



Report to Cabinet

Subject Introduction of Decriminalised Parking Enforcement

Date 16th March 2007

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Purpose of the Report

To inform Members of the current situation concerning decriminalisation of parking enforcement (now known as “Civil Parking Enforcement”) and to seek final approval to the further participation of the Council in the proposed County wide scheme for parking enforcement.

1. Background

1.1 Following the Cabinet Meeting of Thursday 18th August 2005 it was resolved that:-

- 1) The position is noted and that negotiations with Nottinghamshire County Council continue with a view to the Borough Council participating in the proposed scheme for civil enforcement of on-street parking.

2.Current Position

- 2.1 Consultation has been on going for some considerable time, with officers of the County Council and District Councils meeting on a regular basis with a view to achieving consensus on the way forward. This consensus has resulted in an agreement being reached, now formalised in a draft legal contractual document. The main features of the terms of that agreement are summarised in “Appendix A” attached.
- 2.2 In addition to the formal legal agreement, Draft Guidance [for the issuing and processing of Penalty Charge Notices] has been drawn up and this is now subject to County/District consultation. Once the consultation process is concluded the guidance will be the subject of a further report seeking this Council’s approval.
- 2.3 The County Council are now seeking confirmation from the District Councils that they will participate in the scheme and sign the proposed agreement.

- 2.4 The options open to the Council are simply, either to participate in the scheme or to opt out.
- 2.5 The risk of non-participation will result in:
- Traffic parking on street without enforcement will result in increased congestion
 - Potential loss of future income from Council's current car parking arrangements
 - Leaving the County Council open to take such steps as Highway Authority as they consider appropriate to alleviate the traffic parking difficulties (e.g. on street meter parking)
- 2.6 Participation in the scheme would result in an effective way of controlling unlawful car parking on the highway. However, within the arrangements proposed we would be required to provide adjudication of the fines imposed and the administration of our ruling. Therefore, additional costs could be incurred effectively managing the day-to-day operation of the service (albeit we do carry out this function now but on a smaller scale).

3. **Proposal**

3.1 It is proposed that the Council enters into an agreement with Nottinghamshire County Council and the other districts for the enforcement of on street parking in accordance with the agreement set out in Appendix A

3.2 The proposed way forward in terms of timetable appears to be as follows:

April 2007	Each District Council considers and either approves their further participation in the scheme, with approval to officers to sign the legal agreement and to approve in principle the Draft Guidance, or to advise the County Council of their decision not to be involved in these arrangements.
May 2007	Nottinghamshire County Council approve scheme.
June 2007	Submission to Secretary of State for approval. Preparation of tender process for enforcement contractor
August 2007	Acquisition of premises already identified by County Council for central ticketing administration unit – fitting out
December 2007	Approval from Secretary of State. Formal appointment of enforcement contractor.
April 2008	Likely earliest date for implementation

- 3.3 It should be stressed that the “implementation date” as identified above, is not a formal date but is the report author’s best estimate of the earliest date that implementation could be effected. Given the history to date, and the progressive slippage, it may well be that the date will be even later.

4.0 Financial Implications

- 4.1 Nottinghamshire County Council has appointed RTA Associates to assist in the development and implementation of all aspects of Civil Parking Enforcement. Following discussion with officers, analysis of existing parking restrictions, and experience taken from introducing CPE in a number of other counties, RTA Associates have produced a financial model for the initial five years of operation.
- 4.2 The latest version of this model indicates that in the first year of operation there should be a deficit of £38,000. In subsequent years with good management and acceptance of the new regime by the public it is anticipated that an overall annual surplus will be around £10,000. This will be due mainly to the settling in of the new system of operation and having established the correct deployment patterns and enforcement levels and establishing an efficient recovery system.
- 4.3 Nottinghamshire County Council have agreed not to collect any deficit from the districts for the first five years and in effect offset the first year’s deficit against the four years surplus, leaving Gedling Borough Council with an estimate surplus of £10,000 at the end of the five-year period.
- 4.4 The Key points of the financial aspects of the agreement are highlighted below:
- (a) Any surplus produced from the on-street enforcement operation, once all operating costs have been accounted for remains with the County Council, and will be used to fund improvements in traffic management and to provide a reserve for any future deficits, once the considerable capital outlay for introducing CPE has been recovered.
 - (b) Any surplus produced from the off-street enforcement operation will be used to off-set any deficit incurred by the on-street enforcement account, with any remaining surplus paid to the District Council.
 - (c) The District Councils will retain any money collected from car park charging and from the sale of season tickets and other permits.
 - (d) In the event of a deficit in the on-street enforcement account, this will be met from the off-street enforcement account. Should there be insufficient surplus in this account to cover the deficit the District Councils will be required to fund the deficit from other sources.

- 4.5 It is important to note that the current financial model will be further developed once final decisions have been made regarding operational matters such as the number of attendant hours deployed and patrol routes. However it should be stressed that it is in the interest of all parties involved to ensure that the service is operated in the most cost effective manner.

Option	Expenditure for providing Enforcement.					
	Year 1*	Year 2	Year 3	Year 4	Year 5	Total
1	-£38,000	£12,000	£12,000	£12,000	£12,000	£10,000

* Including start up costs

5. Other Implications

5.1 For service users

There are no direct implications for service users, as participation in the scheme will simply involve the proper enforcement of existing parking restrictions. The introduction of Civil Parking Enforcement on a countywide basis will provide a consistent approach to parking enforcement which will be beneficial to service users.

5.2 Legal

Legal implications are set out in the Appendix attached.

5.3 Human Resources

One member of staff is currently employed by the council carrying out off street Parking enforcement and could be subject to the Transfer of Undertakings (Protection of Employment) Regulations and transferred to the new contractor if Cabinet decide to proceed as recommended. A full review of this position will be carried out over the next few months.

5.4 Community Safety/ Environmental

A more robust on street enforcement presence will provide an increased deterrent against car crime throughout the district and the likely reduction in indiscriminate parking will improve road safety in numerous locations. There are also positive environmental benefits from the reduction in congestion caused by inconsiderate parking.

5.5 Licensing

Currently Gedling Borough Council provides and enforces the restrictions for Taxi Ranks. As part of the agreement Nottinghamshire County Council would include these within its consolidation of on street parking orders. The civil enforcement contractor would then carry out the enforcement of the restrictions.

6. Recommendations

- 6.1 That the Council enters into a Civil Parking Enforcement Agreement on the terms and conditions outlined in this report.
- 6.2 That the Head of Direct Services be authorised to sign the legal agreement on behalf of the Council;
- 6.3 That the Head of Direct Services acts on behalf of the Council in all future operational matters to bring about the implementation and running of the scheme.

7.0 Wards affected

All

8.0 Equalities Impact Assessment.

This is being undertaken as part of the overall project involving all the districts.

CIVIL PARKING ENFORCEMENT

PROPOSED LEGAL AGREEMENT

NOTTINGHAMSHIRE COUNTY COUNCIL – GEDLING BOROUGH COUNCIL

Main features:

1. Nottinghamshire County Council (NCC) are the statutory highway authority and therefore primarily responsible for traffic management and on street parking related matters. The role of the District Council is as a 'quasi-partner'.
2. In discharging the function of on street parking enforcement – now designated Civil Parking Enforcement (CPE) - NCC will “delegate” certain aspects of the enforcement process for on street car parking to Gedling Borough Council (GBC).
3. On and off street parking tickets will be issued by enforcement officers deployed by GBC who will be employees of the designated enforcement contractor. Those tickets and procedures for dealing with them are governed by the Guidance which has been drawn up and is now subject to County/District consultation.
4. Deployment of the enforcement officers will be at the discretion of GBC who will determine:
 - the number of officers required;
 - the hours “purchased”;
 - the day to day location of those officers within Gedling.

The importance of this is that GBC can in the main, control the level of staffing expenditure involved, coupled with the number of penalty charge notices issued, reflecting in the proportionate costs attributable to GBC.

5. In addition to the duties as on street enforcement officers GBC will have an opportunity of deploying those officers to carry out enforcement duties in respect of the GBC car parks. The opportunity arises therefore for a co-ordinated ‘joined-up’ approach whereby enforcement officers patrol shopping areas (both on and off street) in addition to such outlying and other areas that GBC determine.
6. All traffic signs, yellow and other restriction line markings will remain the sole responsibility of NCC and will not form part of this agreement or costings; but GBC will continue to be responsible for all off street car park signs etc.

7. All penalty charges levied by way of on street parking and off-street contraventions will become payable to a central processing unit (CPU), to be established at an identified County Council site in the near geographical centre of Nottinghamshire. Each penalty imposed in the GBC area will be credited to the GBC individual on or off street account and be totalised on a quarterly basis.
8. The enforcement contractor appointed by NCC (in conjunction with District Councils) will carry out the administrative function from the CPU. Whilst the contractor will be employing enforcement officers (and be responsible for the management and operation of the scheme) day to day deployment of officers will be controlled locally by GBC. At the end of each accounting period, a tally will be taken of the penalty charges collected which have been credited to a separate GBC "on street and off street accounts" and against this credit will be offset the proportionate costs incurred by the contractor in respect of GBC operational deployment.
9. In the event of there being a surplus on the GBC account, then this will be retained by NCC for future on going traffic management (primarily within the District) or retained as a reserve for future on street deficits. Any deficit will have to be met from GBC revenue sources.
10. The main thrust of the policy relating to the scheme will be determined by NCC after due consultation with GBC. Members will be involved in the policy determination process leaving the operational aspects of the scheme to be dealt with by officer representatives from each District sitting as a 'Board'. The Board's remit is restricted to operational/management matters and it is not the Board's function to determine policy issues. It is envisaged that the Technical Services Manager (or his/her delegate) will serve as GBC Board member. Any proposed changes to policy will be referred back to Members for deliberation.
11. There will be integrated and compatible IT systems established between NCC, the CPU and GBC to ensure that the process runs smoothly. The costs of setting up the system is being borne by NCC.
12. The total initial set-up costs of Civil Parking Enforcement (calculated at in excess of £1m) are being borne by NCC. GBC is not being asked to make any contribution to this. There is no direct cost implications for GBC save as it impacts on the off street car parking by way of any deficit set off against the off street account.
13. The agreement will run until such time as is terminated by either party giving a minimum of 2 year's notice. In the event of termination then the CPE regime will fall to NCC for determination as Highway Authority.
14. There are other additional customary matters contained in the agreement relating to insurances; indemnity; annual accounting, auditing, dispute resolution, arbitration etc.