

<b>TITLE</b>	<b>Civil Parking Enforcement Update</b>
<b>FOR CONSIDERATION BY</b>	Overview and Scrutiny Management Committee 5 November 2018
<b>WARD</b>	None specific
<b>DIRECTOR</b>	Sarah Hollamby, Acting Director of Locality and Customer Services
<b>LEAD MEMBER</b>	Anthony Pollock, 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 information within the report.

## **SUMMARY OF REPORT**

The report provides an annual update on the Civil Parking Enforcement (CPE) since its introduction in October 2017.

- Background
- Details of CPE
- Contractor and Council responsibilities and contract 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

Generally, the introduction of CPE administered by NSL has met the objectives set out by the scheme when adopted by the Council to improve traffic flows by challenging driver's previous behaviours and has brought education by way of warning notices. As anticipated, the service has been cost neutral with the level of income covering the cost of the service in the first year of operation.

## **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.

CPE went live in October 2017 and has now been in place for 1 year this report reflects the outcomes of the first year of operation.

### **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 (Minimum of 190 hours per week) for 8 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 contract is running as agreed.

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

The CPE contract has now been 'operational' for 12 months and has seen a significant improvement in maintaining traffic flows and challenging drivers previous behaviours, bringing education by way of warning notices to new restrictions being implemented throughout the borough.

We have recently introduced partnership working with the police at some of our most difficult school patrols with a marked improvement to compliance when patrols are in place. More joint patrols are planned over the coming months to strengthen this partnership to tackle driver's behaviours around obstruction of footways and complaints about dangerous driving that our enforcement team have no powers to action.

With over 60 schools in the Borough it's difficult to ensure compliance at every school and we have recently approved an increase in the number of Civil Enforcement Officers (CEO's) from 6 to 8 officers to maximise our capabilities along with an extra vehicle. These new officers have taken time to recruit and they have only just recruited to full establishment over the last 4 months. New Officers will work in pairs for several weeks to provide on the job training prior to their formal academic qualifications course.

### **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 – 30<sup>th</sup> Sept 2018

### Issue Rates

DATE:	TOTAL PCN'S ISSUED	PCN	WARNING	PAID WITH DISCOUNT	PAID IN FULL	PAID AT SURCHARGE	WARRANT FEES	CANCELLED
Oct-17	1248	595	653	241	1	0	0	1
Nov-17	741	741	0	532	30	0	0	3
Dec-17	1062	1062	0	611	98	0	0	53
Jan-18	1213	1184	29	802	91	0	0	71
Feb-18	1043	1043	0	649	132	11	0	118
Mar-18	1138	1137	1	819	161	18	0	120
Apr-18	1189	1178	11	816	115	17	0	70
May-18	1238	1237	1	845	134	17	0	100
Jun-18	975	975	0	723	106	22	0	79
Jul-18	1020	985	35	649	100	16	0	94
Aug-18	1156	1156	0	751	82	12	38	136
Sep-18	957	871	86	610	158	38	20	79
<b>TOTAL:</b>	<b>12980</b>	<b>12164</b>	<b>816</b>	<b>8048</b>	<b>1208</b>	<b>151</b>	<b>58</b>	<b>924</b>
<b>%</b>	<b>100%</b>	<b>94%</b>	<b>6.29%</b>	<b>62%</b>	<b>9.30%</b>	<b>1.16%</b>	<b>0.45%</b>	<b>7.12%</b>

### Payment details

DATE:	PAID AT DISCOUNT	PAID IN FULL	CHARGE PCNS £75 / £105	TEC £83 / £113	VALUE OF PAYMENTS
<b>Oct-17</b>	£6,985	£50	£0	£0	£7,035
<b>Nov-17</b>	£15,850	£1,760	£0	£0	£17,610
<b>Dec-17</b>	£17,245	£5,580	£0	£0	£22,825
<b>Jan-18</b>	£22,560	£5,340	£0	£0	£27,900
<b>Feb-18</b>	£18,095	£7,645	£885	£0	£26,625
<b>Mar-18</b>	£23,245	£8,110	£1,530	£0	£32,885
<b>Apr-18</b>	£22,820	£6,530	£1,455	£0	£30,805
<b>May-18</b>	£23,470	£6,670	£1,485	£0	£31,625
<b>Jun-18</b>	£19,975	£5,980	£1,890	£0	£27,845
<b>Jul-18</b>	£18,070	£5,520	£1,260	£0	£24,850
<b>Aug-18</b>	£20,645	£4,580	£1,020	£3,454	£29,699
<b>Sep-18</b>	£17,160	£5,660	£3,082	£2,212	£28,114
<b>TOTAL:</b>	<b>£226,120</b>	<b>£63,425</b>	<b>£12,607</b>	<b>£5,666</b>	<b>£307,818</b>

The recovery rate for the year is currently at 73% which is slightly below the assumed recovery rate of 75% set in the business case. This was based on the average for other CPE schemes in the country.

It should be noted that at this time we have only just completed the first batch of warrants to the Bailiff's with 350 warrants being pursued at the full costs with an estimated recover of £35,312 if all are paid. And approx. 600 further PCN's at various stages in the process unpaid at this time.

## Residents permits income CPE Oct 2017- Sept 2018

Number of vehicles included on residents permits	Number of Residents Permits issued	Income from permits
590	487	£13,055

During the first year we have seen improved compliance from the residents permit scheme with a substantial reduction in abuse due to the regular patrols by NSL staff. On Street permits form part of the CPE account and whilst residents permit income is relatively low. This shows a marginal increase on the previous year prior to CPE compared with only 317 permits issued with an income of £9,510. Covering Oct 2016- Sept 2017.

### Cost of service

NSL Service costs	Monthly	Annual costs	Actual payments
Fixed costs	£32,055	£384,660	
KPI 10%	£3,205	£38,460	
Total Costs	£35,260	£423,120	£355,433
Permit fees and PCN income recovered to date			£320,073
Estimated Outstanding PCNs and Bailiffs fees based on 50% recovery			£37,701
<b>Final outturn of CPE contract over first year of operation</b>			<b>£1,711 surplus</b>

NSL contracted costs are based on a fixed monthly fee and a KPI performance payment. Since the start of the contract we have consistently monitored the service and deducted KPI performance costs where performance has dropped below the KPI standards.

Generally, the PCNs and permit fees recovered to date have met the NSL contract fees to provide the service on a 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 tables 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. The table below sets out the actual deployed hours, locations visited, number of vehicles checked against number of PCN's issued

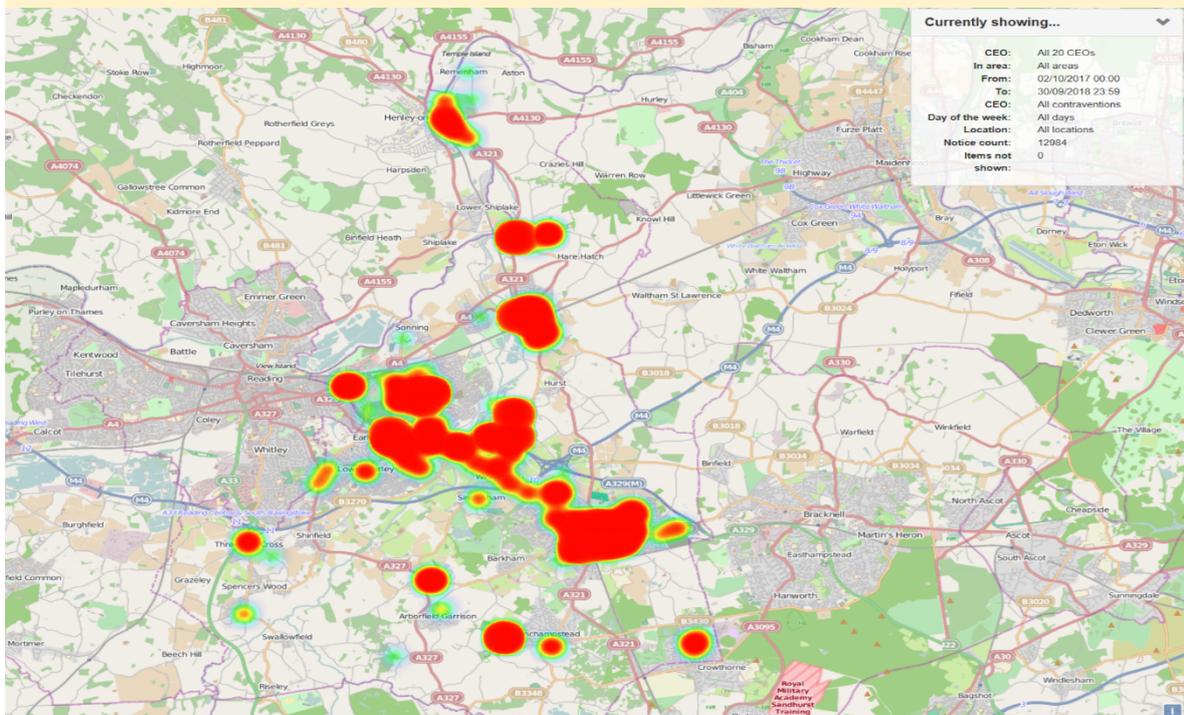
02/10/17	LOCATIONS PATROLLED	VRM CHECKS	NOTICES ISSUED	DEPLOYED HOURS	CONTRACTED HOURS
30/09/18					
TOTAL:	61,618	138,901	12,980	10,432	2,899
AVERAGE PER DAY	168.8	380.6	35.6	28.6	27.14

## 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.

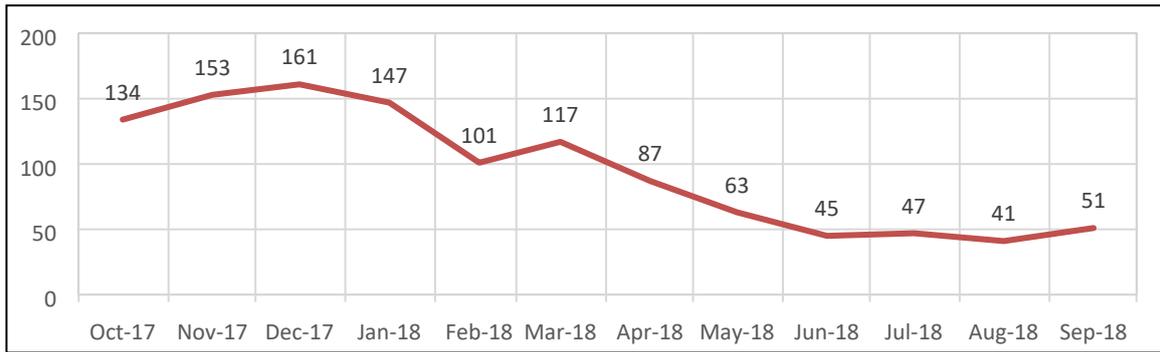
Patrols take place both on foot and also via vehicles depending on whether they are in higher density urban areas or more rural areas of the borough. The table below provides a heat map of PCN activity across the borough.

## PCN HEAT MAP REPORT



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 6-8 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. The table below shows the level of fault reports we have sustained over the year.

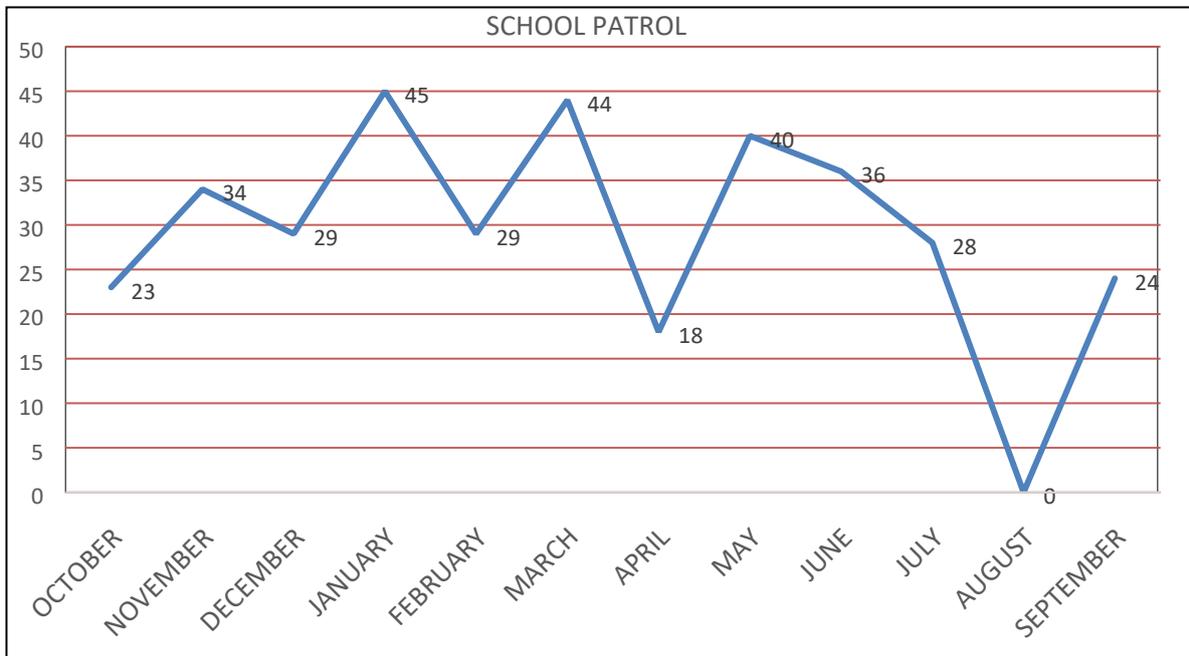
**REPAIRS**



The Council are in the final stages of approval of new ticket machines and we anticipate installation starting in January 2019.

**School Patrols.**

Enforcement officers provide regular patrol at schools and asset out above, we have completed joint patrols with the police and will continue to do this in order to assist with obstruction or other issues that we do not have the powers to deal with such as speeding and antisocial behaviour from drivers and residents alike. However with over 60 schools in the borough it's very difficult be at every school and we have a 5 week rota covering all the priority schools. To date we have completed 350 school patrols over the year. However PCN's issued remain very low at 56 for parking on a school crossing. This is mainly due to the Hi visibility of officers and compliance when we are patrol at these locations.



The Council have agreed with NSL to increase its staffing levels to provide additional patrols. NSL have recently recruited these additional officers and once trained, this will help to improve their capabilities for extra school patrols.

## 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 as many PCNs (approx. 56%) 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.

<b>WOKINGHAM:</b>	
WELLINGTON H. LOWER C/P	3
WELLINGTON H. UPPER C/P	18
EASTHAMPSTEAD WEST C/P	367
EASTHAMPSTEAD EAST C/P	465
ELMS ROAD L/S LEVEL 2	48
DENMARK STREET C/P	514
COCKPITH PATH C/P	628
THE PADDOCKS C/P	262
ROSE STREET C/P	367
CARNIVAL MSCP	255
ELMS ROAD S/S	370
SHUTE END C/P	142
<b>EARLEY:</b>	
STATION ROAD C/P	427
<b>WINNERSH:</b>	
WINNERSH PARK & RIDE	40
<b>WOODLEY:</b>	
CROCKHAMWEL C/P	184
HEADLEY ROAD C/P	510
LYTHAM WEST C/P	58
LYTHAM EAST C/P	204
<b>TWYFORD:</b>	
POLEHAMPTON CLOSE C/P	376
<b>WARGRAVE:</b>	
SCHOOL LANE C/P	230
<b>COUNTRY PARKS:</b>	
CALIFORNIA COUNTRY PARK	149
DINTON PASTURES	1663
<b>TOTAL:</b>	<b>7280</b>

## 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 do 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. Broadly speaking, requests are prioritised 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

The Council have recently advertised its first amendment to the as shown below:

**WOKINGHAM BOROUGH COUNCIL (VARIOUS ROADS, WOKINGHAM BOROUGH) (STOPPING, WAITING, LOADING AND UNLOADING PROHIBITIONS AND RESTRICTIONS, PARKING PLACES AND RESIDENT PERMIT PARKING PLACES) (CIVIL PARKING ENFORCEMENT) (CONSOLIDATION) ORDER 2017 (AMENDMENT NO. 1) ORDER 2018**

The first batch of requests has been prioritised using accident history, information about safety concerns and congestion. The first batch are those requests that are of highest priority. These are at the advertising stage and may require further amendment before being implemented. The Council will consider responses and make any necessary adjustments prior to implementation.

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 are 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 has been 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. Over the first year we have corresponded with 5,899 letters at various stages in the process. The table below provides a breakdown of correspondence at each stage.

Type of correspondence	Qty Letters	Costs associated
Informal challenge (discounted charge)	3,517	£25/£35
Notice to Owners (full charge)	2,368	£50/£70
Formal Representation (full Charge)	616	£50/£70
Charge Certificate (Surcharge)	1055	£75/£105
TE3/TE9 pre warrant stage	586	£83/£113
Bailiff Warrant of execution	350	£83/£113
Total Number of correspondence	8,492	

NSL also provide a contact centre service with 3,577 calls dealt with over the year.

Appeals to the Traffic Penalty Tribunal Service that were formally appealed is relatively high at 62 cases which is what we expected in our first year of operation under CPE.

Adjudication Services	Qty	Remarks
Cases pending decision	3	Waiting for information or decision from Adjudicator
Not Registered	6	Case progression stage too late to appeal
Cases Dismissed	25	Driver must pay the PCN at full costs
Cases Allowed	20	Council must close case nothing to pay
Not contested	8	Insufficient information to progress case to appeal.
Total Cases	62	

Foreign vehicles that we are unable to trace via DVLA are also pursued via a third party agreement with NSL with 16 foreign vehicles currently being chased for payment.

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

In the future, the Council will review its parking strategy for the borough. This will set out the Council's high level approach towards parking issues for consideration by the Council's Executive. 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.

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 prevents residents being able to use unreturned permits to enable them to park additional vehicles in the zone in abuse of the system.

Following a recent resident parking survey, the Council is considering amending this process as supported by 51% of respondents and we are working with our permit providers to accommodate the changes suggested to remove the vehicle registration from the permit and to go back to a printed permit system. The additional costs involved in providing this solution are estimated to be in the region of £10,000 to cover the additional administration requirements, printing and posting costs.

### **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 has proposed to include a cost to provide and administer this service at £15.00 per week/ per vehicle per bay to be introduced as part of the budget process for fees and charges next year. .

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