

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Environment and Transport
Date:	5 June 2018
Title:	T19 Parking Project Update
Report From:	Director of Economy, Transport and Environment

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1. Recommendations

- 1.1. That the Executive Member for Environment and Transport notes the progress made in developing the County Council's approach to on-street parking across the County, including enforcement and the delivery of associated parking controls, as part of the Transformation to 2019 savings proposals.
- 1.2. That the Executive Member for Environment and Transport gives authority in principle to develop and implement proposals for a centralised County Council Civil Parking Enforcement service, either delivered directly or through a contract with a commercial service provider, in the event that suitable revised financially robust civil parking enforcement agency arrangements cannot be agreed with the relevant districts and borough councils.
- 1.3. That the Executive Member for Environment and Transport gives approval in principle for the introduction of Chargeable on-street parking with authority delegated to the Director of Economy, Transport and Environment and the Head of Legal Services to take all the necessary measures and steps to implement the changes, including the progression and approval of any associated Traffic Regulation Orders and any works necessary to support the introduction of chargeable on-street parking.
- 1.4. That the Executive Member for Environment and Transport gives approval to procure the services of an independent specialist parking consultant to fully assess the available options for a Countywide parking enforcement service.

2. Executive Summary

- 2.1 This report provides an update on work undertaken to develop the County Council's approach to on-street parking, including future arrangements for enforcement and the delivery of associated parking controls across the County as part of the Transformation to 2019 savings proposals. The report seeks approval to develop proposals for chargeable on-street parking in a number of locations following discussions with the various District and Borough Councils.
- 2.2 The report also seeks approval to develop, procure and implement proposals for a centralised County Council Civil Parking Enforcement service in the event

that suitable revised Civil Parking Enforcement agency arrangements cannot be agreed.

3 Contextual information

- 3.1 The County Council, as the Highway Authority, is responsible for on-street parking enforcement where civil parking enforcement exists. The County Council applied to Department for Transport for civil parking enforcement powers on a district by district basis over a number of years, with the first application for Winchester in 1996, and the most recent being for East Hampshire in 2012. Gosport is currently the only district/borough in Hampshire where civil enforcement has not been implemented.
- 3.2 The district councils currently undertake parking enforcement on behalf of the County Council via agency agreements. The agreements were established to facilitate improved local parking enforcement compared with the police resources previously available, and were intended to be run on a cost neutral basis. The majority of the agency agreements have not been significantly reviewed since their introduction.
- 3.3 Individual district and borough councils are able to implement areas of chargeable on-street parking, subject to the County Council's agreement, setting charges to meet local needs. Any surplus after meeting the full costs of parking enforcement may be used to meet local transport objectives with the County Council's approval, and provided these are consistent with the relevant legislation. There is considerable discrepancy between the financial position of individual district and borough council's on-street parking accounts, with some showing substantial year on year operating deficits.
- 3.4 Discussions with a number of district council agents aimed at agreeing new, updated Civil Parking Enforcement agencies indicate that some may decline to enter new arrangements. The County Council, as Highway Authority, is ultimately responsible for Civil Parking Enforcement (all district areas except Gosport). In the event that an agency arrangement cannot be agreed, responsibility for Civil Parking Enforcement in that agency area will continue to rest with the County Council. Consequently the County Council must continue to provide the service.
- 3.5 It is hoped that agreement with each district over revised terms for the continued district and borough operation of Civil Parking Enforcement can be achieved, as this would retain the linkage between on-street and off-street parking provision. However, should a high proportion of the districts and boroughs decide to hand back the parking enforcement function, it may not be economically viable to retain agreements with those few districts and boroughs that wish to continue to deliver the service.
- 3.6 A centralised County Council civil parking enforcement service, either delivered directly or through a contract with a commercial service provider, would be best placed to deliver a modernised service to consistent standards across the County. The option for the County Council to deliver civil parking enforcement would be required in the event that wider area civil parking enforcement agency arrangements could not be agreed. For this reason it is recommended that this option continue to be developed further.

- 3.7 A service delivered through a contract with a commercial service provider would be expected to have low set-up costs and less financial risk compared with establishing a direct service. It would also be expected to have greater commercial rigour and potentially greater resource utilization, and more effectively recover costs than a directly run service. It may, however, offer less opportunity for review and adjustment to meet changing circumstances, and may require financial compensation for constraining enforcement activity that restricts the service provider's scope to recover cost in line with their tender.
- 3.8 In order to understand the opportunities and implications of a centralised civil parking enforcement service delivered directly or through a contract with a commercial service provider, it is recommended that the services of an independent specialist parking consultant be procured to fully assess the available options for a Countywide parking enforcement service.
- 3.9 Proposals to introduce new areas of chargeable on-street parking may be expected to elicit objections based on a requirement to pay to park where previously parking has been free of charge. Objections may relate in part to the additional expense, and in part to the inconvenience of using a meter, particularly for very short duration parking. Proposals will be developed that appropriately reflect the convenience of parking on-street and the availability and cost of suitable alternative off-street parking. Cashless facilities, such as pay-by-phone or contactless card payment, will generally be provided to simplify paying for parking, and a short free parking period may be considered in some locations, although motorists are automatically entitled to a 10 minute grace period for both free and paid for parking following changes introduced by central government in 2015.
- 3.10 Initial proposals are anticipated to replace a number of existing areas of limited waiting with chargeable on-street parking. This is likely to have a number of benefits, including optimising the availability of short term, convenient on-street parking by simplifying the enforcement of the limited waiting. Currently enforcement of limited waiting areas is very resource intensive with repeat visits required to identify vehicles in contravention of the restrictions, meaning that abuse of this type of restriction is widespread. Changing to chargeable on-street parking will enable both non payment and excess parking periods to be quickly identified on a single visit.
- 3.11 Paid for parking is likely to be appropriate in other locations where parking may not currently be controlled, and longer term may be the norm to help balance visitor access to locations with the impact that traffic has on neighbourhoods. Achieving a consensus on an appropriate balance of convenient, short term on-street visitor parking and longer term parking facilities off-street is typically difficult. As a result, parking controls take time to develop, refine and implement, and proposals are frequently controversial prior to being introduced. Equally, unregulated parking, or parking controls with limited enforcement, is a frequent cause for concern, particularly in areas where motorists are unable to find convenient parking. Paid for parking will improve compliance and parking turnover, and improve the experience for members of the public when trying to find convenient on-street parking by both simplifying enforcement and providing revenue to increase enforcement as required. It will also improve parking facilities generally.

- 3.12 National research has identified that as much as 30% of traffic in towns and cities comprises motorists looking for somewhere to park. In addition, a recent RAC membership survey identified that the most common reason for motorists avoiding travel to an area by car was due to difficulties in finding convenient parking. It is considered that the wider benefits to the public of chargeable on-street parking will outweigh the small charge and minimal inconvenience of paying to park.
- 3.13 A number of district council agents have indicated concerns about introducing new areas of chargeable on-street pay parking to offset the costs of on-street parking enforcement and associated services. It is important that on-street parking services are operated on a full cost recovery basis, including meeting the County Council's costs, to avoid directing scarce resources from other priorities to meet the cost of maintaining parking and related activity. The County Council's Transformation to 2019 Programme includes a target of £900,000 to meet the authority's highway management and maintenance costs associated with on-street parking. In the event that a revised agency arrangement that includes sufficient new areas of chargeable on-street parking cannot be agreed, or otherwise established, the County Council would need to consider how to meet the funding shortfall.
- 3.14 The conditions and scope for creating new areas of chargeable on-street parking vary between the district agency areas, and some flexibility in the agency arrangements is likely to be appropriate. However, the need to operate on-street parking services on a full cost recovery basis remains a requirement.
- 3.15 At the Executive Member for Environment and Transport Decision Day on 24th November 2017, the Executive Member approved the establishment of Civil Parking Enforcement within Gosport. Direct control of parking enforcement in the Borough will enable the County Council to set up a scalable service that would have potential to cover other districts where terms of new civil parking agencies cannot be agreed.
- 3.16 Recent discussions have taken place with the Department for Transport over the criteria and information required for submission as part of the Gosport Civil Parking Enforcement application. In addition, discussions are ongoing with Gosport Borough Council with regard to a number of required changes that will need to be made to the Borough owned and run off-street car parks, as the introduction of Civil Parking Enforcement will also require some changes to this service.
- 3.17 The cost of introducing civil enforcement in Gosport is estimated to be in the region of £200,000.

4 Finance

- 4.1 Income from on-street parking is held by the district and borough councils in their 'On-street Parking Account' and this is generated from two areas:
- (i) Income from chargeable on-street parking (if operated) and other charges (e.g. Residential Parking permits); and
 - (ii) Surplus or Deficit from on-street Civil Parking Enforcement.

- 4.2 Income from the 'On-street Parking Account' can be used to fund the maintenance and development of parking management schemes and a limited number of traffic and transport related services in accordance with the criteria for funding prescribed in Section 55 of the Road Traffic Regulations Act 1984.
- 4.3 It is intended that the full operational costs associated with the running of the on-street parking service should be met from revenue from penalty notices and parking permits. District and Borough partners wishing to continue to run on-street parking, including parking enforcement, will be responsible for any deficit as they are now.
- 4.4 Where residents parking is provided, those District and Borough partners wishing to continue to provide on-street enforcement will be responsible for the operation and administration of these areas, and also for any deficit as they are now. Permit charges for residential parking should therefore be set at a level whereby schemes operate on a full cost recovery basis
- 4.5 Income generated from proposed areas of chargeable on-street parking will be retained by the County Council to help meet the full costs of providing, maintaining, enforcing and managing parking in Hampshire. Some income may be provided to District and Borough partners undertaking enforcement to enhance the service.
- 4.6 District and Borough partners wishing to continue to provide on-street enforcement will need to undertake enforcement of all on-street parking controls including any new areas of chargeable on-street parking.
- 4.7 Those District and Borough partners who already have areas of established chargeable on-street parking may wish to reach a financial settlement with the County Council in lieu of introducing further paid for parking. Surplus income from on-street parking services after meeting an agreed financial contribution to the County Council's costs would be retained by the District and Borough partner and used to enhance the service.
- 4.8 The proposed evaluation of a centralised civil parking enforcement service will provide a full opportunities assessment and identify the most economically advantageous option for delivering the service in the event that civil parking enforcement agency arrangements cannot be agreed.
- 4.9 In the event that the County Council delivers a full or part-centralised civil parking enforcement service, either directly or through a contract, then the cost of associated traffic management activity will be met from parking revenue.
- 4.10 TUPE or 'TUPE like' conditions are anticipated to apply for district Civil Parking Enforcement and Traffic Management staff should current agency agreements end and not be replaced with new agency agreements. Additional costs associated with pensions and/or redundancy costs will also need to be considered.

5 Performance

- 5.1 It is anticipated that some variation in new civil parking enforcement agency agreements will be needed to reflect the individual nature of districts and boroughs in Hampshire. Those districts and boroughs with existing residents parking and chargeable on-street parking are more able to contribute to the full

cost recovery of parking in their areas. In contrast, other districts and boroughs without these facilities are likely to require more intervention to secure income to meet these costs.

- 5.2 In the event that the majority of District and Borough partners do not wish to continue to provide on-street parking enforcement, and the County Council is required to undertake civil parking enforcement in these areas, it is possible that the County Council may need to introduce a centralised civil parking enforcement service across the county in order to balance the costs with existing income opportunities.

6 Consultation and Equalities

- 6.1 Replacing the current civil parking enforcement agency agreements with alternative arrangements will not affect the fundamental provision of the services, and therefore no specific public consultation is required.
- 6.2 Formal consultation will be undertaken for the proposed new chargeable on-street parking areas as part of the Traffic Order process. An Equalities Impact Assessment will be undertaken on individual proposals as appropriate.

7 Other Key Issues

- 7.1 The County Council, as Highway Authority, is ultimately responsible for civil parking enforcement. There is no mechanism for the County Council to hand back civil parking enforcement to the districts, in the event that a new agency arrangement is not agreed, or to the Police. Consequently the County Council must continue to provide the service in perpetuity.
- 7.2 There is a full two financial year notice period to terminate the civil parking enforcement agreements. Notice was served prior to 31 March 2018 and new civil parking enforcement arrangements are required to be in place from 1 April 2020 (in all district areas except Gosport).
- 7.3 Gosport is the only district/borough in Hampshire where civil parking enforcement has not been implemented. As such, the police will continue to be responsible for parking enforcement pending the introduction of civil parking enforcement in the borough. The County Council is in the process of applying to the Department for Transport for Civil Parking Enforcement powers and, once granted, this function will transfer to the County Council. Feedback from Department for Transport officers indicates that Civil Parking Enforcement applications are currently taking around 2 years to progress.

8 Future direction

- 8.1 An Executive Member decision to terminate the remaining traffic management agency agreements may be required if the County Council determines to deliver civil parking enforcement in Hampshire directly. This will ensure that the County Council, as the Highway Authority, will have full control for both the introduction and/or amendment of parking controls in addition to parking enforcement responsibilities. There is a one year notice period to terminate the traffic management agreements, and the County Council would need to serve notice on these agreements one year in advance of introducing a new countywide civil parking enforcement system for the associated traffic management support function to be in place.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Countywide Civil Parking Enforcement Services	14 November 2017
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

None

IMPACT ASSESSMENTS:

1. Equality Duty

1.1 The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2 Equalities Impact Assessment:

It is considered that the proposal will have a neutral impact on groups with protected characteristics. Measures provided in response to specific needs e.g. disabled parking bays, will continue to be provided where appropriate. An Equalities Impact Assessment will be undertaken for any specific parking proposals progressed as part of the project.

2 Impact on Crime and Disorder:

2.1 Unregulated parking can cause disputes. An effective parking enforcement service will help reduce conflict. Civil parking enforcement can help reduce demand for police resources to respond to parking related issues, freeing up those resources for other crime and disorder issues.

3 Climate Change:

a) How does what is being proposed impact on our carbon footprint / energy consumption?

The proposal in itself has no impact on climate change. There is scope to reduce fuel consumption and the carbon footprint of car travel by the use of effective traffic management measures, which includes parking.

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

It is considered that the proposal will have no impact on the need to adapt to climate change and be resilient to its longer term impacts.