

## **CABINET– 13 OCTOBER 2020**

### **CIVIL PARKING ENFORCEMENT**

**Report by Corporate Director Communities**

#### **RECOMMENDATION**

1. **The Cabinet is RECOMMENDED to:**
  - (a) **Approve the submission of an application of the Department for Transport for the introduction of a Special Enforcement Area (SEA) and bus lane enforcement powers across the districts of Cherwell, South Oxfordshire and Vale of White Horse to provide Civil Parking Enforcement (CPE).**
  - (b) **Support the proposal for Oxfordshire County Council to manage this new ‘on street’ service.**

#### **Executive Summary**

2. Oxfordshire County Council were formally approached by South Oxfordshire and Vale of White Horse to work jointly with them to investigate the feasibility of implementing CPE within their Districts. OCC Officers identified an opportunity to broaden the scope of this to look at the county as a whole and include Cherwell in the investigation. CPE is already in place in Oxford City and West Oxfordshire.
3. As the Highway Authority, Oxfordshire County Council must apply to the DfT for each district area to implement CPE regardless of operational arrangements.
4. An Officer working group led by OCC commissioned an independent feasibility study to determine the most suitable approach to take in each District. Detailed costings have been developed, including undertaking condition surveys of the lines and signs on the highway.
5. Oxfordshire is one of the few remaining areas without CPE. There are 12 remaining district areas nationwide and 3 are within Oxfordshire.
6. The study made a number of assumptions, including the implementation of some on-street parking within market towns, which demonstrated that CPE can operate on a cost neutral basis.
7. CPE can be managed by either via a CEA (Civil Enforcement Area) or a SEA (Special Enforcement Area). A SEA considered most appropriate 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 SEA's. It is also recommended the County Council applies for bus lane enforcement powers across the county as part of the application process.

8. The introduction of CPE, including on-street parking is believed to be a support for Town Centres and off-street parking in respect of recovery plans. The ability to enforce bus lanes will also help successfully manage
9. An application to the DfT can be made by early 2021 with implementation expected to be possible in November 2021.

## **Introduction**

10. Oxfordshire County Council was approached formally to look into CPE by South Oxfordshire and Vale of White Horse District Councils on August 6<sup>th</sup> 2018. The County Council responded positively, and a copy of the formal response provided is at Annex 1.
11. 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.
12. It is recommended 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 our 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 we will also be able to deal with issues directly without the need to pass residents to other agencies.
13. 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. It is recommended the County Council apply for these powers to give scope for future enforcement activity if required.
14. 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. Cherwell District in recent years have paid for PCSO presence but it is understood there is pressure to end arrangements within the next 12-18 months.
15. 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.

16. The County Council, Cherwell, 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. The business case, including a summary of the technical assessment supporting CPE can be found in Annex 2. Should further technical detail be required this can be found in full technical assessment document in Annex 3.
17. Each District currently has their own external provider for off street parking enforcement and the County has an existing enforcement contract to manage on-street restrictions in Oxford. In the short term, utilisation of these existing contracts to provide a service is preferable, with a longer-term ambition of a single parking contract across Oxfordshire. This is subject to legal and procurement review with District support.
18. The District Councils are now seeking approval to continue to progress and implement on street CPE as set out in this paper through their own democratic processes.

### **Assumptions made**

19. Throughout the development of the CPE studies a number of assumptions have been made on expenditure and income levels to ensure a consistent approach was taken to all modelling.
20. It was assumed that:
  - The back-office costs of managing CPE will not increase over the duration of the contract.
  - On-street parking charges in some towns would be introduced. There is a risk that on street P&D income may be less than initial modelling estimated in short term. It is however anticipated that even with reduced occupancy levels the bays should bring in sufficient income to ensure cost neutrality of the scheme.
  - PCN modelling was based on industry averages. There is a risk due to Covid-19 that less vehicular travel on the road network may result in less income from PCN's issued. An intelligence led approach will be taken to enforcement to ensure an efficient service is maintained.

### **Key issues**

21. This project is considered to support later stages of the Covid-19 'recovery' efforts, in a variety of ways.

- It will support in helping to ensure cycling and bus corridors are free from obstructions making journeys more attractive.
  - Enable bus links within new developments to be better managed.
  - Support off-street parking and trips to shops and amenities through co-ordinated management of on-street restrictions. Close working with district councils will be required on duration and pricing strategy for on-street parking.
22. In the longer term it is believed that a single parking service across Oxfordshire covering both on and off-street parking would be the most 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 are continuing with the District Councils to explore potential options and timings. Particular considerations are existing contractual arrangements and assumptions within budgets regarding income.
23. There will be costs associated with undertaking of CPE. However, 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 expected an on-street enforcement service can be provided at a cost neutral position.
24. Oxfordshire is in the final 3% of authorities who are yet to implement CPE, there is a risk that implementation will be mandated to us should we choose not to act now. Annex 4 shows a map of non-CPE districts across the UK.

## Financial and Staff Implications

25. 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.
26. 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.

	Year 1	Year 2	Year 3	Year 4	Year 5	TOTAL
Estimated Annual Income	£146,650	£168,045	£168,045	£168,045	£168,045	£818,830
Estimated Annual Operating Costs	£179,285	£166,275	£171,263	£176,401	£181,693	£874,917
Surplus (+) Deficit (-)	-£32,635	£1,770	-£3,218	-£8,356	-£13,648	-£56,087
Surplus (+) Deficit (-) after P&D income	£43,065	£77,470	£72,482	£67,344	£62,052	<b>£322,413</b>

27. To mitigate the estimated deficit of £56,087 over the initial 5 years of the scheme District and County 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. Penalty Charges from potential future bus lane fines has not been included and would be in addition.
28. To achieve this a commitment of implementing a total of 168 on-street parking charges at locations in Banbury, Bicester, Abingdon & Wallingford is required. In addition to the finance aspect, it is expected to bring wider benefits to local businesses in managing the demand for parking.
29. 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
	<b>TOTAL</b>	<b>£430,000</b>

Allocation of setup costs:

- Oxfordshire County Council – 250k
  - Cherwell District, Vale of White Horse and South Oxfordshire – 60k per district
30. It is anticipated Oxfordshire County Council's £250,000 contribution will be funded from the 'Bus Journey Time Improvement Fund' as agreed with Cllrs Constance and Walker and the bus providers as this allows for a fully enforceable network contributing to reducing congestion and obstructions to bus services on the highway.
31. 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 is made that the District Councils would not be requested to contribute further should costs go over the estimates provided.
32. The continuation of existing operations by District Councils for enforcement of District owned off-street car parks has been assumed with the expectation this would continue while contracts end over the next five years. During this period

councils will work together to consider options to align on and off-street enforcement as existing enforcement contracts end.

33. A related project to digitise the council’s TRO records will support efficient operation of CPE. Due to the wider benefits this brings, and the intention of progressing this regardless of the decision around CPE, the costs of implementation have been excluded from the CPE business Case modelling and will be funded from existing Highway Systems & Records budgets. It is anticipated the cost of digitisation will be a one off cost of c. £30,000 and an annual software licence fee of c. £18,000 per annum.

### **Indicative Programme**

34. If approval to progress is provided, then the proposed indicative key dates to implementation is as below:

<b>MILESTONE</b>	<b>DATE</b>
Draft application developed for the introduction of a SEA in districts.	Oct 20-Dec 21
Comms Plan agreed with District Councils	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

### **Equalities Implications**

35. No equalities implications have been identified through the development of this proposal.

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Annex 1: Oxfordshire County Council response to CPE request letter from South and Vale of White Horse District Councils

Annex 2: Business case paper including summary technical details

Annex 3: Full RTA Associates feasibility study paper

Annex 4: Map of non CPE districts within UK

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