

# **Cherwell District Council**

## **Executive**

**7 December 2020**

## **Civil Parking Enforcement**

### **Report of Assistant Director Environmental Services**

This report is public

#### **Purpose of report**

To support a proposed application to the Department for Transport (DfT) for the introduction of a Special Enforcement Area (SEA) and bus lane enforcement powers across this district, South Oxfordshire and Vale of White Horse to provide Civil Parking Enforcement (CPE) managed by Oxfordshire County Council.

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To support the application to the DfT for civil parking enforcement.
- 1.2 To note the approval by the Oxfordshire County Council Cabinet to go forward with an application.

#### **2.0 Introduction**

- 2.1 This council has an action plan as part of the Car Parking Strategy which includes exploring the possibility of introducing Civil Parking Enforcement (CPE). Hence along with Oxfordshire County Council, South Oxfordshire and Vale of White Horse the four councils have worked jointly to investigate the feasibility of implementing CPE within their districts. CPE is already in place in Oxford City and West Oxfordshire.
- 2.2 The above councils are the only districts in the Thames Valley Police area where CPE is not in operation. Across the country there are only twelve districts which have not implemented CPE.
- 2.3 Oxfordshire County Council must apply to the DfT as the Highways Authority for each district area if the districts wish to proceed
- 2.4 An Officer working group led by OCC commissioned an independent feasibility study from a highly experienced consultant to determine the most suitable approach

to take in each District. Outline costs have been developed, including undertaking condition surveys of the lines and signs on the highway.

- 2.5 The study undertaken has confirmed that subject to on-street charging being implemented within market towns that CPE can operate on a cost neutral basis.
- 2.6 CPE can be managed by either via a CEA (Civil Enforcement Area) or a SEA (Special Enforcement Area). A SEA is considered the most appropriate option for Oxfordshire as it will provide flexibility to react to a wider range of parking offences. Oxford City and West Oxfordshire CPE is currently managed via SEAs. It is also recommended the County Council applies for bus lane enforcement powers across the county
- 2.7 An application to the DfT can be made by early 2021 with implementation expected to be possible in November 2021

### **3.0 Report Details**

- 3.1 When making an application for CPE, authorities can either apply to be a CEA or a SEA. A CEA covers civil parking enforcement of waiting and loading restrictions whilst a SEA includes additional powers to also enforce dropped kerb obstruction and double parking offences.
- 3.2 It is intended that Oxfordshire County Council applies to become a SEA as this will enable the Authority to enforce a wider range of parking offences and better meet the duties under the Traffic Management Act 2004 of keeping traffic moving on the road network. This would also ensure continuity across the County as Oxford City and West Oxfordshire are both currently managed via SEA's. By being able to enforce dropped kerb and double parking offences it will be possible to deal with issues directly without the need to pass residents to other agencies.
- 3.3 The powers to carry out Civil Bus Lane Enforcement under the Transport Act 2000, requires a separate designation order and it is recommended by the Department for Transport that applications for a new CEA/SEA specify whether powers for Bus Lane Enforcement are also required so they can be included. Hence, it is intended that the County Council apply for these powers to give scope for future enforcement activity if required
- 3.4 Ensuring parking restrictions are adhered to is important to help ensure that congestion and road safety are being managed, and that the economies of town centres and high streets are supported. This is not a high priority for the police, who will generally only enforce where there is a danger or obstruction being caused. As a consequence, this Council has paid £37k/annum for the time equivalent of a PCSO FTE to carry out enforcement activities. This ensures some enforcement is carried out at a cost to the Council. This arrangement is a short-term arrangement and is unlikely to be sustainable for the long term.
- 3.5 CPE for on-street parking is already in place for West Oxfordshire (managed by the District Council as agents to the County Council) and Oxford City (managed by the County Council). This has been in place for 10 and 23 years respectively.

- 3.6 This Council, the County Council, Vale, and South Oxfordshire District Councils have been working in partnership to explore options and potential business cases for implementing CPE, with support from a specialist consultant. This work has now been completed and demonstrates that there is business case for CPE that is financially viable.
- 3.7 Each District currently has their own external provider for off street parking enforcement. The County recently entered into 5-year contracts with Conduent to manage on-street restrictions in Oxford. In the short term, utilisation of these existing contracts to provide a service is preferable, with a possible longer-term ambition of a single parking contract across Oxfordshire. This is subject to legal and procurement review and with full agreement from all partners.
- 3.8 Each of the councils are now seeking approval to continue to progress and implement on street CPE through their own democratic processes. The County Council gave approval at Cabinet in October. Vale of White Horse & South Oxfordshire District Councils will look to gain approval on 3 & 4 December at their respective cabinets.
- 3.9 This project is considered to support later stages of the Covid-19 'recovery' efforts, both in helping to ensure cycling and bus corridors are free from obstructions, but also to manage a potential increase in car travel and the associated issues that can arise. The introduction of CPE also supports the promotion of active travel through the ability to proactively manage parking restrictions which will help ensure the highway is safer and clear of obstructions.
- 3.10 In the longer term it is believed that a single parking service across Oxfordshire covering both on and off-street parking could be an effective approach. However, there are a number of challenges involved in this, and it will not be feasible during the initial phases of this project. Discussions will continue with the other partners to explore potential options and timings.
- 3.11 There will be costs associated with undertaking of CPE for this Council, one off costs associated with implementation. There are no planned on-going costs for this Council. The one off cost is limited to no more than £60k per district council and this is less in value than two years paying Thames Valley Police for PCSO time. For the County Council the ongoing costs, if the existing enforcement contract can be utilised, in particular the 'back office' systems, and some on-street P&D bays can be introduced, then it is believed an on-street enforcement service could be provided at a cost neutral position. While the proposed plan is cost neutral for the County Council, any risks regarding the on-going revenue costs not being cost neutral, lie with the County Council.
- 3.12 The anticipated income and expenditure in running the CPE service are set out in the table below. This assumes Oxfordshire County Council manage CPE on street and District Councils continue to manage off street responsibilities.
- 3.13 A growing deficit is reported as the cost of a penalty charge notice (i.e. income) is fixed by the DfT whilst the model used builds in a 3% inflationary factor for operating costs which is predominantly made up of staffing costs. Year 1 shows a greater deficit due to the inclusion of start-up expenditure

<b>Estimated Annual Income</b>	£146,650	£168,045	£168,045	£168,045	£168,045	£818,830
<b>Estimated Annual Operating Costs</b>	£179,285	£166,275	£171,263	£176,401	£181,693	£874,917
<b>Surplus (+) Deficit (-)</b>	-£32,635	£1,770	-£3,218	-£8,356	-£13,648	-£56,087
<b>Surplus (+) Deficit (-) after P&amp;D income</b>	£43,065	£77,470	£72,482	£67,344	£62,052	<b>£322,413</b>

- 3.14 To mitigate the estimated deficit of £56,087 over the initial 5 years of the scheme, Officers have identified locations which are suitable for the introduction of on-street pay and display parking. It is estimated that after covering operational costs and expenditure, the net revenue from this proposal would recover an average of £75,700 per annum over the 3 districts, which equates to £378,500 over 5 years.
- 3.15 To achieve this a commitment of implementing a total of 168 on-street parking charges at locations in Banbury, Bicester, Abingdon & Wallingford is required. Around 79 spaces would fall between Banbury & Bicester. With 56 spaces proposed in Banbury & 23 spaces proposed in Bicester. Indicative spaces have been identified but not yet agreed. The final locations where pay & display will be installed will be decided following a consultation process involving the County Council, this Council & the relevant town council early in the new calendar year
- 3.16 CPE is expected to bring wider benefits to local businesses in managing the demand for parking. The combination of enforcement on time restricted parking and a small number of pay and display spaces should create a turnover and an increased footfall in the town centres. This in turn should benefit town centre businesses. An agreement aligning on and off street parking between the county council and this Council would maximise the benefit to the town centres.
- 3.17 This is a joint project between the District and County Councils for the benefit of our residents, and as such it is proposed setup costs would be distributed between the District and County Councils. It is proposed that all the costs and income of operating the scheme reside with the managing authority, which is proposed to be Oxfordshire County Council. Whilst there is a risk, such an approach is deemed appropriate to reward and incentivise the enforcing authority. The proposed distribution of set up costs between authorities is proposed as below:

Item	Cost	Cost owner
Rectifying defects to signs and lines	£250,000	OCC
Updating appeals software for new areas	£20,000	DC's
Publicity and advertising costs	£60,000	DC's
Start up costs for new pay and display bays	£100,000	DC's

TOTAL £430,000

Allocation of setup costs:

Oxfordshire County Council – £250k

Cherwell District, Vale of White Horse and South Oxfordshire – £60k per district

- 3.18 It is anticipated this Council's £60,000 contribution will be a one-off contribution

funded from ceasing paying TVP £37k/year for the time of one FTE PCSO. The new arrangements will increase the amount of resources on enforcement changing from 1 FTE to 3 FTE. This amount of increased resource should ensure enforcement not only is carried out in Banbury & Bicester but also in Kidlington and some of the other large villages where illegal parking problems currently exist.

- 3.19 It should be noted that the allocations would be based on actual costs, therefore the final contribution may be less than the estimates within this report. A commitment has been made that the District Councils would not be requested to contribute further should costs go over the estimates provided
- 3.20 The existing operations by this Council in enforcement of the Council's owned off-street car parks will continue. The current Excess Charge Notices (ECNs) will change to Parking Charge Notices (PCNs) and non-payment will change from a criminal legal process (Magistrates court) to a civil debt recovery process. The agreement in principle with the County Council would be based on an initial 5 year period from the commencement of CPE. Options to align on and off-street enforcement can be reviewed as existing enforcement contracts end
- 3.21 The overall joint business case makes a number of assumptions, and whilst a conservative approach has been taken, there is a risk that the number of penalty charge notices issued is less than predicted. This risk is mitigated via the use of on street P&D bays to supplement the income anticipated from CPE. The financial risk although low sits with the County Council
- 3.22 Parking does cause issues for this Council and its residents, and if action is not undertaken when there is the ability to do so, may cause reputational challenges. The recent public consultation on parking showed 60% agreed there was insufficient enforcement. The proposed changes should change this perception.
- 3.23 Limited communication has taken place while this joint team has investigated CPE. However, it is important that widespread engagement is going to be necessary to successfully implement CPE.
- 3.24 Should the request to proceed with an application to the DfT to implement CPE by our partners be approved, a full consultation of key stakeholders will be completed. If a successful application is made a formal comms strategy will then be developed to support the implementation of the scheme
- 3.25 An indicative timetable for implementation is as follows

<b>MILESTONE</b>	<b>DATE</b>
Completion of feasibility study & development of financial model	June 20
Early consultation with DfT regarding potential implementation dates.	July 20
CEDR approval sought for an application to be made	Aug 20
Oxfordshire Cabinet approval sought for an application to be made	Oct 20
CDC Executive approval sort for an application to be made	Dec 20
Draft application developed for the introduction of a SEA in districts.	Oct 20-Dec 21
Comms strategy agreed with all partners	Oct 20
Commencement of review of signs, lines and TROs	Jan 21-Aug 21
Commencement of the Statutory Consultation process	Feb 21-April 21

Application submitted to the DfT	April 21
DfT review & parliamentary process	April 21-Nov 21
Establishment of formal 'back office'	July 21-Nov 21
Formal comms roll out to wider stakeholders & community groups	July 21-Nov 21
Designation Order created and CPE brought into effect	Nov 21

## 4.0 Conclusion and Reasons for Recommendations

- 4.1 The plan for an application to be made for the introduction of CPE has been done with our partners Vale of White Horse, South Oxfordshire & the County Council. Agreement with officers at all four councils have been made to proceed to our respective Executive/Cabinet to approve an application being made to DfT. The County Council have approved the approach with our other partners due to consider this matter on 3 & 4 December respectively.
- 4.2 If an application is successful CPE could be implemented from late 2021.
- 4.3 The new arrangements offer several benefits for this Council. More resources, up to 3 FTEs will be engaged in on street parking enforcement this is an increase from the current 1 FTE provided by PCSOs. Increase enforcement will address many of the issues related to car & other vehicles parking in prohibited locations in the three urban centres and should lead to a greater churn in those spaces which are time limited.

## 5.0 Consultation

Oxfordshire County Council  
 South Oxfordshire District Council  
 Vale of White Horse District Council

## 6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To support the application to the DfT

Option 2: To reject the application to the DfT & continue with the current arrangements

## 7.0 Implications

### Financial and Resource Implications

- 7.1 The proposal involves making a contribution of £60k with on going costs & risks being with Oxfordshire County Council. Currently the Council pays more than £37k/year to Thames Valley Police to fund time from PCSOs to carry out parking enforcement. The one off contribution is less than two years funding PCSO time

Comments checked by:  
Karen Dickson, Strategic Business Partner 01295 221900  
[karen.dickson@cherwell-dc.gov.uk](mailto:karen.dickson@cherwell-dc.gov.uk)

## **Legal Implications**

- 7.2 Civil parking enforcement is a legal process, and enforcement authorities are expected to ensure that their employees and contractors who operate civil parking enforcement regimes have a clear and full understanding of what the law requires.

In this respect, s87 of the Traffic Management Act 2004 demands that the council must have regard to statutory guidance, which explains how to approach, carry out and review civil parking enforcement, which is regulated by Part 6 of the Traffic Management Act 2004. Here is a link to such guidance:

<https://www.gov.uk/government/publications/civil-enforcement-of-parking-contraventions/guidance-for-local-authorities-on-enforcing-parking-restrictions>

That guidance states, amongst other things, that a special enforcement area must be within a CEA or cover the same area as one. Authorities considering whether to apply for special enforcement area designation as part of their CEA application must do so under Schedule 10 paragraph 3 (1) – (4), asking the Secretary of State to designate the relevant part of their area as a special enforcement area.

Officers will also need to ensure traffic regulation orders, traffic signs and road markings comply with legal requirements, and that the traffic signs and road markings are compatible with the orders. Close liaison with the county council, as well as other districts that have progressed CPE/SEA in their areas, will therefore be essential.

Liaison will also be required with the council's contracted off-street car parking managers, who currently administer parking restrictions pursuant to the Road Traffic Regulation Act 1984, enforcement of which comprises convictions for non-payment in the magistrates courts rather than civil penalties through a CPE regime.

Comments checked by:  
Richard Hawtin, Team Leader: Non contentious 01295 221695  
[richard.hawtin@cherwell-dc.gov.uk](mailto:richard.hawtin@cherwell-dc.gov.uk)

## **Risk Implications**

- 7.3 Car Parking can be an area of significant comment from users and businesses. In the recent public consultation 60% of residents were dissatisfied with the levels of enforcement. The risks will largely managed be managed by Oxfordshire but any risks for this Council will be monitored as part of the services operational risk register and escalated to the leadership risk register as and when necessary

Comments checked by:  
Louise Tustian, Head of Insight & Corporate Programmes 01295 221786  
[louise.tustian@cherwell-dc.gov.uk](mailto:louise.tustian@cherwell-dc.gov.uk)

## **8.0 Decision Information**

### **Key Decision**

**Financial Threshold Met:** No

**Community Impact Threshold Met:** Yes

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

An enterprising economy with strong & vibrant local centres

### **Lead Councillor**

Councillor Dan Sames, Lead Member for Clean & Green

### **Document Information**

None

### **Background papers**

None

### **Report Author and contact details**

Ed Potter Assistant Director Environmental Services 0300 003 0105

[ed.potter@cherwell-dc.gov.uk](mailto:ed.potter@cherwell-dc.gov.uk)