

<b>TITLE</b>	Civil Parking Enforcement Update
<b>FOR CONSIDERATION BY</b>	Community and Corporate Overview and Scrutiny Committee - 12 March 2018
<b>WARD</b>	None specific
<b>DIRECTOR</b>	Josie Wragg, Interim Director of Environment
<b>LEAD MEMBER</b>	Keith Baker, Executive Member for Operational Highways

## **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 information within the report and comment on progress relating to the implementation of Civil Parking Enforcement.

## **SUMMARY OF REPORT**

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

- Background
- Details of CPE
- Contactor and Council responsibilities and contact management
- Outcomes since implementation in line with the business case
- Request for new traffic controls
- Representations and Complaints
- Parking Strategy
- Resident Parking Schemes
- Representations and Dispensations

## **Section 1 - Background**

Until October 2017, enforcement of on-street parking restrictions was the responsibility of the Thames Valley Police (TVP). TVP policy awarded the enforcement of on street parking restrictions a relatively low priority with limited resources being deployed to fulfil this function. Consequently motorists and residents were often left frustrated when parking issues were not resolved, and the Council could not assist in these cases.

In Sept 2016 the Council's Executive approved an application to take over Civil Parking Enforcement (CPE) powers from TVP. A business case demonstrated a cost neutral impact on WBC and a contractor NSL was appointed and a CPE Service Level Agreement agreed. Prior to implementation of CPE, the project team reviewed road marking and signs in the borough and issued works to improve visibility and correct errors. They also produced an online map based TRO to provide customers with a better understanding of where parking restrictions were and what they mean.

Consultation was undertaken by the Council and The Department for Transport approved the scheme. This went live in October 2017 following a media campaign on our web site and Local Papers together with signage around the borough. CPE commenced with a period of warning notices being placed on vehicles contravening parking restrictions for the first 2 weeks before any live penalty charges notices were issued.

### **CPE Details**

CPE can address parking contraventions for vehicles that do not respect signing and lining on street but cannot address other issues such as verge parking, or parking where no lines and signs are in place under a Traffic Regulation Order (TRO). More clarity is provided below: -

- Pavement/verge parking - The DfT have not allowed blanket bans on pavement and verge parking. Under CPE, the Council can 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. Civil Enforcement Officers (CEO) do not routinely issue penalties for these types of contraventions and are required to check with the property owner before issuing a penalty. However, penalties are 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. CEOs only issue penalties where this occurs in a marked parking bay or if the vehicle is causing a hazard or an obstruction to traffic.

TVP continue to:

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

- Clamping, removal, and bus lanes
- Retain clamping and removal powers

### **NSL contract**

The most cost effective method for the Council to provide CPE is through procurement of a third party provider. As set out above, following a procurement exercise, NSL were appointed by the Council to undertake this function on its behalf. In line with the contract, NSL provide the following services:-

- Patrols (112 hrs. per week) 6 officers between hrs of 7.30am and 10:00pm
- Car Park fault reporting and first line maintenance of payment machines and barriers
- Checking TROs on site to check compatibility with the map based TRO and reporting any anomalies with the Council to be resolved
- 1<sup>st</sup> Stage representations and appeals.
- Issuing various on-street parking permits including resident permits, visitors' permits, staff and business permits across the Borough
- Issuing of other permits and season tickets
- Provision of additional hours to be purchased by key stakeholders, in particular town and parish councils, but also schools and event promoters
- Handling of correspondence and telephone services to the public
- Issuing dispensations to allow disabled blue badge holders, emergency services, and other statutory bodies to park in violation of parking regulations on matters of urgent business.

### **Council responsibilities**

The Council is responsible to manage the contract with NSL. To further ensure transparency, the Council is required to produce an Annual Report about the operation of CPE. The Council also needs to fulfil the following tasks:

- Audits
- Deciding on cases to progress to Traffic Penalty Tribunal Services (TPT)
- Deciding on cases to progress to debt collection
- Registering warrants at the Traffic Enforcement Centre (TEC)
- Appointment of an Executive Member on TPT board
- Annual Parking Report
- KPI monitoring
- Setting policies (dispensations/waivers, etc)
- Reconciling payments/billing

### **Performance Management**

The Council and NSL have agreed the Key Performance Indicators (KPIs) set out below and these are linked to payment of NSL for the service. These allow for targets to be reviewed to meet changing needs and as a result, the requirements of the contract and the KPIs can be modified upon joint agreement.

### **KPIs**

- Deployed hours (within 2% of target)

- Compliance with agreed rotas
- Response to reactive enforcement requests
- Complaint handling
- Penalty cancellation due to officer error
- IT Failure resolution time
- Compliance with IT requests
- Penalty processing failure
- Permit processing

The contractor NSL is responsible to present to the Council the information to address KPIs on a monthly basis. These are reviewed at a monthly Contract Review Meeting to ensure that the contact is running as agreed.

## **Section 2- Outcomes since Implementation of CPE**

The CPE contact has only been 'live' for 5 months and this is not sufficient time to enable a full and comprehensive assessment of its success. However, to date the contract has performed well against the objectives and the assumptions set out in the business case.

### **Penalty Charge Notice (PCNs) Served**

The business case for CPE made assumptions about the extent of contraventions (25% in town centres within the borough) and also the expected income from PCNs. The contract was approved on a cost neutral basis to WBC as set out in the business case. The main purpose of CPE is to ensure that parking contraventions are managed to improve safety and prevent congestion, not as a profit generating exercise.

The tables below sets out the number of PCNs issued, the PCN income and the cost of service. The number of PCNs served are in line with the assumptions made when CPE was approved and the table demonstrates that CPE has been successful to date in covering its costs while enabling the Council to deal effectively with parking issues that it set out to address.

### **PCN details 1<sup>st</sup> Oct 2017 – 13<sup>th</sup> Feb 2018**

PCN's	PCN's issued	Cost of providing the service	PCN's with payment received	Qty	Value	Recovery %	Outst
Totals	4,058	£62,500	Totals	2,699	£75,370	66.51%	1,

At the moment, the recovery rate is 66.51% which is mainly due to the time-lag in fines being paid and in dealing with representations and appeals against notices serviced. Some will take longer to recover as the Council will have to pursue these formally. The business case for the service assumed a recovery rate of 75% which is based on the average for other CPE schemes in the country. It is anticipated that the recovery rate will increase when we have reached the full progression path for enforcement over the next few months. Generally, the PCNs issued generate an income that covers the NSL contact fee to provide the service which is on a cost recovery, break even basis. The legislation requires that the Council does not make a profit from CPE. It is expected that any surplus income will be very limited and this is borne out by the experience to date

as set out on the table above. Any surplus must be used to improve road safety in the borough linked to CPE.

**Patrols**

NSL is contracted to provide 896 planned hrs per Month of foot and mobile patrols in the borough between 07:30am and 10:00pm 7 days per week. NSL monthly data for January 2018 is showing:

Patrol Type	Planned hours	Actual hours	Variance	Monthly %
CEO Foot (urban areas)	480	346.5	-133.5	91.58%
CEO Mobile (rural areas)	416	488.25	72.25	compliance

Patrols take place both on foot and also via vehicles depending on whether they are in higher density urban areas or more rural areas of the borough. Although compliance to contract is within accepted tolerance of 10%, patrol time has been lost due to the high number of repairs currently being undertaken on our existing ticket machine stock which is very old. Down time is currently estimated at 48 hrs per month, with an average of 6-10 reported machine faults per day to deal with. The Council prioritises the mending of parking machines to ensure that these are repaired as soon as possible.

As a result of the issues that the Council is experiencing due to machine failure, it is currently working to consider options to replace existing machines and is undertaking an options appraisal and will prepare a business case for consideration by the Council’s Executive later in the year. Despite the time being taken to mend the machines by enforcement officers, they are still serving the number of PCNs expected and the PCN income received is covering the cost of providing the service. However, the Council acknowledges that machines breaking down causes inconvenience and frustration to car park users.

**Location of patrols**

The patrols focus on those areas where there are parking restrictions in place. These areas tend to be those more intensely used and or where contraventions are more harmful to road safety. Prior to CPE, the Council undertook a compliance survey and identified those areas where the incidence of contraventions were greatest mainly around town centres in the borough, and outside schools and community buildings. Minor residential roads have generally received less focus given that there are fewer restrictions and as the safety implications of non-compliant parking is reduced.

Enforcement officers have focussed on Wokingham, Woodley, Earley and Twyford Town Centres. However, the service is reactive and where parking issues have been reported, the Council has deployed officers to specific areas, especially schools. Requests for patrols around school have been investigated by the Enforcement Officers and are included on the schools patrol rota prioritised as red, amber, and green for future patrols. To date we have completed 133 school patrols with 34 PCN’s issued. 99 vehicles have been logged as a potential contravention and 246 vehicles have been moved on.

The Council is looking at options with NSL to consider additional patrols. This will need to be assessed to consider the benefits of extending the number of patrol hours and the cost of this additional service. To date, no 3<sup>rd</sup> parties have approached the Council to secure and fund additional patrols but this option remains open.

### **Off Street Parking**

Prior to CPE being implemented, in house Council staff undertook enforcement within its own Car parks but since CPE was introduced, the contractor NSL has undertaken this on the Council's behalf. This is a more efficient use of parking officer's time as patrols will visit an area to address both on and off Street parking.

Since the implementation of the contract in October 2017, the Council's contractor has served nearly as many PCNs (approx. 48%) in WBC car parks as it has in respect of on street car parking contraventions. This indicates that off street parking enforcement is continuing to be effective under the new contract arrangement.

### **New Traffic Control Requests**

As CPE is now in operation, the parking habits of the public have and are likely to continue to change. There is also increased community expectation of the benefits of CPE which have resulted in the Council receiving requests for further restrictions in the borough to allow parking to be controlled. This has also resulted from parking being displaced from streets that currently have restrictions in place that are now being enforced against.

To date, the Council has received over 100 requests for parking restriction changes since CPE commenced. These are looked at on receipt and those that will not meet the relevant criteria are returned. There are approximately 90 requests for further consideration and in order to be able to prioritise these and to ensure that budget is allocated to priority schemes, the service will consider these in batches. In initially, the first batch will be considered in spring 2018. The Council is developing a policy for how the schemes for additional restrictions will be prioritised. This policy approach will be adopted through an IEMD before the schemes are considered and a work programme is put in place. However, broadly speaking the proposal will to prioritise these in the following order :-

- Where there are significant highway safety implications resulting from current conditions & accidents that could be prevented by parking restrictions.
- Where there are less significant highway safety implications resulting from current conditions
- Those schemes that receive the most community support if deemed appropriate for the road/area

In addition to the above and as resources permit, the Parking Team will review all existing restrictions to ensure they are still relevant to the area to ensure that the public highway parking space available is suitable for use.

### **Representations and complaints**

The Council has been made aware of a number of issues regarding the administration of CPE by NSL and is working with the provider to address these. Generally through, the Council has received relatively few complaints about the service. These have mainly been associated with new approaches to permit schemes, and to administrative errors and the Council has worked to resolve these with customers. The Council has also

received complaints about ticketing on Sundays and Bank Holidays but has resisted changing this approach given the importance of enforcing against unacceptable parking in the interests of highways safety and to reduce congestion for road users during these times.

### **Parking Strategy for the Borough**

The Council is in the process of revising its parking strategy for the borough. This will set out the Council’s high level approach towards parking issues and this is expected to be considered by the Council’s Executive in May 2018. If agreed, this document will go out for full public consultation before adoption by the Council. Following this and in line with the strategy documents, an action plan will be developed and further policies and procedures put in place.

### **Residents Parking Permits**

Across the borough there are currently 16 residents parking zones. The Council has a residents parking protocol which was adopted in 2011 that sets out how residents parking is allocated, who is eligible to apply, and the number of parking spaces that can be allocated to each household. In residents parking areas, there is no provision for visitor parking because the demand for residents parking exceeds capacity. In these areas, visitor parking will increase pressure on the limited supply of car parking available resulting in residents not being able to park near their homes.

As a result of the online TRO that was adopted when CPE was introduced, residents now have to register their vehicles using the vehicle registration number to ensure that they do not receive a PCN. While registration numbers can be swapped, the maximum number of vehicles within a zone at any one time cannot be increased. This has resulted in some complaints as previously, car parking permits could be switched between vehicles, and residents who did not have a car could give passes to visitors etc. The new approach also prevents residents being able to use unreturned permits to enable them to park additional vehicles in the zone in abuse of the system.

### **Dispensations and suspensions**

Sometimes, there is a need to suspend parking restrictions on some roads due to extraordinary circumstances or for special reasons. Examples could include suspension due to construction of development, street parties etc. The Council is receiving requests for dispensations and suspensions and is in the process of developing a policy and procedure for this. This will be subject to public consultation and formal adoption by the Council. In the meantime and pending formal adoption of the policy, requests are dealt with on a case by case basis.

<b>List of Background Papers</b>	
Executive Report Introduction of Civil Parking Enforcement Powers 29 September 2016	
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