

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Executive Member for Environment and Transport
<b>Date:</b>	14 November 2017
<b>Title:</b>	Countywide Civil Parking Enforcement Services
<b>Report From:</b>	Director of Economy, Transport and Environment

**Contact name:** Adrian Gray

**Tel:** 01962 846892

**Email:** [adrian.gray@hants.gov.uk](mailto:adrian.gray@hants.gov.uk)

### 1. Executive Summary

- 1.1. The purpose of this paper is to seek approval for changes to the County Council's approach to on-street parking, including enforcement and the delivery of associated parking controls across the County as part of the Transformation to 2019 savings proposals.
- 1.2. The report also seeks approval to progress the introduction of civil parking enforcement in Gosport, the only district or borough in the County currently without these powers.

### 2. Contextual information

- 2.1. Unregulated parking can cause disputes between neighbours, and between residents wanting to park outside their homes and commuters, students or others seeking free, long stay parking, and between adjacent businesses who require space for loading and unloading, but also convenient short term customer parking and all-day parking for staff close by. In many locations these competing demands can all be present, and parking controls may be in place to achieve the desired balance. These controls may regulate on-street parking to prioritise available space, for instance by allocating space for residents, or they may seek to provide limited waiting or short stay on-street parking, combined with long stay, off-street parking.
- 2.2. In some cases, off-street parking may be provided out of town as part of park-and-ride facilities to encourage visitors to not travel into already congested urban areas, freeing up limited town centre parking spaces and reducing the adverse impact of transport. In these locations, parking provision, pricing and regulation form part of a transport strategy seeking to balance environmental aims with sustaining a vibrant economy.
- 2.3. Unregulated parking can also cause disputes between road users, particularly where parked vehicles narrow the available carriageway forcing

traffic into the path of on-coming vehicles, or obstructing accesses. Road safety concerns may emerge, and preventing parking and loading/unloading entirely in some locations is necessary to remove conflict or provide adequate visibility, for instance at road junctions. Such parking restrictions inevitably put more pressure on the remaining road space, exacerbating other problems.

- 2.4. It is also necessary in some locations to allocate some road space available for parking for a specific purpose such as a disabled parking bay. Again, such a restriction will have implications for available parking. Similarly, residents seeking to provide off-street parking with access from the highway will reduce on-street parking, with or without specific access protection markings. The Highways service licenses residential vehicle accesses to balance the needs of individual residents with those of their neighbours. Nevertheless, conflict can arise where an access is obstructed or impeded by parked vehicles.
- 2.5. The County Council, as the Highway Authority, is responsible for on-street parking enforcement where civil parking enforcement exists. The County Council applied to the 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 with the most recent being for East Hampshire in 2012. Gosport is currently the only district/borough in Hampshire where civil parking enforcement has not been implemented.
- 2.6. The district councils 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 cost neutral. The majority of the agency agreements have not been significantly reviewed since their introduction.
- 2.7. Individual district and borough councils are able to implement areas of on-street, pay-and-display parking, and set 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 that these are consistent with relevant legislation. There is considerable discrepancy between the financial position of individual district and borough councils, with a number not being cost neutral as intended. It is therefore considered appropriate to review the delivery of civil parking enforcement in Hampshire to achieve a consistent service that is cost neutral, and which meets emerging policy objectives.

### **3. Proposal**

- 3.1. The pressure on parking space is set to increase with anticipated development, and there may additionally be new requirements, for instance to provide roadside electric charging points, which collectively will place a new emphasis on parking management to protect the needs of residents

while supporting economic development. Providing an effective parking service that meets customer needs and delivers policy objectives will need additional resources and potentially new technologies to optimise available parking and provide improved customer information. To meet the associated costs of this service, it is anticipated that charging for on-street parking will need to be expanded beyond current levels, and charges for residents parking permits will need to reflect the full cost of their provision and enforcement.

- 3.2. The current agency agreements would be terminated under this proposal, but alternative options exist for meeting the objective of a consistent, cost neutral civil parking enforcement service, including new agency agreements with district and borough councils. It is envisaged that any new civil parking enforcement arrangements will in any event retain close collaboration with district and borough councils on overall parking provision (on-street and off-street) to reflect the joint nature of parking policy.
- 3.3. Any new arrangement will manage the parking service on a full cost recovery basis as it is no longer considered appropriate that the cost of providing, maintaining, enforcing and managing parking in a limited number of locations in Hampshire should be met from general resources.
- 3.4. Gosport is currently the only district/borough in Hampshire where civil parking enforcement has not been implemented. Earlier studies suggested civil parking enforcement in Gosport would operate a deficit, and as such it was not considered viable. Parking enforcement is instead undertaken by a police Traffic Warden under the day-to-day supervision of Gosport Borough Council, and is part funded by both the County Council and Gosport Borough Council (£15,000 each). The level of enforcement is constrained by the limited resource, with no service resilience in the event of leave or other absence. There have been regular requests to review the decision not to progress civil parking enforcement in Gosport due to concerns about unregulated parking and lack of flexibility due to the limited resources.
- 3.5. Increasing police resources in Gosport may be possible in the short term, but is not considered a long term option given policing priorities and the adoption of civil parking enforcement in every other district/borough in Hampshire. It is also likely that further funding from the County Council and Borough Council would be needed. It is therefore felt appropriate to progress an application to the Department for Transport for civil parking enforcement in Gosport.
- 3.6. Civil parking enforcement makes it easier to prosecute non-payment of parking charge notices (for infringing parking controls) and to recover excess charges in respect of on-street, pay-and-display parking. This will enable the County Council to develop improved parking controls and areas of on-street, pay-and-display parking that have previously not been possible, and which will enable a more flexible mix of off-street and on-street provision, particularly on the sea front.

- 3.7. The County Council would operate civil parking enforcement in Gosport, and it is not proposed at this time to consider an agency arrangement. This is primarily as a consequence of Gosport Borough Council not having the associated traffic management agency agreement that would enable the Borough Council to manage and maintain parking restrictions or respond effectively to new parking issues, and which therefore imposes a resource burden on the County Council for which revenue from civil parking enforcement and on-street parking should reasonably pay.
- 3.8. A further benefit of the County Council setting up and operating civil parking enforcement in Gosport is that it will establish the basic system required for the full countywide civil parking enforcement service during the termination period of the current agency agreements. This will enable the County Council to then take over responsibility for civil parking enforcement if required. It would also provide a scalable service that may be expanded to deliver civil parking enforcement as required in the event that new agency arrangements are developed with other district/borough councils, but ultimately cannot be agreed or are subsequently terminated. This will provide essential resilience in the future.
- 3.9. It is also intended to establish an enforcement system for bus lane contraventions, and the basic system for civil parking enforcement in Gosport (and elsewhere) will provide the required functionality for a countywide bus lane enforcement service.

#### **4. Other key issues**

- 4.1. There is a full two financial year notice period to terminate the civil parking enforcement agreements. This requires the County Council to serve notice on these by 31 March 2018 to enable a new countywide civil parking enforcement system to be in place from 1 April 2020.
- 4.2. Currently traffic management agency agreements are in place with 9 of the 11 district/borough councils. These traffic management agency agreements support the management of civil parking enforcement as they enable the district/borough councils to maintain carriageway markings and signs to implement the associated traffic regulation orders. They also enable the district/borough councils to respond to emerging issues and introduce new or amended parking regulations.
- 4.3. Only Gosport Borough Council and Fareham Borough Council do not have traffic management agency agreements. Hampshire County Council delivers these activities direct in these areas. Fareham Borough Council has however retained its civil parking enforcement agency.
- 4.4. Fareham Borough Council withdrew from the traffic management agency agreement in 2017, and it is too early to determine the full impact on the parking service of separating these two service activities. It is however felt to be generally beneficial and efficient to combine these functions.

- 4.5. If approval is given to terminating the civil parking enforcement agency agreements then the remaining traffic management agency agreements may also be terminated in the future to enable a traffic management support function to be developed to better support the prevailing civil parking enforcement system in Hampshire.

## **5. Options**

- 5.1. The County Council, as Highway Authority, is ultimately responsible for civil parking enforcement (all district areas except Gosport). It currently fulfils its obligation through separate agency arrangements. In the event that an agency arrangement is terminated, responsibility for civil parking enforcement in that agency area will continue to rest with the County Council. There is no mechanism for the County Council to hand back civil parking enforcement to either the districts or pass responsibility to the Police. Consequently the County Council must continue to provide the service in perpetuity.
- 5.2. Alternative options exist for the County Council to fulfil this obligation. It may continue with agency arrangements in their existing form, seek to amend these or replace them with new agency agreements, or provide a civil parking enforcement system directly.
- 5.3. This report recommends terminating the existing agency arrangements as they are no longer considered appropriate for the current financial position of the authority. There is considerable disparity in the individual agencies' financial returns, but the majority are not cost neutral as intended. Delivering an effective and consistent countywide parking service in the future will need to be on a full cost recovery basis, and the agency arrangements in their existing form do not provide the means of achieving this. The full cost of the parking service needs to include the costs of the associated traffic management and highway maintenance functions.
- 5.4. Following termination of the existing agency arrangements, the County Council will work with district/borough councils to assess the opportunity to replace them with revised agency agreements in a new parking partnership.
- 5.5. If it is not possible to agree revised agency arrangements that deliver a consistent countywide parking service on a full cost recovery basis then the County Council will implement a system to provide civil parking enforcement in Hampshire directly.
- 5.6. It is proposed to provide a new civil parking enforcement system directly in Gosport. This is a separate activity as there is no civil parking enforcement in Gosport at this time.
- 5.7. The future of the current traffic management agency agreements will depend on the outcome of the option assessment for a new countywide civil parking enforcement service.

## **6. Finance**

- 6.1. The County Council is not liable for any in-year or cumulative deficit arising through the current civil parking enforcement agency agreements. Nevertheless, the continuing deficit and inconsistency in the agency services is a cause for concern as the County Council is ultimately responsible for civil parking enforcement.
- 6.2. The County Council's Transformation Programmes provisionally identifies a £900,000 contribution to the functions associated with a parking service. This figure is a surplus above the direct cost of civil parking enforcement, and reflects the cost of those activities that support the delivery of the service.
- 6.3. The £900,000 identified in the County Council's Transformation Programmes is in addition to rebalancing civil parking enforcement to remove the current deficit. It is anticipated that charging for on-street parking will need to be expanded beyond current levels, and that charges for residents parking permits will need to reflect the full cost of their provision and enforcement in order to achieve this financial outcome.
- 6.4. The cost of setting up a civil parking enforcement service will depend on the scale of the deployment, and will vary from the lowest cost of establishing a service limited to Gosport up to a full, countywide civil parking enforcement service. In all cases, the costs could be recovered over time from revenue income i.e., the contribution to the functions associated with a parking service identified above.
- 6.5. The costs of that expanding on-street parking may also be recovered over time from this revenue income, but may additionally be met from the capital programme as appropriate.
- 6.6. The estimated cost of implementing civil parking enforcement in Gosport is £200,000. This cost can be met from existing resources as part of transforming countywide civil parking enforcement services. A revised business case will be developed as part of the application to the Department for Transport, and this will consider how the service can be set up to operate on a cost neutral basis.
- 6.7. TUPE is anticipated to apply for civil parking enforcement staff should the current agency agreements end and not be replaced with a new agency arrangement. The costs of TUPE have been identified and provision made as part of the financial arrangements put in place to support the transformation of countywide civil parking enforcement services.

## **7. Consultation and Equalities**

- 7.1. Terminating the civil parking enforcement agency agreements would not affect the fundamental provision of the services, and therefore no specific public consultation is required.

- 7.2. Individual public consultation is undertaken for the introduction of any new or amended traffic regulations. Proposals for future restrictions and/or areas of on-street, pay-and-display parking would be subject to specific consultation.

## **8. Future direction**

- 8.1. An Executive Member decision to terminate the remaining traffic management agency agreements will be required if the County Council determines to deliver civil parking enforcement in Hampshire directly. 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.
- 8.2. An Executive Member decision to vary the current traffic management policy, approved in May 2016, may also be required should the County Council deliver civil parking enforcement in Hampshire directly. The current traffic management policy prioritises service activity to casualty reduction, recognising that parking services are currently delivered by the district/borough councils under agency agreement, but may need to reflect the additional priority activities in support of a countywide parking service should parking services be delivered directly in the future.

## **9. Recommendations**

- 9.1. That the Executive Member for Environment and Transport approves establishing civil parking enforcement in Gosport.
- 9.2. That civil parking enforcement in Gosport will not be delegated through an Agency Agreement at present, but that preparations are made, and arrangements put in place for the County Council to implement and operate the core functions required.
- 9.3. That arrangements put in place to support civil parking enforcement in Gosport retain the option to be 'scaled up' to provide the capacity to cover other district/borough areas in the future if required.
- 9.4. That suitable temporary enforcement arrangements are put in place to provide an interim solution, prior to establishing civil parking enforcement in Gosport, and that authority be delegated to the Director of Economy, Transport and Environment, in consultation with the Executive Member for Environment and Transport to make the necessary arrangements.
- 9.5. That authority be delegated to the Director of Economy Transport and Environment, in consultation with the Executive Member for Environment and Transport, to implement proposals for areas of pay-and-display, on-street parking in Gosport to provide an appropriate mixture of on-street and

off-street, paid for parking, to meet established County Council policy objectives.

- 9.6. That the Executive Member for Environment and Transport approves the termination of current district/borough council agency arrangement for civil parking enforcement and authorises the serving of appropriate notices for this change to come into effect no later than 1 April 2020, with alternative arrangements for a civil parking enforcement service put in place to provide a consistent countywide service in accordance with County Council policy objectives.
- 9.7. That the Executive Member for Environment and Transport delegates authority to the Director of Economy Transport and Environment to work with District and Borough Councils to explore alternative arrangements for a consistent countywide civil parking enforcement service, with confirmation of decisions in respect of potential, revised agency agreements required by 1 April 2019 to allow sufficient time for alternative arrangements to be established.
- 9.8. That the Executive Member for Environment and Transport approves the development and implementation of a system for bus lane enforcement, as part of revisions to the enforcement service in the county.
- 9.9. That the Executive Member for Environment and Transport delegates authority to the Director of Economy Transport and Environment to put in place suitable temporary bus lane enforcement arrangements to provide an interim solution prior to establishing final countywide bus lane enforcement arrangements.

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

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

**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.)**

Document

Location

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.

### **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. Individual parking projects may be devised and implemented through the Capital Programme.

- 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.