

APPENDIX B

BROMSGROVE DISTRICT COUNCIL

Briefing Note

CIVIL PARKING ENFORCEMENT

Responsible Portfolio Holder	Cllr James Duddy
Responsible Head of Service	Michael Bell
Key Decision	

1. SUMMARY

- 1.1 This report summarises the in depth feasibility study of the adoption of Civil Parking Enforcement (CPE) by RTA Associates Ltd.
- 1.2 The adoption of CPE is the transfer of powers for enforcement of on-street parking regulations from the police to the Council. This adoption must relate to the whole of the District.
- 1.3 Adoption of these powers has an ongoing revenue cost, however the adoption of alternative methods of operation such as the adoption of on-street charges or the enforcement of off-street car parks by ANPR (Automatic Number Plate Recognition Systems) - both would drastically enhance the business case for CPE.
- 1.4 The current low level of enforcement by the Police means that there is a strong customer business case for adoption, particularly in areas such as Bromsgrove, Hagley, and Barnt Green. Representatives of these areas have already been in contact with officers over parking problems.

2. BACKGROUND

- 2.1 Civil Parking Enforcement, or CPE, is the enforcement of parking restrictions on the public highway by the local authority.
- 2.2 The police currently carry out this function through the employment of a traffic warden. After CPE has been adopted, the Council would be the sole agency responsible for enforcement of parking restrictions, although the police would retain some of their powers.
- 2.3 In the case of Bromsgrove District Council, these powers could only be adopted after a satisfactory agreement with Worcestershire County Council. The common length of time for adoption is 12 – 18 months. Officers would recommend a start date in the spring or summer months when enforcement

is generally easier, and carries less risk for those officers carrying out enforcement.

- 2.4 The adoption of CPE is not yet a statutory requirement, although officers believe that it may become so at a later date. Adoption at this stage allows the Council to implement CPE on its terms rather than have CPE imposed on it.
- 2.5 The adoption of CPE would also be in line with the Local Transport Plan 2, and specifically policy PARK1 which is;
 - To work with District Councils to ensure that CPE is rolled out across the County by 2011.
- 2.6 In order to off-set the cost of adopting CPE, the Council may wish to consider working in partnership with the County Council to introduce on-street charging at certain locations. This is a separate matter to CPE and officers have been advised to introduce the two items separately. However, the two can be introduced at the same time and would positively impact on the business case for introducing CPE.
- 2.7 The Transport and Engineering Officer has been contacted regarding parking throughout the District by various bodies and individuals requesting more enforcement activity. These requests have been passed to the police, but show that the low level of enforcement currently employed by the Police is leading to problems in the entire District.
- 2.8 Other authorities adopting CPE have experienced a significant backlash against the newly enforced restrictions. However, there are also clear benefits such as the increased turnover of parking spaces on street with the consequential improvement in trading opportunities, and the improvement in areas of congestion in towns. The advantages and disadvantages are described in the following paragraphs.
- 2.9 The adoption of Civil Parking Enforcement would allow the Council to;
 - Decide the level of enforcement required and where/how it is applied
 - Introduce new schemes (e.g. residents controlled parking) and enforce them appropriately
 - Improve traffic management
 - Improve safety and environmental conditions, particularly in the pedestrian areas around the High Street(s) or areas of trade in the District
 - Better utilise off-street parking locations and potentially increase revenue
 - Combine on and off street enforcement into a single management regime
 - Keep any revenue from Penalty Charge Notices, ring fencing the surplus to implement transport strategies
 - Provide a more straight forward public perception of parking
 - Review how parking is managed
 - Improve intra-authority co-operation and partnership working, for example, with Parish Councils and the County Council.

- Improve the opportunity for trade in the town and village centres

2.10 The disadvantages of adoption are;

- CPE is likely to be more viable in urban than rural areas.
- Local Authorities which adopt CPE face the risk that there may be insufficient income to sustain the service.
- Traffic Wardens employed by the Police may be reluctant to transfer to the Local Authority.
- Parking enforcement is often open to public criticism. The adoption of on-street parking enforcement could increase the level of criticism, although the public are generally supportive and keen to see improvement.
- Once the powers to enforce CPE have been adopted, there is no scope for withdrawing from this responsibility.

2.11 There are a number of key issues which need to be considered should Members decide on the adoption of CPE. They are;

- The establishment of an agency agreement between the District and County Council
- The establishment of a steering group for the project
- The timescale for application for the powers
- The process of consultation.
- An agreement with the Police on how powers will transfer

2.12 A steering group of four officers including a Head of Service has met on three occasions to discuss CPE. The following conclusions were reached;

- The enhancements to the quality of life of residents may be less keenly felt in a relatively small area such as Bromsgrove.
- The opportunity to introduce CPE would be best taken at the same time as the town centre is redeveloped.
- The business case for adoption, as submitted by the consultants, is open to question.

2.13 These decisions were based on continuing to operate the existing pay and display system in its current format. Officers are aware of alternative methods of operation that will increase the effectiveness of the current operation and reduce the need for increased staff levels. Should Members decide to adopt these measures; the adoption of CPE will become far more economical.

2.14 The agency agreement between the District and the County Council is extremely important to the adoption of CPE. The County Council currently relies on an agreement which is financially disadvantageous to the District. This is because the District will have to stump up the cost of adopting CPE by submitting the application to the DfT and carrying out a TRO review. Worcestershire County Council appear to be the only County who insist on this. In addition the fact that four Districts have already accepted this agreement weakens any argument for change. Conversely, Malvern Hills

have indicated that they took the decision not to adopt CPE because of County's unwillingness to foot the bill.

- 2.15 The current agency agreement and proposed agency agreements are included for consideration as appendices to this report. Should County insist of the adoption of the current agency agreement without alteration, the Council shall insist that any surplus made as a result of CPE should be retained by BDC. If there is no agreement on this matter then CPE should not be adopted.

3. FINANCIAL IMPLICATIONS

- 3.1 The financial business case for the adoption of CPE was first proposed in the report by RTA Associates Ltd a consultancy employed by the District Council to consider CPE. Officers understand that they have also been employed for the same task by Wychavon, Wyre Forest and Redditch.
- 3.2 RTA Associates Ltd take the view that CPE will be financially viable in the long term. However Officers have some concerns with this point of view. The predictions provided by RTA Associates Ltd are based on a 5% increase in revenue from the off-street car parks. Experience from other District Councils shows that this is unlikely. Having consulted other operators informally they have indicated no increase in off-street revenue.
- 3.3 However, if a different style of parking enforcement is adopted on the current off-street car parks, which could reduce the need to employ additional staff, the adoption of CPE becomes far more attractive financially.
- 3.4 The broad financial conclusions from the RTA report are;
- The project would show an annual financial surplus if the highest rate of Penalty Charge Notice (PCN) level is chosen.
 - A consistent level of PCN issue is essential for viability.
 - Consistent and effective debt recovery is essential to the viability of the project.
 - There may be a need to work in partnership with the County Council to introduce on-street charges in certain areas (Bromsgrove, Rubery, Hagley, Alvechurch, Barnt Green are all possibilities) in order to ensure that the scheme is viable.
- 3.5 The Traffic Management Act 2004 has required parking operators to apply two different levels of penalty charge. The higher rate, commonly set at £70, is applied for a certain range of offences, whilst the lower rate (commonly set at £50) is applied for those offences which are felt to be less serious (i.e. displaying an expired ticket). Members should be aware that differential charging has caused a drop in revenue for some authorities, but does provide a more proportional fine.

- 3.6 The viability of the business model is based on the issue of around 9000 more PCNs per annum based on the employment of an additional 3 officers and the highest rate of PCN. This business case is necessary when submitting the case for adoption to the DFT. In the event that full compliance is achieved and no PCNs are issued, no income will be received. In this event the cost of policing the on-street operation will be met by the Council, with a potential cost of £159k per year. However, this may be offset by higher revenue from parking charges as a result of high compliance.
- 3.7 Staffing costs would also be higher with a requirement for an additional three enforcement officers, and the employment of a supervisor. The rise in workload for the back office may require the employment of another administration officer. This would lead to a predicted rise in annual expenditure of around £118k. However, if a more effective method of enforcing off-street car parks could be used such as pay on foot or the Automatic Number Plate Recognition System, the need for officers to patrol the off-street car parks as regularly as they currently do would be reduced, with the consequential reduction in revenue cost.
- 3.8 The introduction of CPE will require significant financial outlay. Operational management will allow a consolidation of all Traffic Regulation Orders within the District and some remedial works to be carried out. There will also be other capital costs incurred, such as On-street and Off-street Enforcement (e.g. providing equipment for enforcement officers), and Penalty Charge Processing (equipment for the back office function). These costs will need to be addressed as part of the medium term financial plan
- 3.9 There will also be increased revenue generated by the introduction of CPE. This will include potential additional revenue from parking fines and the potential for additional revenue from increased use of off-street car parks.
- 3.10 The figures supplied by the Consultants working on behalf of the Council suggest that there would be a start up cost of around £122k, and then an ongoing increase of £159k in expenditure to deliver the service. The following table itemises the set up, capital and ongoing revenue costs:

Set up costs		
PR	£	5
Consultants	£	15
Training, recruitment and uniforms	£	16
Computer equipment	£	14
Total	£	50

Capital costs		
Signs and line reviews	£	35
Signs conversion	£	2
Office equipment	£	21
Computer system	£	14

Total	£	72
Ongoing revenue costs		
Parking manager*	£	11
PR	£	1
Additional staffing for enforcement*	£	103
Back office staff*	£	15
Ongoing back office expenses	£	29
Total	£	159

*includes overheads

3.11 This corresponds with an increase in income of £160k for the first year, followed by an annual increase of £215k for the following 4 years. The following table illustrates this position:

Year	1	2	3	4	5
Expenditure	-£ 287	-£ 159	-£ 159	-£ 159	-£ 159
Income	£ 160	£ 215	£ 215	£ 215	£ 215
Sub-Total	-£ 127	£ 56	£ 56	£ 56	£ 56
Cumulative	-£ 127	-£ 71	-£ 15	£ 41	£ 97

3.12 Regrettably a number of consultants have been proved incorrect in the number of penalty charge notices they expect the parking operator to issue, and the number issued has been less than anticipated. Officers are aware that careful management of the implementation of the scheme would provide significant benefits and allow any surplus to be maintained. In addition, the above table shows the effects of a 5% rise in off-street revenue.

3.13 Officers believe that the following table is a more likely indication of the likely effects of the introduction of CPE. This has included a reduced level of income relating to pay and display receipts and parking fines of £60k in the first year and £65k per year thereafter:

Year	1	2	3	4	5
Expenditure	-£ 287	-£ 159	-£ 159	-£ 159	-£ 159
Income	£ 90	£ 150	£ 150	£ 150	£ 150
Sub-Total	-£ 197	-£ 9	-£ 9	-£ 9	-£ 9
Cumulative	-£ 197	-£ 206	-£ 215	-£ 224	-£ 233

3.14 The appointment of another member of enforcement staff prior to the adoption of CPE would affect the business case in a beneficial way as detailed below:

	1	2	3	4	5
Expenditure	-£ 262	-£ 134	-£ 134	-£ 134	-£ 134
Income	£ 90	£ 150	£ 150	£ 150	£ 150
Sub-Total	-£ 172	£ 16	£ 16	£ 16	£ 16

Cumulative	-£ 172	-£ 156	-£ 140	-£ 124	-£ 108
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- 3.15 The use of the pay on foot system of parking management would make the business case far more financially viable as the ongoing staff budget would be reduced;

	1	2	3	4	5
Expenditure	-£ 212	-£ 84	-£ 84	-£ 84	-£ 84
Income	£ 90	£ 150	£ 150	£ 150	£ 150
Sub-Total	-£ 122	£ 66	£ 66	£ 66	£ 66
Cumulative	-£ 122	-£ 56	£ 10	£ 76	£ 142

This is obviously more attractive financially as the risk is considerably lessened, but is entirely dependant on the adoption of a different parking system and the associated costs. It does prove that the adoption of CPE can be introduced in a financially viable way in the short term.

- 3.16 Unless agreement to the contrary can be reached the on-street surpluses would be the property of County Council. The procedure in the event of the on-street side running into deficit would need to be addressed in any agency agreement. However, the figures provided by the Transport and Engineering Officer are cautious estimates.

4. LEGAL IMPLICATIONS

- 4.1 A full review of the Traffic Regulation Orders will have to be undertaken prior to adoption. This is an extensive undertaking, but is imperative due to the lack of accuracy of the current TROs. The project to review the TROs is a County Council responsibility (as the Highway Authority) and will need to be agreed and resourced as soon as possible after the decision to adopt CPE is undertaken.
- 4.2 Also vital is the agency agreement between the District Council and the County Council concerning the adoption of powers for on-street adoption. It is the County Council who will make the application to the Department for Transport (DfT), and prior to this application the agency agreement will need to be developed and signed. This agreement will address several issues, the most important of these being the financial aspects of adoption. For example, it will detail the process should there be a deficit in the on-street account, and also the use of any surplus that the adoption of CPE may generate.

5. COUNCIL OBJECTIVES

- 5.1 The adoption of CPE would meet three of the Council objectives which are;
- To provide a clean, safe, and attractive environment
 - To protect and improve our environment and promote sustainable communities

- To foster and sustain a strong and expanding economy

6. RISK MANAGEMENT

- 6.1 Ensuring that the public are aware about the changes which will occur as a result of the adoption of CPE is vital to establish credibility and support. Any public relations campaign should highlight the positive results arising from the adoption of CPE, such as improved traffic management and improved safety and environmental conditions, and the fact that a parking offence is now decriminalised. This will need to take place shortly before the introduction of CPE.
- 6.2 Members should be aware that there will be significant comment regarding the introduction of CPE. For example, traders traditionally cite the introduction of CPE as being detrimental to trade. In practice experience shows that the opposite is true and more effective enforcement leads to a higher turnover of visitors and therefore increased trade.
- 6.3 As already mentioned, there will also be significant comment regarding the introduction of on-street charges. Experience from other towns has shown that this will be significant. This needs to be countered by a well managed publicity campaign well before these changes are introduced.

7. CUSTOMER IMPLICATIONS

- 7.1 The current on-street enforcement regime provided by the Police is relatively minor with little or no enforcement on some days. The impact of employing a larger number of staff specifically for parking management will lead to a rise in the number of parking fines issued, which in turn will generate a number of complaints.
- 7.2 Conversely, the overwhelming majority of drivers already park properly, and effective enforcement against offenders will improve traffic flow, improve turnover in time restricted bays (and therefore trade in that area), reduce the abuse of disabled only parking bays and will improve safety on roads.

8. EQUALITIES AND DIVERSITY IMPLICATIONS

- 8.1 Better control of on street parking places will improve traffic flow and prevent abuse of disabled parking bays and restricted parking areas.

9. VALUE FOR MONEY IMPLICATIONS

- 9.1 Co-ordinating all parking management issues into a single service will provide a more efficient service to the community, with greater control of parking and traffic management.

10. OTHER IMPLICATIONS

Procurement Issues: None

Personnel Implications

There will be a need for a senior officer to take responsibility for the complete management of the parking operation to include both on-street and off-street areas. This post may become part of an existing post, be a new post, or be outsourced.

There will also be a need to consider the Transfer of Undertakings (Protection of Employment) (TUPE) regulations with regard to the Traffic Warden currently employed for on-street enforcement. It may be that he decides to take early retirement or redeployment, so TUPE may not apply.

To manage this project, it will be necessary to establish a project steering group. This should include officers from the various internal sections of the Council, and also officers from the Highways Partnership Unit and the Police. It will also be necessary to establish a project manager to direct the steering group. Given the importance of this project, it is suggested that major policy direction for the project should come from a group of Members and senior officers who are constituted and delegated with the responsibility for the successful implementation of CPE.

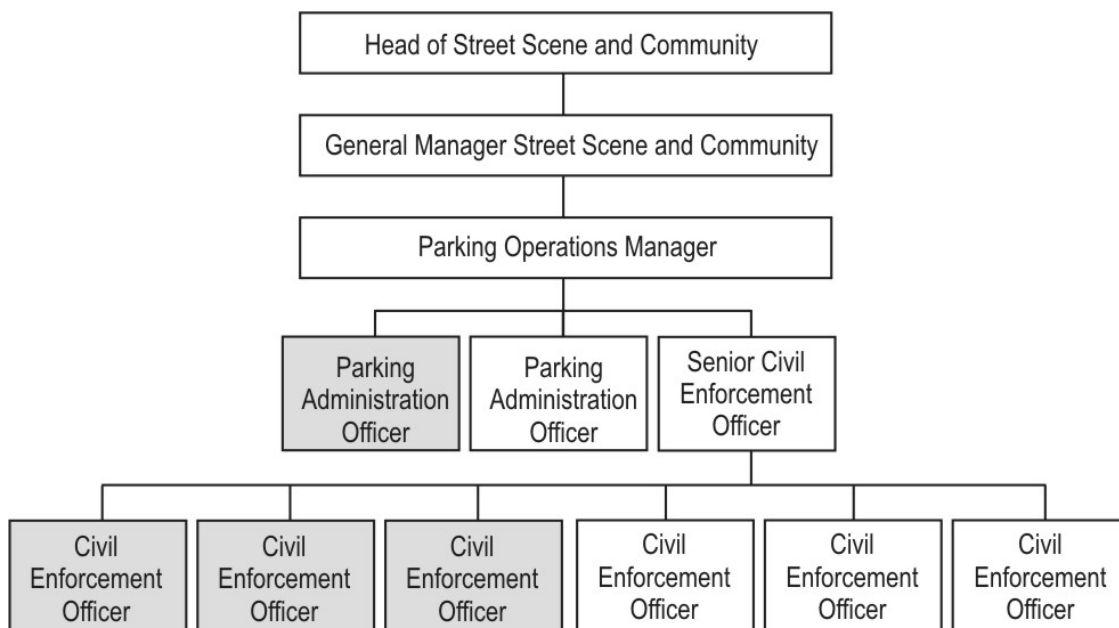
The need for additional staff has already been outlined in paragraph 4.6.

In addition to managing the Engineering Technician and Shopmobility roles, the Transport and Engineering Officer is also responsible for managing the Council's concessionary fares policy and payments, along with a small number of other tasks.

The decision to adopt CPE will immediately place an extremely high workload on the Transport and Engineering Officer, and consideration needs to be given as to how this would be managed internally. The workload created by the decision to adopt CPE will be substantial, and the successful implementation will be dependant on the resources made available for the process.

Furthermore, the consultants have indicated that the current number of Enforcement Officers is unsatisfactory and should either be increased by one, or a Senior Enforcement Officer should be employed to address this. Due to the nature of their role, Enforcement Officers tend to be self-financing. The low level of staffing has also been commented on by the Councils Internal Audit section, and was reported to the Scrutiny Task Group by officers although this has not been included in the final report.

The following chart summarises the proposed staff structure with the grey posts being those considered necessary under CPE and not within the current parking system;



Should members decide to adopt the pay on foot management system it is likely that the requirement for an additional three enforcement officers (highlighted in grey above) will no longer be necessary.

There is also a need to look at accommodating this section in a location that is accessible at all times to staff as the Shopmobility building is unlikely to be suitable for the expansion required.

Governance/Performance Management: Improved performance of Parking Section. Greater control over traffic management.

Community Safety including Section 17 of Crime and Disorder Act 1998
 There is the possibility that the increased enforcement of parking offences may lead to threats of assault against Enforcement Officers. It is essential that full training, similar to the current training, is given to minimise the risks inherent in this role. However a greater presence of Enforcement Officers on street may also reduce some minor crime incidents against vehicles.

Policy: The report proposes a change in the method of parking management across the District.

Environmental: There is the potential for improved traffic flow and reduced congestion in the town and village centre areas.

