



## **Cabinet meeting on 16<sup>th</sup> October 2013**

### **Keeping Staffordshire Moving : Civil Parking Enforcement Review**

#### **Report Summary from Mike Lawrence, Cabinet Member for Communities and Localism**

#### **Mike Lawrence said:**

“When carried out sensitively, the management of parking on the highway provides opportunity for local communities to enhance the quality of life for people living in town centres, improve conditions for pedestrians (particularly the elderly and disabled people), ease traffic flow, improve short-term accessibility of the town centres, support public transport, make deliveries easier and boost the local economy.

Civil Parking Enforcement has been in place for over four years in Staffordshire and people now park more considerately but there is increasing demand for enforcement and additional parking related restrictions.

The development of new arrangements for the service provides an opportunity to look at how we can achieve even better outcomes for parking in Staffordshire in the future”

#### **Report Summary**

1. Civil Parking Enforcement (CPE), under the banner of “Clear Streets”, aims to reduce the instances of illegal parking on the highway that blocks roads, hinders emergency services, disrupts local businesses and puts other highway users at risk. It supports the network management duty which is about making best use of the existing network, improving traffic flows to reduce wasteful traffic delays and providing a viable sustainable alternative to single occupancy car travel.
2. Decriminalised Parking Enforcement (DPE), later to become Civil Parking Enforcement (CPE) was introduced under the Traffic Management Act 2004 (Part 6) and transferred the responsibility for the enforcement of non-endorse able on-street parking offences from the police to the local traffic authority and commenced in Staffordshire in 2007.
3. Civil Parking Enforcement (CPE) is overseen by the Staffordshire Parking Board and delivered by the District Councils with back office services provided by Stoke-on-Trent City Council.
4. At the meeting of the Staffordshire Joint Parking Board on 10th July 2012 it was agreed that a review of CPE in Staffordshire should be carried out.

5. The review has shown that CPE has generally achieved its objectives of Clear Streets, but significant demand for additional enforcement and parking related traffic orders remains. The service operated at a combined annual cost across the County in excess of £239k in 2012-13, and this is underwritten by the County Council. If action is not taken, it is unlikely that the current annual deficit for the service will be significantly reduced. Even with changes to the service, the enforcement activity on its own may still operate at a net cost. Any surplus is reinvested in traffic management issues.
6. The Agreement for the Enforcement of On-Street Parking Controls with each District were written with a six year period in mind. After a period of five years, either Party can give not less than twelve months written notification of early termination. The earliest date at which all Districts are beyond the six year period is the 16<sup>th</sup> October 2014 and this provides the first opportunity to review the service against the required outcomes.
7. Following workshops at the Staffordshire Parking Board and, a meeting of the Staffordshire County Council Prosperous Select Committee on 6<sup>th</sup> September 2013, a required set of outcomes for parking have been defined. These will now be used as the basis to develop future delivery options for the service.
8. Whatever future service delivery option is pursued, in order to begin the process of achieving the required outcomes, the first step will be for the County Council to serve notice on the District Councils to end the existing on-street civil parking enforcement agreement. This will avoid a further delay after the development of the business case for the future commissioning of Civil Parking Enforcement.
9. Parking will continue to play an important role in ensuring a flow of traffic there by making the County a more pleasant and environmentally safe place to live and visit taking into account the needs of local residents, shops and businesses, and sustaining the County and District Council's economic growth. The development of the future business case for parking management and enforcement will explore which of the options will provide the best solution for Staffordshire against the proposed outcomes/objectives for Clear Streets.

**Recommendation** - I recommend:

1. That Cabinet resolves to seek new arrangements for the delivery of Civil Parking Enforcement in Staffordshire.
2. That Cabinet authorises the Director of Place and Deputy Chief Executive to serve a minimum 12 months notice on the District Councils and Stoke-on-Trent City Council to end the current arrangements no later than 31<sup>st</sup> March 2015 or, deal with the establishment of different arrangements prior to that date if required by individual District or Borough Councils.
3. That the Director of Place and Deputy Chief Executive, in consultation with the Cabinet Member for Communities and Localism, be given delegated authority to deal with the commissioning of new services to achieve the outcomes of Clear Streets.

4. That the final decision to proceed with the new arrangements is delegated to the Cabinet Member for Communities and Localism.

## Report to Cabinet

<i>Local Members Interest</i>	
N/A	

**Cabinet – 16<sup>th</sup> October 2013**

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### **Keeping Staffordshire Moving : Civil Parking Enforcement Review**

#### **Recommendations of the Cabinet Member for Communities and Localism**

1. That Cabinet resolves to seek new arrangements for the delivery of Civil Parking Enforcement in Staffordshire.
2. That Cabinet authorises the Director of Place and Deputy Chief Executive to serve a minimum 12 months notice on the District Councils and Stoke-on-Trent City Council to end the current arrangements by 31<sup>st</sup> March 2015 or, deal with the establishment of different arrangements prior to that date if required by individual District or Borough Councils.
3. That the Director of Place and Deputy Chief Executive, in consultation with the Cabinet Member for Communities and Localism, be given delegated authority to deal with the commissioning of new services to achieve the outcomes of Clear Streets.
4. That the final decision to proceed with the new arrangements is delegated to the Cabinet Member for Communities and Localism.

#### **Report of Director for Place and Deputy Chief Executive**

##### **Reasons for Recommendations**

##### **Background**

1. Civil Parking Enforcement (CPE), under the banner of “Clear Streets”, aims to reduce the instances of illegal parking on the highway that blocks roads, hinders emergency services, disrupts local businesses and puts other highway users at risk. It supports the network management duty which is about making best use of the existing network, improving traffic flows to reduce wasteful traffic delays and providing a viable sustainable alternative to single occupancy car travel.

2. Civil Parking Enforcement, when carried out sensitively, also gives local communities the ability to manage parking for the benefit of many. It can greatly enhance the quality of life for people living in town centres, improve conditions for pedestrians (particularly the elderly and disabled people), ease traffic flow, improve short-term accessibility of the town centres, support public transport, make deliveries easier and boost the local economy.

### **How Clear Streets activities are currently carried out?**

3. Decriminalised Parking Enforcement (DPE) was introduced under the Traffic Management Act 2004 (Part 6) and transferred the responsibility for the enforcement of non-endorse able on-street parking offences from the police to the local traffic authority. DPE was introduced in Staffordshire in two phases. The first, Tranche 1 covering the Districts of East Staffordshire, Newcastle-under-Lyme, Stafford and Staffordshire Moorlands was introduced in 2007. Tranche 2, covered the remaining Districts of Cannock Chase, Lichfield, South Staffordshire and Tamworth was introduced in 2009. Prior to the introduction of Tranche 2, DPE was nationally renamed as Civil Parking Enforcement (CPE). Penalty Charge Notices (PCN's) are issued by Civil Parking Enforcement Officers for on and off street parking offences.
4. The County Council has the same legal agreement for the enforcement of on-street parking controls "the Agreement" with each District Council.
5. Back office processing of penalty charge notices (PCN's) is undertaken by Stoke-on-Trent City Council on behalf of all the District Councils. The Districts provide the enforcement services through a variety of methods including in-house and via external contracts. Front line enforcement in all of the Tranche 2 Districts is undertaken via a single contract with APCOA Parking UK Limited.

### **Governance**

6. The Staffordshire Parking Board takes an overview of Civil Parking Enforcement across all the Districts within Staffordshire, operationally, financially and strategically. The Board consists of nine members, i.e. one from the County Council and one from each of the Staffordshire District and Borough Councils. The members are generally the portfolio holder with responsibility for parking.
7. Local Joint Parking Committees are responsible for the day to day direction and effective management of the service in each District Council with membership consisting of an equal number (four) of local County Council and District Council elected members. The local Committee is responsible for setting on street charges, prioritisation of requests for new or amended parking related Traffic Regulation Orders (TRO) and Residents Parking Schemes, setting deployment strategies for on-street enforcement activity as well as making recommendations to the Staffordshire Parking Board to amend CPE policies and strategies.
8. In September 2009, the Staffordshire Parking Board extended the remit of the Local Parking Committees to influence the prioritisation of existing requests for new or amended parking related Traffic Regulation Orders (TRO) within their administrative boundary and, to re-assess the prioritisation every six months to take account of any new parking related Orders in their administrative area.

## **Why change?**

9. At the meeting of the Staffordshire Joint Parking Board on 10th July 2012 it was agreed that a Scoping Paper outlining proposals for a review of CPE in Staffordshire was produced and circulated to all parties.
10. The Staffordshire County Council Prosperous Select Committee discussed Civil Parking Enforcement at its meeting on 6<sup>th</sup> September 2013 and was provided with the opportunity to comment upon the potential options for future delivery and the outcomes that will define its commissioning. The Committee recognised the contribution that Civil Parking Enforcement has made to achieving the objective of "Clear Streets.
11. The "Agreement" for the enforcement of on-street parking controls continues for a minimum period of six years. Following the expiry of a period of five years, either Party can give not less than twelve months notice of termination. By the end of October 2014, all arrangements will be beyond this five year period.
12. On 1<sup>st</sup> November 2011, Stafford Borough Council served a 12 month notice to terminate the Agreement although this has subsequently been placed on hold pending the outcome of the review.
13. Although it was originally envisaged that the arrangement would operate at a surplus, with the money reinvested to solve local transport issues. The combined deficit in 2012-13 was £239k and the service operates at a ongoing deficit in all but two of the Districts. CPE in each District is treated separately for accounting and the surplus from one District cannot be used to support deficits in others. Any ongoing deficit after the first year of operation is underwritten by the County Council. Financial support for the service (£150k) has been found for a further year i.e. 2013-14 but is less than the expected deficit. The Medium Term Financial Strategy (MTFS) for Civil Parking Enforcement has removed this funding from 2014-15 onwards.

## **Review of existing service**

14. The primary objective of the adoption of Civil Parking Enforcement within the County of Staffordshire was to:
  - Maintain and, where possible, improve the flow of traffic there by making the County a more pleasant and environmentally safe place to live and visit.
  - Take into account the needs of local residents, shops and businesses, thereby sustaining the County and District Council's economic growth.
  - Actively support the needs of disabled people bearing in mind that, in some cases, they are unable to use public transport and are entirely dependent upon the use of a car. This will ensure that people with disabilities are able to have equal access to all facilities within the County.
  - Actively discourage indiscriminate parking that causes obstruction to other motorists, public transport, pedestrians, cyclists and people with disabilities. This will ensure that the Districts remain accessible to all equally and safely.

15. A review of the existing service has investigated all aspects of the service and the main findings are summarised below.

## **Strengths**

### **Clear Streets objectives**

- Clear Streets has generally achieved its objectives, motorists are now more compliant in the way they park. The total number of penalty charge notices (on-street and off-street i.e. public car parks) has reduced from a peak of over 63,000 in the first full year of operation to less than 46,000 in 2012-13 i.e. 71% of the peak showing that people are now more compliant in the way they park both on and off street albeit only the former contributes to the Clear Streets objectives.<sup>1</sup>
- Numbers of penalty charge notices issued on-street have reduced by a similar percentage, i.e. 72% from a peak of over 28,000 to below 21,000 in 2012-13.
- Residents in Staffordshire are more satisfied with measures to tackle illegal on street parking than they were in 2008. In 2012 44% of residents surveyed were satisfied compared to 37% in 2008.<sup>2</sup>
- Residents in Staffordshire are more satisfied with restrictions of parking on busy roads than they were in 2008. In 2012 49% of residents surveyed were satisfied compared to 43% in 2008.

### **Reputation and Governance**

- The service is in line with statutory requirements<sup>3</sup> and best practice<sup>4</sup> and is generally delivered effectively with a clear commitment to service delivery and good customer service from officers and providers involved.

## **Weaknesses**

### **Clear Streets**

- Whilst 'Clear Streets' has a clear set of objectives, there is generally no overall joint parking strategy that brings together on-street and off-street parking provision and management.

## **Finance**

- The service continues to operate at a net cost (£239k in 2012-13).
- The Districts that regularly operate at a net surplus are those that operate on-street charging.

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<sup>1</sup> Staffordshire Parking Board – Annual Reports - <http://moderngov.staffordshire.gov.uk/mgCommitteeDetails.aspx?ID=204>

<sup>2</sup> National Highways & Transport Public Satisfaction Surveys - <http://nhtsurvey.econtrack.co.uk/Default.aspx>

<sup>3</sup> Statutory Guidance - <http://webarchive.nationalarchives.gov.uk/20120904033926/http://www.dft.gov.uk/publications/tma-part-6-cpe-statutory-guidance/>

<sup>4</sup> Operation Guidance to Local Authorities : parking policy and enforcement <https://www.gov.uk/government/publications/operational-guidance-to-local-authorities-parking-policy-and-enforcement>

- There are no indications that the enforcement element of parking will on its own become self financing and if levels of compliance with traffic restrictions continue to increase, the level of deficit is likely to rise.
- Where the service has consistently operated at a surplus and with no rolling deficit (East Staffordshire), the local Joint Parking Committee has been able to invest in additional parking related traffic orders above the rolling programme of four per year in each District.
- Since the introduction of on-street charging, Newcastle has operated at an annual surplus and is now paying back the deficit.
- The County Council has no direct financial control over the cost of the service

### **Community**

- There is significant and on going demand on the Council to provide additional on-street parking restrictions.
- There is an increasing demand to tackle unsafe parking in more locations, to further increase the hours that enforcement takes place and, to provide more enforcement outside schools.

### **What outcomes are we seeking?**

16. The original objectives for 'Clear Streets' in terms of enforcement remain.

- Maintain and, where possible, improve the flow of traffic there by making the County a more pleasant and environmentally safe place to live and visit.
- Take into account the needs of local residents, shops and businesses, thereby sustaining the County and District Council's economic growth.
- Actively support the needs of disabled people bearing in mind that, in some cases, they are unable to use public transport and are entirely dependent upon the use of a car. This will ensure that people with disabilities are able to have equal access to all facilities within the County.
- Actively discourage indiscriminate parking that causes obstruction to other motorists, public transport, pedestrians, cyclists and people with disabilities. This will ensure that the Districts remain accessible to all equally and safely.

17. Following workshops with Members of the Staffordshire Parking Board and, consideration of Civil Parking Enforcement at the meeting of the Prosperous Select Committee on 6<sup>th</sup> September 2013 the following additional objectives should be considered for the commissioning of Parking Enforcement services in the future.

- A service that is financially sustainable at a level that supports the required outcomes
- A cohesive and consistent approach to on-street parking and enforcement across the County that supports the local economy and town centres
- A service that is more responsive to the needs of local residents, shops and businesses
- A flexible and adaptable resource to deliver enforcement
- A service that is able to take advantage of opportunities for joint commissioning
- A parking strategy that brings together on-street and off-street parking provision and management.



## **What process will be followed?**

### **Options for Staffordshire**

18. There are a number of broad options that can be considered for Staffordshire.
  - a. Negotiating new Agreements with the Districts.
  - b. Groups or a consortium of Districts providing services through a reduced number of Agreements.
  - c. Working with Districts on a framework agreement for shared services across Staffordshire for on and off street parking.
  - d. A County Council contract for on-street services with Districts making separate arrangements for their off-street car parks
  - e. Provision of all services through a County Council directly employed team
19. The procurement of a Strategic Delivery Partner through Infrastructure<sup>+</sup> also provides the opportunity to explore options for the management and delivery of civil parking enforcement and will be considered as part of the development of the detailed business case.
20. In addition to the delivery models described above the development of the business case will also consider how best to take advantage of the significant developments in technology over the past few years e.g. Automatic Number Plate Recognition (ANPR) 'Smart' Cars.

### **How will the project be delivered?**

21. Whatever future service delivery option is pursued, in order to begin the process of achieving the required outcomes, the first step will be for the County Council to serve notice on the district councils at the earliest opportunity to terminate the existing on-street civil parking enforcement agreement. This will avoid a further delay at the end of the development of the business case for the future commissioning of Civil Parking Enforcement.
22. Once Notice has been served, the County Council will continue to work closely with the District Councils to reshape the service unless it becomes clear at an early stage that a likely future solution will not involve the District Councils. There is a risk during this period that any District may choose to withdraw at an earlier date and should this scenario happen, the options open to the County Council could include
  - (a) TUPE affected CPE staff across to Staffordshire County Council or another provider;
  - (b) Agree that another district will take on the CPE responsibilities on behalf of the withdrawing district;
  - (c) Outsource CPE to a private contractor.
23. The Agreement for the Enforcement of On-Street Parking Controls with each District were written with a six year period in mind. After a period of five years, either Party can give not less than twelve months written notification of early termination. The Tranche 1 agreements with Newcastle, Staffordshire Moorlands, Stafford and East Staffordshire are already beyond the initial five year period. The Tranche 2 agreements with Cannock, South Staffordshire, Tamworth and Lichfield reach the fifth anniversary on the 16<sup>th</sup> October 2013. The earliest date at which all Districts are beyond the six year period is therefore the 16<sup>th</sup> October 2014.

24. The Tranche 2 contract for parking enforcement with APCOA, covering the southern part of the County reaches its first break point on 31<sup>st</sup> March 2014 with an option to extend for a maximum period of 2 years. It is therefore recommended that the current arrangement is ended no later than 31<sup>st</sup> March 2015 i.e. a 1 year extension.
25. The development of the business case will explore which of the options would provide the best solution for Staffordshire against the proposed outcomes/objectives of the scheme.

### **Measuring the impact**

26. Parking plays an important role in ensuring a flow of traffic there by making the County a more pleasant and environmentally safe place to live and visit taking into account the needs of local residents, shops and businesses, thereby sustaining the County and District Council's economic growth.
27. Local Authorities are already required to publish an annual report setting out a number of key measures including number of penalty charge notices issued and in addition, a further set of measures will be developed as part of the business case to demonstrate that the arrangements are delivering against the required outcomes.

### **Financial Implications**

28. If action is not taken, it is unlikely that the current annual deficit for the service will be significantly reduced. Even with changes to the service, the enforcement activity on its own may still operate at a net cost. This is consistent with evidence recently given to the Parliamentary Transport Select Committee<sup>5</sup> which is currently looking at local authority parking enforcement. The Chair of the British Parking Association, Patrick Troy, indicated that "It is worth saying as an aside that many local authorities do not make a surplus, despite what the media might have us believe. In fact, very few authorities are in surplus on their parking"
29. Meeting the MTFs targets depends on improved cost efficiencies within parking. The County Council continues to underwrite any annual deficit beyond the first full year of operation. The Agreement allows for the arrangement to end after six years and it is not anticipated that any liability will extend beyond compliance with TUPE regulations. The assessment of each option against the outcomes will include an estimate of the financial position as any procured service option will have to take full account of all additional costs and liabilities incurred as a result of any subsequent change in service provision with particular regard to possible redundancy or early retirement costs.
30. The development of the business case for Civil Parking Enforcement will require either the use of an additional resource or, the redeployment of an existing resource from within the service. The latter would require the relaxation of timescales on other projects such as improvements to the quality of utility

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<sup>5</sup>Parliamentary Transport Select Committee

<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmtran/uc118-i/uc11801.htm>

reinstatements or support that will ensure that Broadband UK (BDUK) is delivered safely and the highway asset is protected. If this is to be met via an additional resource, it is expected that a budget of between £50k and £100k will be required to develop and implement the preferred business case.

31. An additional budget of £225k will be required to accommodate the anticipated ongoing deficit of CPE in the 2014-15 financial year whilst the notice period is being served.

**List of Background Documents:**

Traffic Management Act (Part 6) Parking Controls

<https://www.gov.uk/government/organisations/department-for-transport/series/traffic-management-act-tma-part-6-parking-controls>

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**Appendix Community Impact Assessment for “Keeping Staffordshire Moving : Civil Parking Enforcement**

	Impact Assessment	
	+ve/neutral/ -ve	Further information [Degree of impact and signpost to where implications reflected within the report/main Assessment]
<b>Assessment next to Outcomes and impact areas</b>		
Prosperity, knowledge, skills, aspirations	<b>+ve</b>	The proposed scheme will ensure that Clear Streets are provided in order that the county remains attractive to businesses and visitors alike supporting the drive for inward investment.
Living safely	<b>+ve</b>	Attractive, well maintained highways help develop a sense of community, helping residents access services, reducing social isolation, crime, the fear of crime and anti-social behaviour.
Supporting vulnerable people	<b>Neutral</b>	<b>N/A</b>
Supporting healthier living	<b>+ve</b>	Ensuring that a high quality, functional built environment is available can increase transport choice, positively influencing health by connecting people to jobs and services; encouraging walking and cycling.
Highways and transport networks	<b>+ve</b>	The highway network is fundamental to Staffordshire’s economy and to the wellbeing of its population, carrying large numbers of people by public and private transport and delivering goods and services every day of the year. The highway also serves as a network that enables the provision of essential supplies of water, power and communications.
Learning, education and culture	<b>+ve</b>	Appropriate provision and management of parking can enhance the quality of life for people living in

		town centres, supporting the local economy and cultural offer.
Children and young people	<b>Neutral</b>	<b>N/A</b>
Citizens & decision making/improved community involvement	<b>+ve</b>	The proposed scheme would ensure that local communities are able to contribute to the sensitive management of parking on the highway and the local priorities for additional/amended parking restrictions and enforcement.
Physical environment including climate change	<b>+ve</b>	A reduction in the amount of activity of the network and, reduced levels of congestion associated with essential highway and utility company activity will reduce the level of CO2 emissions.
Maximisation of use of community property portfolio	<b>Neutral</b>	<b>N/A</b>
<b>Equalities impact</b>		
Age	<b>Neutral</b>	<b>N/A</b>
Disability	<b>Neutral</b>	<b>N/A</b>
Ethnicity	<b>Neutral</b>	<b>N/A</b>
Gender	<b>Neutral</b>	<b>N/A</b>
Religion/Belief	<b>Neutral</b>	<b>N/A</b>
Sexuality	<b>Neutral</b>	<b>N/A</b>
	<b>Impact/implications</b>	
<b>Resource and Value for money</b>  In consultation with finance representative		
<b>Risks identified and mitigation offered</b>  From corporate risk	...	

register categorisation	
<b>Legal imperative to change</b> In consultation with legal representative	...

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