

Open Report on behalf of Paul Coathup, Assistant Director (Highways & Transportation)

Report to:	Highways Transport and Technology Scrutiny Committee
Date:	27 June 2011
Subject:	Civil Parking Enforcement

Summary:

This report gives information on the current position on implementing Civil Parking Enforcement (CPE) in the county and puts forward an operational plan.

Actions Required:

The Committee is invited to recommend an operational model to Cllr W S Webb, Executive Councillor for Highways and Transport, as detailed in the conclusion of this report.

1. Background

- 1.1 The objective of introducing Civil Parking Enforcement in Lincolnshire is for Lincolnshire County Council (LCC) to take over the enforcement of on street parking from Lincolnshire Police. The scheme requires district councils to operate their off street car parks under CPE legislation.
- 1.2 The Highways, Transport and Technology Scrutiny Committee (HT&T) received a report in October 2010 which set out the background of implementing Civil Parking Enforcement (CPE) in the county and also set out a number of recommendations relating to :-
 - The application to the Department for Transport for CPE powers
 - Enforcement service provision
 - Administration service provision
 - Financial considerations
- 1.3 The report also indicated that several partnership meetings had taken place with officers from the seven district councils, and representatives of the police authority. The current position of the districts was included within the report.
- 1.4 Following an extensive discussion, the Members of the HT&T Scrutiny Committee supported the recommendations and therefore agreed that:
 - An application is made to the Department for Transport (DfT) to implement CPE for the administrative areas of Boston Borough Council, The City of Lincoln, North Kesteven, South Holland, South Kesteven and West Lindsey (therefore excluding East Lindsey who

had indicated that there were unwilling to agree to an application that includes off street car parks in their district).

- Plans are made for the procurement of an external contractor for enforcement service provision
- Plans are made for the procurement of an external contractor for administration service provision
- An informal approach is made to the Secretary of State for an increase in the nationally set Penalty Charge Notice (PCN) with the objective of reducing the predicted deficit of on street parking enforcement in Lincolnshire.

2. Update of activity since previous report

- 2.1 A response was received from the DfT to the LCC enquiry regarding the increase of PCN charges. The DfT advised that an application to the Secretary of State on the basis that the Local Authority would otherwise make a financial loss is likely to be unsuccessful.
- 2.2 As a result of the budget constraints faced by LCC no specific funding was provided in the approved budgets for Highways in 2011/12. The County Council is not in a position to fund the take over of on street parking enforcement from the Police. It is estimated the operating deficit could be up to £1m over 5 years. It has therefore been necessary to reconsider the finances for the project and investigate how the project could be delivered from available highways budgets.
- 2.3 Consideration has been given to the options available to the County Council for reducing the projected deficit. These options included the reliance on increasing Penalty Charge Notices, the expansion of residents parking schemes or new on street charging schemes via pay and display meters at strategic locations. An executive paper was submitted to portfolio holder on 13th January 2011 with a recommendation to investigate these options by means of a business case.
- 2.4 Approval was received on 18th January 2011 to produce a business case which would investigate solutions which could remove the estimated deficit.
- 2.5 The business case produced for CPE recommends the use of on street Pay and Display parking charges as the most financial sustainable means for the County Council to provide on street parking enforcement within the existing financial constraints. The business case has been considered by the Highways and Transportation Management Group on 24th March 2011 and it was agreed that set up funding for CPE could be considered from existing Highways Budgets. The set up costs are expected to be repaid from the Pay and Display parking income and the timescale for this will be dependent on the usual process of consulting and implementing the necessary traffic regulation orders.
- 2.6 The new Pay and Display on street parking spaces would be in existing prime, town centre locations and in most cases would replace existing limited waiting parking locations. The maximum parking period would be set to encourage a high turnover of spaces. Parking charges would be set so that they were consistent with local off street parking charges and after consultation with the district council and car park operators.

- 2.7 The introduction of on street Pay and Display parking charges in key locations should help to manage traffic congestion and improve the turnover of parking spaces thus benefitting both local residents and businesses.
- 2.8 Discussions have continued with all local authority partners, the DfT and Lincolnshire Police throughout these stages.
- 2.9 Since the last report to HT&T Scrutiny Committee in October 2010, Lincolnshire Police Authority has announced the intended redundancy of remaining Traffic Wardens in Lincolnshire from the end of March 2011.

LCC officers have met with Lincolnshire Police and it was established that Lincolnshire Police would continue to enforce parking regulations until the CPE project is introduced using Police Officers.

The City of Lincoln Council has separately reached agreement with Lincolnshire Police to continue to fund two Traffic Wardens for one year from 1st April 2011. It is understood that this relates only to enforcement of the residents parking schemes in the City.

- 2.10 In reconsidering the financial aspects of this project it has become necessary to revise the project programme.
- 2.11 Ongoing progress is being made with regards to the drafting of the required application to the DfT for CPE powers.

The CPE application requires the creation of a Parking Policy for Lincolnshire, and the consolidation of all Traffic Regulation Orders.

A copy of the draft Parking Policy which has been formed through the CPE project is included here as Appendix A and is included in the recommendations of this paper.

3. Position Statement

- 3.1 Having reconsidered all requirements for the introduction of CPE in Lincolnshire, the County Council will now be in a position to submit an application to the DfT for CPE powers in December 2011.
- 3.2 The DfT would then follow their approval process, including the Laying of the order in Parliament. This would result in an expected introduction of CPE in Lincolnshire in June 2012.
- 3.3 To enable on street parking enforcement in Lincolnshire to be financially sustainable, it is proposed that on street Pay and Display locations are created in town and city centre locations throughout the County.
- 3.4 Following the decision by Lincolnshire Police to remove traffic wardens from the streets of Lincolnshire the decision to exclude on street enforcement from the CPE application in the East Lindsey District Council area has been reviewed.

The Department for Transport has made it clear that it is their policy that both the district council's car parks and on-street operations are included in the CPE application as part of the civil enforcement area. This will create greater transparency and efficiencies to the motorists and local authorities respectively. Any applications that do not comply with their policy are unlikely to be approved.

The introduction of CPE has no impact on district council income from car parking charges.

East Lindsey District Council now intends to review their position, and advise the County Council of their final decision by the end of July 2011.

4. Conclusion

The Committee is asked to recommend that the Executive Councillor for Highways and Transport approves the following actions:

- 4.1 An application is made in December 2011 to the Department for Transport to implement Civil Parking Enforcement in approximately June 2012 subject to all legal and parliamentary procedures.
- 4.2 Based on the current situation, this application will be made for all district council areas except for East Lindsey District Council area. The application includes all on street parking locations plus district council off street parking locations in the six participating areas. If ELDC subsequently decide that they wish to be part of the CPE scheme then consideration will be given to amending the application.
- 4.3 Prepare plans and consult on new on street Pay and Display car parking spaces in appropriate town centre locations. Implementation of this proposal is essential if the on street parking enforcement operations are to be financially sustainable.
- 4.4 The attached Parking policy is accepted and approved for consultation. The results of the consultation will be reported to this committee prior to the adoption of the policy.
- 4.5 Continue with the process of planning the procurement of the parking enforcement and parking administrative services from external service suppliers.

5. Consultation

No specific consultation has been carried out.

a) Policy Proofing Actions Required

6. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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