

**Report to:** Cabinet

**Date of meeting:** 26 June 2018

**By:** Director of Communities, Economy and Transport

**Title:** Introduction of Civil Parking Enforcement (CPE) in Rother District

**Purpose:** To advise Cabinet of Rother District Council's request for the County Council to apply to the Department for Transport (DfT) for CPE powers and to introduce CPE across Rother District

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**RECOMMENDATIONS:** Cabinet is recommended to:

- (1) note Rother District Council's request for East Sussex County Council (ESCC) to introduce Civil Parking Enforcement;**
  - (2) note the proposed arrangements for Civil Parking Enforcement across Rother District;**
  - (3) approve that an application is made to the Department for Transport for Civil Parking Enforcement powers across Rother District; and**
  - (4) approve all actions necessary for the subsequent introduction of Civil Parking Enforcement across Rother District**
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## **1 Background Information**

1.1. The enforcement of on-street parking across Wealden and Rother Districts is currently the responsibility of Sussex Police as a criminal matter under the Road Traffic Act. In Eastbourne and Hastings Boroughs and in Lewes District, the County Council has been granted civil enforcement powers by the Department for Transport and ESCC is responsible for on-street parking enforcement in these three areas as well as enforcement in off-street car parks across Lewes District.

1.2. Following concerns about the lack of parking enforcement by Sussex Police across Rother, Rother District Council's (RDC) Overview and Scrutiny Committee (OSC) carried out a review of on-street parking to understand the scale of problems stemming from the lack of parking enforcement and the alternative options available.

1.3. The Traffic Management Act 2004 allows local traffic authorities to apply to the Secretary of State for Transport for a Civil Enforcement Area Order, de-criminalising parking enforcement and introducing civil parking enforcement powers. In East Sussex, the County Council has already applied for and operates under civil enforcement powers in Eastbourne, Hastings and Lewes. Under this arrangement, the County Council undertakes enforcement of all on-street parking restrictions in Eastbourne and Hastings Boroughs and Lewes District and off-street car parks in Lewes District on behalf of the Borough and District Councils. The County Council employs an enforcement contractor to carry out enforcement on its behalf, paid for by parking permit charges, pay and display parking charges and revenue from penalty charge notices.

1.4. Adopting Civil Parking Enforcement (CPE) in RDC would involve applying to the DfT for powers and, if granted, ESCC would take over responsibility for on-street parking enforcement from Sussex Police. The County Council has made it clear to both Wealden and Rother District Councils that it would need their agreement before applying to the DfT of the requisite civil enforcement powers.

1.5. During 2016/17, the RDC Overview and Scrutiny Committee received a number of presentations from ESCC officers, Sussex Police and other authorities who have introduced CPE. At their meeting on 28 November 2016, the RDC Overview and Scrutiny Committee recommended that ESCC, in partnership with RDC, produce a draft business case to show the implications of introducing CPE across Rother. RDC established a Member-led Task and Finish Group to help develop a business case for CPE. A copy of the business case for the introduction of CPE across Rother is appended to this report at Appendix 1.

1.6. Following the presentation of the business case to the RDC Overview and Scrutiny Committee, the RDC Task and Finish Group held a number of stakeholder engagement events. All comments received from key stakeholders and local businesses were then formulated in a final report to the RDC Overview and Scrutiny Committee. This report concluded that stakeholders recognised that parking infringements were not considered a priority for Sussex Police and concluded that ESCC should be asked to apply to DfT for civil enforcement powers across the District. Despite a few concerns about on-street charging, stakeholders agreed that any parking enforcement scheme should be self-financing to cover the cost of enforcement and notice processing staff.

1.7. All the reports and minutes arising from these meetings have been published on RDC's website. A copy of the relevant RDC committee and Cabinet papers are available as background documents in the Members' room. The partnership working with RDC officers and the engagement with Members helped develop a robust business case and gave the evidence to RDC's Overview and Scrutiny Committee to enable them to recommend the progression of CPE in Rother district.

1.8. At Rother District Council Cabinet on 9 April 2018 and Full Council on 21 May 2018 Rother District Council resolved to write to East Sussex County Council to support an application to be submitted to the Department for Transport for Civil Parking Enforcement to be adopted. Details of the proposed parking scheme and indicative timetable for the introduction of CPE were included with that final report, and the latest versions of those two documents are attached to this report at Appendix 2 and Appendix 3 respectively.

1.9. In parallel ESCC officers have been working with Wealden District Council (WDC) officers compiling a similar business case for the introduction of CPE across Wealden. WDC Cabinet considered this business at its Cabinet meeting in January and resolved not to introduce CPE in Wealden.

## **2. Financial considerations**

2.1. The current parking schemes in Eastbourne, Hastings and Lewes are all fully self-funded from parking permit charges, pay and display charges and revenue from penalty charge notices, and there is no net cost to the County Council revenue budget. In considering the introduction of civil parking enforcement across Rother District it has been assumed that the scheme would also be self-funding. It has also been assumed that the initial set-up costs for the application to the DfT, the cost of lines and signs on street, and the cost of pay and display machines will all be funded from the ESCC parking account, and be reimbursed from parking revenues within three to five years.

2.2. Once the initial set-up costs have been re-paid it is possible that CPE may achieve a modest operating surplus. Under Section 55 of the Road Traffic Regulation Act 1984, it is a legal requirement that all surplus income from on-street parking charges, after covering ESCC's costs, are ring-fenced to transport and highways initiatives.

2.3. The business case presented to RDC provides a breakdown of the estimated scheme set-up costs; annual operating costs, and an estimate of annual income. These are summarised as follows:

Set-up Costs (one-off)	£594,400
Running Costs (annual)	£600,410
Revenue / Income (annual)	£734,752

2.4. On the basis of these costs and estimated level of income, the scheme would incur a financial deficit at the end of year 1 of £460,058 (i.e. allowing for one-off set-up costs), but thereafter make an ongoing annual operating surplus of £134,341. Once this annual surplus has been used to re-pay the remaining one off set-up costs, it is estimated the scheme will be in surplus in year five.

## **3. Introduction of CPE**

3.1. Subject to Cabinet approval, officers will commence detailed work on the technical design of the on-street parking layout, including location of restrictions and spaces, pay and display machines, and signing and lining arrangements. That design work will provide more 'fine tuning' to the draft scheme presented to RDC Cabinet and Full Council, and will feed into the legal procedures required to advertise the necessary Traffic Regulation Order (TRO).

3.2. It is not intended that there will be any further public consultation on the introduction of CPE as the stakeholder engagement carried out by RDC was generally supportive of the introduction of CPE and on-street charging. However, there will be two opportunities for consultation when introducing or

changing the necessary TROs. The first 'informal' consultation gives an opportunity for initial comments to be received so that amendments can be made to the proposed parking arrangements. When the final scheme has been agreed, a second consultation is held and the TRO is formally advertised in a local newspaper. A twenty-one day period allows any member of public to make a representation either in support of or objection to the proposals. Any unresolved objections would then be considered by ESCC's Planning Committee. An Equalities Impact Assessment (EqIA) may also need to be undertaken to assess the impact of introducing or changing any necessary TRO. If the TRO is approved the necessary lining and signing works would then take place.

3.3. Officers will finalise the application to the DfT (6 months prior to intended start date) enabling central government to process the necessary Order to grant ESCC CPE powers. The TRO will be formally sealed when all works are completed.

3.4. Subject to all those activities being completed as necessary, and allowing some leeway for local council elections in Rother District in May 2019, it is anticipated that CPE could commence operation in Rother District in April 2020. Further details behind these timescales are provided in Appendix 3.

#### **4. Risks**

4.1 There is little or no financial risk to the County Council in introducing CPE across Rother as the proposed parking enforcement scheme is intended to be self-funding. The initial set-up costs will be funded from the existing parking account and based on modelled levels of pay and display income and revenues from penalty charge notices.

4.2 There are no operational risks to the County Council in introducing CPE across Rother as the existing County Council Parking Team has experience operating CPE across Eastbourne, Hastings and Lewes. The recently renewed parking enforcement contract with NSL includes provisions for parking enforcement across Rother and Wealden.

4.3 The introduction of CPE across Rother District comes at the request of RDC and has the full support of RDC. In reaching that decision a RDC Member-led task and finish scrutiny group carried out stakeholder engagement on the introduction of CPE and there-in the inclusion of on-street parking charges. With support from RDC and from wider stakeholders the introduction of CPE is unlikely to present any reputational risk to the County Council.

#### **5. Recommendations**

5.1. To note RDC's request for the County Council to prepare an application to the DfT for civil parking enforcement powers and to introduce CPE across Rother District.

5.2. To note the proposed arrangements for CPE in Rother District detailed in a draft business case for CPE presented to RDC.

5.3. To approve that an application is made to the DfT for CPE powers and the subsequent introduction of CPE across Rother District.

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#### **LOCAL MEMBERS**

All County Council Members whose electoral divisions are within Rother District.

#### **BACKGROUND DOCUMENTS**

1. Rother District Council Cabinet meeting 9 April 2018 – Report on Civil Parking Enforcement
2. Rother District Council Overview and Scrutiny Committee meeting 19 March 2018 – Report on Civil Parking Enforcement: Recommendations of the Civil Parking Enforcement Task and Finish Group.
3. Stakeholder written responses (RDC summary - 16 February 2018)