

## Cabinet

20 June 2012

### Civil Parking Enforcement: County Durham South



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### Report of Corporate Management Team

**Ian Thompson, Corporate Director, Regeneration and Economic Development**

**Councillor Neil Foster, Cabinet Portfolio Holder for Regeneration and Economic Development**

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#### Purpose of the Report

- 1 This report sets out the Business Case for the introduction of Civil Parking Enforcement in the South of the County.

#### Background

- 2 The Council's commitment to implementing Civil Parking Enforcement (CPE) was contained in the Local Transport Plan 2 and a three stage approach to implementation was approved by Cabinet in November 2007. The first stage of the project was introduced in the former Durham district in October 2008 when the County Council assumed responsibility for 'on street' enforcement from Durham Constabulary. The second stage was introduced in the north of the county in November 2011 when the County Council acquired powers to enforce in Consett, Stanley, Chester le Street, Easington, Peterlee and Seaham. The final stage will see the County Council assume enforcement responsibility in the south of the County including the towns of Spennymoor, Bishop Auckland, Shildon, Newton Aycliffe and Barnard Castle. Off street car parks in Bishop Auckland and Barnard Castle are presently and will continue to be enforced by the County Council. This third and final stage of the project will ensure all areas of the county are consistently managed under the same legislation.
- 3 Following successful implementation of stage 1 and 2, work has been ongoing to review all traffic regulation orders in the south of the county, with a view to implementing CPE in autumn 2012. This exercise has been ongoing throughout 2011/2012 and has resulted in re-advertising and consolidating many of the existing legal orders. An exercise to bring to an acceptable standard all signs and lines has run alongside the legal exercise.
- 4 In order to ensure no significant financial burden is placed on the County Council it has been necessary to assess a full business case to determine affordability. In view of the financing requirement it is prudent to ensure any

proposal would be self supporting and not require subsidy from Council funds. This business case will be submitted as part of the application for CPE powers to the Department for Transport.

## **Business Case**

- 5 Consideration has been given to the likely future financial implications of operating under Civil Parking Enforcement powers and the potential income that such measures could generate. The strategic overview for the project has been set out in the business case accompanying this report together with an income and expenditure analysis.
- 6 Currently off street pay and display operations in Bishop Auckland and Barnard Castle generate approximately £587,000 income. Set against this is the cost of enforcement undertaken by the Council's contractor NSL of £128,000, resulting in a surplus of £459,000.
- 7 Under present arrangements the off street car parks are enforced by the County Council under the Road Traffic Regulation Act and follow a criminal process through the magistrate's courts. On street enforcement is undertaken by Durham Constabulary and follows the same legal process. Combining both regimes under a single power contained in the Traffic Management Act will meet the County Council's objectives as set out in our Local Transport Plan, parking strategy, and in the accompanying business case. This will remove contravention from the legal process and place it in the civil debt recovery arena. All incomes are therefore recoverable by the County Council.
- 8 The Business Case demonstrates that the proposal to introduce CPE will result in improved compliance and increase revenue to the authority for use in transport related projects. In addition, the introduction of on-street enforcement may lead to greater use of off-street parking, leading to higher income levels from pay and display.
- 9 It is estimated that income may increase through introduction of CPE by approximately £134,000. Set against this is an increased cost of enforcement of £124,000. Costs of enforcement resource can be adjusted to reflect levels of contravention and income from the scheme. The analysis demonstrates that an improved more efficient, consistent and effective enforcement regime can be introduced in the south of the County without financial encumbrance to the County Council.
- 10 A managed and measured approach to deployment of enforcement officers will be maintained to ensure financial viability of the service. It is likely that the first weeks of enforcement will see a high demand for enforcement resource. Reduced enforcement levels will be delivered when higher levels of compliance are reached.
- 11 Legislative guidance dictates that any income received (whether for on-street or off-street enforcement) must only be used in accordance with

Section 55 (as amended) of the Road Traffic Regulation Act 1984, for transport related activities. It is therefore intended that surpluses will be used to resource and deliver CPE throughout the County with excess used to subsidise other traffic management operations including Durham Park and Ride. There will be a requirement for an additional full time equivalent administrative person to address the inevitable increase in workload relating to representations/ appeals and financial management of the project. The funding for the post would be met from generated income as outlined in Table 5 of the business case accompanying this report.

## **Consultations**

- 12 It is a requirement of the Secretary of State for Transport that a comprehensive consultation exercise is undertaken prior to implementation of CPE. It is important that the public understand the Highway Authority's intentions and purpose of CPE. The consultation process has commenced and endorsement has been sought from statutory consultees including the Police and neighbouring Local Authorities. A consultation and information exercise has commenced in early May with attendance at Parish and Town Council and Area Action Partnership meetings.

## **Risks, constraints and dependencies**

15. The additional income generated as a result of CPE in the South of the county will meet the additional costs of enforcement by the County Council's contractors. These costs are known and therefore risk of incorrectly predicting the costs is extremely low. Should CPE for South Durham be approved it is considered that financial risk to the Council is minimal. No other risks are borne by other parties and liability and resource burden will be removed from Durham Constabulary.
16. As a result of continued non compliance with regulation a highways operational risk continues without CPE. Increased incidence of non compliance with regulations leads to a less safe and less efficient highway network. Lack of enforcement resource from the Police has resulted in more contraventions and a reduction in income to the County Council from off street parking alternatives.
17. Durham Constabulary is fully supportive of the County Council and the planned approach to parking enforcement for South Durham. Financial pressures on the Police Authority can be relieved through reduction in front line resource and back office support. Support has been expressed from various groups and stakeholders who consider improved enforcement will enhance the economic vitality and viability of our town centres.
18. The proven financial model established and tested for the previous stages of CPE will be applied to this element of the project. The County Council

have directed significant funding for remedial measures for lining and signing works. An ongoing regime of sign maintenance and lining recovery has ensured that traffic regulation orders are effective. It is not envisaged there are any financial constraints to delivery.

19. Current enforcement resource will be supplemented with additional enforcement officers deployed in the south of the County. Back office systems and support are in place and will be utilised for the Durham south project. NSL Ltd will be requested to provide additional resource as a variation to the existing contract. Discussions and negotiations have commenced to ensure this aspect of the project can be secured.

## **Conclusion**

- 19 It can be clearly demonstrated that operating Civil Parking Enforcement in the South of the County (former Weardale, Teesdale, Sedgefield districts) is financially viable. The operation of CPE will be actively managed such that levels of enforcement will be adjusted in line with levels of contravention and income generated.

## **Recommendation and Reasons**

- 20 Management Team are requested to note the contents of this report and endorse the financial business case on which to base an application to the Secretary of State for Transport.

## **Background Papers**

Cabinet Report: Decriminalised Parking Enforcement: Durham District  
22 March 2007

Local Transport Plan 2:

Guidance on Decriminalised Parking Enforcement outside London: DfT  
Traffic Act 1991

The Secretary of State's Statutory Guidance to local authorities on the civil enforcement of parking contraventions

The Civil Enforcement of Parking Contraventions (England) General Regulations  
2007

The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007

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## **Appendix 1: Implications**

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### **Finance**

Self financing with a surplus being generated within the first year. It should be noted that the surplus will reduce as higher compliance levels are achieved.

### **Staffing**

Existing staff have been utilised to undertake a TRO, signing and lining review. Additional staff resource will be required to both process Notices issued and to deal with the representation and appeals process.

### **Equality and Diversity**

Improved enforcement of specialist parking areas for different sectors of the community. (e.g. Bus stop clearways and disabled persons space).

### **Accommodation**

None. Existing accommodation to be used.

### **Crime and Disorder**

Civil Parking Enforcement can contribute to a reduction in vehicle crime. It will also reduce the incidence of anti social and unsafe parking practices through enforcement of existing restrictions.

### **Sustainability**

None

### **Human Rights**

None

### **Localities and Rurality**

As detailed in the report.

### **Young People**

None

### **Consultation**

Statutory consultation required as well as further full consultation with the public.

### **Health**

None

### **Personalisation**

None