

# Agenda Item 43.

<b>TITLE</b>	Civil Parking Enforcement Update
<b>FOR CONSIDERATION BY</b>	Overview and Scrutiny Management Committee 13 March 2017
<b>WARD</b>	None specific
<b>DIRECTOR</b>	Josie Wragg, Interim Director of Environment
<b>LEAD MEMBER</b>	Malcolm Richards, Executive Member for Highways and Transport

## OUTCOME / BENEFITS TO THE COMMUNITY

Improved delivery and enforcement of parking and traffic management services leading to more efficient utilisation of car parking, reduced congestion and improvements to road safety.

## RECOMMENDATION

Members note the proposals within the report.

## SUMMARY OF REPORT

The report provides a general update on the Civil Parking Enforcement (CPE) project including:

- Background
- Project Milestones
- Application Process
- Procurement Scope
- Traffic Regulation Order Consultation
- Service Level Agreement
- Operation
- Communication Plan

## Background

Current enforcement of on-street parking restrictions is the responsibility of the Thames Valley Police (TVP). TVP policy presently awards the enforcement of on street parking restrictions a low priority with limited resources being deployed to fulfil this function. Consequently motorists and residents are often left frustrated when parking issues are not resolved, and the council is powerless to assist in these cases. Wokingham is the only Berkshire Unitary Authority not to have applied for CPE powers to date, which further adds to confusion. The Executive approved the resolutions required in the application to take over CPE powers from TVP in September. The delay in considering this paper was to allow further time to understand the procurement options so that the DfT requirement of delivering a cost neutral service could be met. To meet this aim, a

key recommendation in this report was procurement of a 3rd party contractor to provide the majority of the parking service. When the contractor is appointed, they will help develop a CPE Service Level Agreement with the Town and Parish Councils and other stakeholders so that a flexible service can be delivered that meets the business case.

## 2017 Project Milestones

Milestone	Date
January	Application to Department for Transport (DfT) consultation starts (statutory bodies only)
March	Tender process starts Map based Traffic Regulation Order (TRO) consultation starts (public)
April	Application submitted to DfT
May	Sign and line improvements completed
June	Contract awarded Executive Report on TRO consultation considered
August	Service Level Agreement finalised Parliamentary approval of CPE granted
September	Communication campaign launched CPE Powers added to TRO
October	CPE goes live

## Application Process

CPE is a legal transfer of parking enforcement powers from the police to the local authority. As the decriminalisation of parking is a matter of law, Parliament must approve the change. Applications are only considered twice annually. The application was reprogrammed to further consider enforcement options and to align CPE with the 21<sup>st</sup> Century Council (21CC) programme. The application is now programmed to be submitted to the Department for Transport (DfT) in April 2017 and will then be added to the Parliamentary timetable for a decision in August 2017. The CPE project team have continued to review all of the road marking and signs that inform the public of traffic regulations and issued works to improve visibility and correct errors. Upon submission, the DfT will check the application details before recommending approval to Parliament. No CPE applications that obtain DfT approval have yet been turned down nationally. To minimise this risk of errors in the application, the DfT considered a draft application in November 2016.

## Application Details

Application details such as service delivery via a 3<sup>rd</sup> party contractor, penalty levels, and Traffic Penalty Tribunal (TPT) representatives are covered in the Executive Report as a supporting document. Other details of the application that the public have enquired about via the Executive Member for Highways and co-ordination meetings with Thames Valley Police (TVP) to date include:

- Pavement/verge parking - The DfT have not allowed blanket bans on pavement and verge parking. Under CPE, the council will be able to enforce pavement/verge parking where a specific TRO is in place prohibiting it.
- Dropped kerb parking - Vehicles parked across a dropped kerb can receive a penalty even though no lines or signs are present. However, many vehicles that are parked across dropped kerbs belong to or have permission from residents. Guidance will be given to Civil Enforcement Officers (CEO) not to routinely issue

penalties for these types of contraventions. Enforcement officers will be required to check with the property owner before issuing a penalty. However, penalties will be issued where parking is deemed to impact on road safety and at crossing locations for pedestrians, cyclists and wheelchair users.

- Double parking – Vehicles parked more than 50cm away from the kerb can receive a penalty. Guidance will be given to CEOs only to issue penalties where this occurs in a marked parking bay or if the vehicle is causing a hazard or an obstruction to traffic.
- Clamping, removal, and bus lanes – Although CPE will give the council powers to clamp/remove vehicles and enforce bus lanes, there is not a recognised need for routine use of such powers currently in Wokingham. Consideration may be given in the future if and when any safety hazards arise. The police will also retain their powers to carry out these measures.

In order to submit the application to the DfT, the council needs to consult with other statutory bodies that will be impacted by the transfer of enforcement powers. These include the emergency services, the Driver and Vehicle Licensing Agency (DVLA), the Traffic Penalty Tribunal (TPT), neighbouring authorities, the Ministry of Defence, Highways England, and Thames Valley Police (TVP). The CPE project team have had regular meetings with TVP and have agreed the demarcation of roles. TVP will continue to:

- Enforce high-speed roads (A33, A329M, A3290, and M4) within the borough
- Enforce highway obstructions (dangerous parking, blocking access for emergency vehicles)
- Retain clamping and removal powers

### **Procurement Scope**

In order to deliver the additional penalties under CPE, the most cost effective method has been determined to tender the parking enforcement, appeals and permit processing elements of the parking service to a third party. This method allows greater flexibility in resources to react to volume changes and passes the risk, the IT, staffing, and training investment costs to the contractor. The specification details which are being developed align with the 21CC principles of online self-serve and streamlined processes. In addition, fault reporting and first line maintenance of payment machines and barriers will be included. Dispensations will also be included within the CPE enforcement contract which will allow disabled blue badge holders, emergency services, and other statutory bodies to park in violation of parking regulations on matters of urgent business.

In order to assist the CPE project, compliance surveys have been conducted to measure the number of vehicles parking in contravention of parking regulations. In March 2015, surveyors observed vehicles on a Thursday and Saturday in Woodley, Wokingham, and Twyford town centres and recorded an overall 25% contravention of parking regulations.

### **Map-based TRO consultation**

As part of CPE, the legal documents which allow parking restrictions to be enforced, TROs are being converted into maps. This will allow customers to better understand where parking restrictions are and what they mean, as the maps will be available online. Initially, they will be in PDF form and in alignment with the 21CC programme, available as part of council mapping. Additional benefits of the conversion include more efficient parking enforcement and consultations on TRO changes.

Converting to maps requires a legal TRO change and a borough wide consultation. The consultation, including display of the maps, is envisioned to start in March 2017 and be approved by Executive in June 2017. Around 300 existing TROs will be consolidated into one through this process. The rules within each of these TROS will be being harmonised into one, which will aid transparency and customer service. During this consultation, objections can be made to the conversion to maps and feedback given on the map styles, but not to the relevance of the existing TROs. Where the CPE project team have improved the lines and signs on the roads, they have not materially changed any of the TROs. This public consultation converts what exists on-street into maps and does not propose any new regulations. The Traffic Management team are drafting a TRO protocol to outline how reviews and future requests will be handled.

### **Service Level Agreement**

One of the legal requirements of CPE is to deliver regular and continued enforcement. In order to ensure that the council could afford to deliver this service, the number of TROs in the borough and typical levels of contravention were input into a model. The model then estimated the level of enforcement/operational cost needed to reduce infringement as well as the income raised from penalties. For Wokingham's existing restrictions, the borough would need 8,372 hours of enforcement per annum. Through the CPE contract, the contractor will submit an enforcement plan, with details of how they will be able to react to local needs. From the experience of other authorities, enforcement requests can increase beyond the ability of a council to deliver cost neutral and regular enforcement. To provide greater flexibility to customers, the CPE contract will have a provision for additional hours to be purchased by key stakeholders, in particular town and parish councils, but also schools and event promoters, to top up the regular enforcement provided by the council. To further this working relationship with key stakeholders, a Service Level Agreement will be drafted and circulated after the contractor is appointed.

### **Operation**

The contractor will apply guidance set by the council in responding to appeals as well as the legal requirements. Through rigorous contract management, including inspection of the contractor's appeal handing, the council will ensure that appeals are fairly managed. Ultimately each penalty has the right to be heard by the TPT. The council must legally retain the decision if a penalty should progress to this body, which will further protect the public and the council from malpractice by the contractor. Debt registration will be handled in a similar fashion. Members and officers are also covered by this regulated appeal process so that decisions are made fairly and based on evidence. To further ensure transparency, another requirement of CPE is that the council produces an Annual Report about the operation of CPE.

Once CPE is in operation, the parking habits of the public are likely to change. The parking service will continue to commission compliance surveys to understand how effective existing TROs are and where parking problems have grown. This data will input into a TRO review which will be conducted a year after the introduction of CPE. The Traffic Management service is developing a protocol to handle new and amendment TRO requests with the map-based system.

### **Communication Plans**

A comprehensive communications plan was developed at the start of the process in December 2015 to ensure public awareness of the stages of the application and the

benefits of CPE to empower the public and stakeholders to understand and feel part of the change. Aside from the items discussed in this paper, the campaign details how the more transparent and regulated appeals process under CPE operates. WBC's web team will build a CPE microsite, which can be used by stakeholders to view important documents, such as the TRO consultation and CPE FAQ. In addition to the website, documents for the TRO consultation will be available at the council offices and the libraries. Once the CPE powers have been granted, a more extensive communication campaign will begin, including pamphlets. Planning this consultation will involve the Thames Valley Police and the appointed contractor. Periodic press releases and Borough News updates have also been scheduled.

## **FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the shortfall	Revenue or Capital?
Current Financial Year (Year 1)	0	0	0
Next Financial Year (Year 2)	0	0	0
Following Financial Year (Year 3)	0	0	0

### **Other Financial Information Relevant to the Recommendation/Decision**

CPE is required to be delivered on a cost neutral basis, as detailed in the Executive Report.

**Cross-Council Implications** (how does this decision impact on other council services, including properties and priorities?)

Alignment with the 21CC programme is detailed in the paper

### **List of Background Papers**

Executive Report Introduction of Civil Parking Enforcement Powers 29 September 2016

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