklesham Parish Council, Rother Transport Action Group, Rye Conservation Society, Salehurst and Robertsbridge Parish Council, Sedlescombe Parish Council and Whatlington Parish Council.
17. The Chairman of the CPET&FG, Councillor Elford, also attended meetings of Bexhill Town Forum on 16 November 2017 and Rother Association of Local Councils on 10 January 2018 to raise awareness of the review and implications of CPE across the district.
18. All comments received have been formulated in the recommendations to the OSC. Overall, stakeholders wanted ESCC to apply to adopt CPE and recognised that parking infringements were not considered a priority for Sussex Police. Despite a few concerns being aired regarding on-street charging, stakeholders agreed that the scheme should be self-financing. ESCC officers gave reassurance that the price structure was appropriately gauged to offset costs and bring a small return to be used for transport related services.

Issues raised by the Civil Parking Enforcement Task and Finish Group

19. Issues considered by the CPET&FG were:

- Locations of pay and display machines in conservation areas: ESCC gave assurance that they would consider appropriate locations throughout the CPE project phase.
- Pay and Display Machines/Charges: incremental charging would apply to all pay and display machines across the district (allowing lower coin values to purchase smaller increments/minutes of parking). All machines would be set at the minimum charge and would facilitate cashless, contactless or smartphone/app payments. Machines would not provide change. It was considered important that parking tariffs were affordable (related to local wages) and that businesses would benefit from competitive charges.
- Car Park Signage: all signage to be reviewed and updated, where necessary, particularly long-stay car parks e.g. Lower and Mount Street in Battle, Wainwright Road in Bexhill and Gibbets Marsh in Rye.
- Parking Permits: consider offering special permits for residential use, particularly in town centre locations as daytime and evening usage varies.
- Off-street Parking: consider offering free parking periods in Council car parks (e.g. Little Common) during peak times e.g. school drop-off and pick-up time.
- Urban/Rural: there is a specific distinction between car parking demand in rural and urban locations, particularly where railway stations are located. Car parking spaces are being utilised (all-day) by commuters, therefore it is important that the CPE scheme provides appropriate parking restrictions/charging zones to ensure regular turnover.
- Loading Bays: ESCC agreed to remove the loading bay from Robertsbridge High Street as it is no longer required. This would be welcomed by residents as off-street parking is limited in this area. Consideration to a loading bay being installed in Western Road, Bexhill, in order to ease traffic congestion during unloading / loading times would be given during the first annual review. To improve loading bay usage during off-peak times (overnight), it was suggested that time-restricted free parking be offered.

Rother Car Parks

20. As part of the ToR, the CPET&FG was also tasked to review the current management of RDC car parks, including the charging structures and the legislation under which they operated. This was to ensure that the potential introduction of CPE would not have a detrimental effect on the off-street parking provision.
21. Officers provided the CPET&FG with detailed information on the current management of the off-street car park service. After consideration, the CPET&FG recommended retaining the current parking tariff structures until after the CPE decision was taken. The proposed CPE scheme had already taken into account the existing charging structures within the off-street car

parks and therefore any changes in off-street parking charges at this time could have a detrimental effect.

22. The CPET&FG also considered the various options on the legal framework under which the off-street car parks could operate. This included the following options:
- a) the operation of off-street parking remains under the control of the Council and the District of Rother Parking Places Order 1983.
 - b) the Council invite ESCC to include the management of off-street parking within their CPE proposal and their contracted-out enforcement arrangements.
 - c) the Council work with ESCC to include the transfer of off-street parking provision from the District of Rother Parking Places Order to the Traffic Management Act regulations for the benefits of standardisation, but retain control of all aspects of car park operational management.
23. The CPET&FG considered the options and recommended option a), remaining on the current legal framework and retaining control of the car parks with RDC.

Electric Vehicles

24. During the review, the CPET&FG also considered the current provision of electric vehicle charging points across the South East. In 2014, the Council was invited to join the Electric Vehicle South East Network Project known as Energise. Energise was established to utilise government funding, set up a network of rapid charging points (20 minute charge time) across the South East of England, and promote electric vehicle usage. Rapid chargers were located on major trunk roads and transport routes throughout the South East and predominantly aimed at visiting or passing through traffic, rather than local usage.
25. RDC actively supported the project and underwent a series of assessments to consider the viability of locations across the district. Locations were identified in Bexhill and Rye, however these were considered unsuitable due to extensive works being required, as well as non-viability issues raised. Private landowners within the district chose not to participate in the scheme. Nineteen charging points were installed and operated across the South East.
26. Meetings were held with the Energise Group to review the success of the project; mixed reviews were received. A number of problems were highlighted and risks identified due to rapidly developing technology. Overall, expected cost efficiencies were not realised.
27. Destination 22kw charging units were commonly used, costing approximately £12,000 per unit, with an average installation costing £15,000 per unit. However where electrical supply was insufficient costs, could escalate up to £50,000.
28. The CPET&FG gave consideration to the following four options:
- to carry out a viability study on the provision of charging points across the district to be completed by an independent consultant. Potential funding opportunities would need to be explored;

- incorporate charging points into the Council's Core Strategy;
- invite private companies to tender to provide charging points on Council owned land; and
- postpone any decision and await further Government guidance. This was the option supported by the CPET&FG.

Wealden District Council (WDC)

29. WDC at its Cabinet meeting on 31 January 2018 resolved to:
- a) retain the current arrangements and not support the introduction of Civil Parking Enforcement in the District;
 - b) continue the dialogue with Sussex Police on how the on-street parking enforcement can be managed for the benefit of Wealden residents; and
 - c) continue the dialogue with Town and Parish Councils on the on-street parking issues in their areas.
30. With WDC resolving not to pursue CPE means that the economies of scale that would have been achieved are no longer forthcoming. The impact of this is that the shared costs of the project manager and TRO review will now be borne by RDC's CPE scheme and therein extend the pay-back time. However RDC could ask WDC if they would be prepared to meet some of these costs.

East Sussex County Council – CPE Scheme

31. ESCC prepared a draft CPE Scheme that was presented to the CPET&FG. Several amendments were proposed and incorporated. Attached at Appendix 2 is the preferred scheme as recommended by the CPET&FG.
32. Introducing additional TROs to the current scheme would further delay the CPE process, as comprehensive consultation with relevant organisations would have to be undertaken. Objections may also be received which could further delay the process.
33. Once introduced, annual CPE reviews will be undertaken to consider the effectiveness/practicalities of the scheme. Suggestions for alterations would be considered and consulted on at that time.

Financial Implications

34. The objectives of the scheme are to be self-financing and provide effective parking enforcement. However, it is possible that CPE may achieve a modest operating surplus. It is a legal requirement that all surplus income from on-street charges after ESCC's costs are ring-fenced to finance ESCC's transport and highways initiatives.
35. The CPET&FG did not support costs being underwritten by local taxation, nor excessive charging structures. The charging figures presented by ESCC were generally supported. In reviewing the impact on RDC off-street car parks, it was understood that the proposed ESCC on-street car parking charge would not impact on RDC.

Timetable and Process for Delivering CPE

36. ESCC has confirmed that it would take approximately 24 months to apply for and implement a CPE scheme. Once CPE was implemented enforcement operations would start. Attached at Appendix 3 is ESCC's indicative timetable.
37. Within the indicative timetable there are two consultation periods (one formal and one informal). The informal consultation helps ESCC gauge the level of support for the proposals. It also provides an opportunity to contact the respondents and explain the reasoning behind the proposals, prior to the formal (legal) advertisement that would otherwise entail objections.
38. Formal consultation is the advertising of the legal TROs associated with the proposed changes. Any member of the public can formally object to the proposals at this stage. ESCC must consider all objections received. Any objections which cannot be resolved are then reported to ESCC's Planning Committee for their consideration. Installation of the necessary lines and signs can only take place after ESCC's Planning Committee has made its' recommendation and the final TRO is approved.
39. In terms of who is consulted, the national regulations stipulate certain statutory consultees such as emergency services, bus operators, other local councils and freight operators, but ESCC's practice is to go beyond this. Typically, the informal consultation is also sent to residential and commercial properties affected by the proposals (i.e. frontagers) and other community and road user representative organisations. Consultation with key stakeholders including the Police, Highways England and DVLA will also be carried out in connection with the transfer of parking enforcement powers.

Conclusion and recommendations to the Overview and Scrutiny Committee

40. The CPET&FG has undertaken a full and thorough review of the implications of CPE and has now fulfilled its ToR. At the conclusion of its work, the CPET&FG has also suggested that the OSC reconvene the CPET&FG to consider the first annual review of the adopted CPE scheme, if approved by full Council and the Department for Transport. This review will include an assessment of the impact of CPE on the usage and charging structure of the Council's off-street parking operation.
41. The following recommendations are now put forward by the CPET&FG for consideration by the OSC:
 - 1) that Rother District Council write to East Sussex County Council to support an application to be submitted to the Department for Transport for Civil Parking Enforcement to be adopted;
 - 2) in applying for Civil Parking Enforcement, East Sussex County Council attempt to recover shared costs with Wealden District Council who are no longer progressing to assist in keeping costs down;
 - 3) the current charging structure and tariffs in Rother District Council's off-street car parks remain unchanged until the Civil Parking Enforcement decision is taken;

- 4) the Council's off-street parking provision remain under the current management framework of The District of Rother Parking Places Order 1983;
- 5) when the Council's Planning Core Strategy is reviewed, Electric Vehicle Charging Points be considered in planning policy, and subject to government advice received, as well as technological and industry advances;
- 6) the indicative timetable for Civil Parking Enforcement be noted;
- 7) that future East Sussex County Council consultation on the detail of the Traffic Regulation Orders changes, includes liaison with the affected Ward Members to obtain the Council's comments for their areas;
- 8) that the Civil Parking Enforcement Task and Finish Group be reconvened to consider the first annual review of the Civil Parking Enforcement Scheme; and
- 9) during the first annual review, assessment of the impact of Civil Parking Enforcement be considered on the usage and charging structure of the Council's off-street parking operation.

Dr Anthony Leonard
Executive Director of Business Operations

Risk Assessment Statement

If CPE is adopted it may be received differently by the public. Some may approach it as introducing better managed enforcement. Others may object as it may disrupt current parking habits. The CPET&FG has considered carefully ESCC's charging proposals and feel they would not be harmful to the economy.

Appendices

Appendix 1 – Terms of Reference

Appendix 2 – East Sussex County Council's: Rother District Civil Parking Enforcement Scheme

Appendix 3 – Indicative Timetable



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.

In light of the Government's announcement that new diesel and petrol cars and vans would be banned in the UK from 2040 in a bid to tackle air pollution, the provision of electric vehicle charging points across the district will also be considered.

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.
- e) Consider associated highway schemes that ESCC or others will be looking to deliver in the future. These include but are not limited to the £12m Local Growth Fund allocated to Movement and Access, Walking and Cycling for Bexhill and Hastings, Rother's Public Realm Strategic Framework, London Road Traffic Management Study, High Speed Rail, improved East Coastway Southern Service and train services on any new South East Franchise (OSC 24/07/17).
- f) To consider the provision of electric vehicle charging points across the district (Cabinet 31/07/17).

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	<ul style="list-style-type: none"> - Preliminary meeting and review – 13 September 2017 - Evidence gathering and interviews – 29 November 2017 - Report back to OSC – 19 March 2018
Membership	- Councillors A.K. Azad, J. Barnes, J.J. Carroll, R.C. Carroll, C.A. Clark, S.H. Earl, S.D. Elford, K.M. Field, B. Kentfield, J. Potts, C.J. Saint and G.S. Stevens.
Officer Lead	- Dr A. Leonard
Quorum	- Four