

**NON EXEMPT**

## **HAVANT BOROUGH COUNCIL**

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**Cabinet**

**20<sup>th</sup> March 2019**

**CIVIL PARKING ENFORCEMENT – REVISED AGENCY AGREEMENT**  
**Head of Neighbourhood Support**

**FOR DECISION**

**Portfolio: Cabinet Lead for Neighbourhoods, Safety and Enforcement**  
**Cllr Narinder Bains**

**Head of Service: Sam Ings - Interim Head of Service (Environmental Health, Parking & Traffic Management)**

**Key Decision: Yes**

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### **1.0 Purpose of Report**

- 1.1. This report is submitted to Cabinet for policy decision. The report is to seek approval to enter into a new agency agreement with Hampshire County Council (HCC) for the Enforcement of On Street Parking Controls

### **2.0 Recommendation**

- 2.1. Cabinet is recommended to approve the details of the proposed Agency Agreement as shown in Appendix 1 and agree, in principle, to Havant Borough Council entering into the revised agency agreement with HCC from April 2020, subject to the Legal team agreeing the final wording.
- 2.2. Cabinet is recommended to approve the setting up of a new Parking Enforcement agreement with East Hampshire District Council (EHDC).
- 2.3. To adopt a zero tolerance approach to the contravention of parking restrictions.
- 2.4. It is recommended that all On Street Parking Permit fees and charges be fully reviewed and that responsibility for this is delegated to the Portfolio Lead.

### **3.0 Executive Summary**

- 3.1. Havant Borough Council has been operating the enforcement of on-street parking restrictions on behalf of HCC under an agency agreement since April 2005. Subsequently, the parking enforcement

was further delegated to EHDC in July 2015. To date, the operation has run smoothly in conjunction with the Off-Street Car Park enforcement, albeit showing that the on-street account running at a deficit in comparison to the off-street account.

- 3.2. The combination of Boroughs/Districts running both services has always seemed logical and economically effective and as such all districts in Hampshire (except Gosport who does not have Civil Parking Enforcement (CPE)) have been operating in this manner.
- 3.3. As part of their Transformation to 2019 savings proposals, HCC has needed to look at areas where savings could be made. Their target for savings relating to on street CPE has been identified as £900,000 across the County. To achieve this they have made the decision that all Districts/Boroughs operating CPE on their behalf should not be reporting a deficit in the on-street account. The operation of the enforcement should be fully self funding. HCC has identified the operation of CPE as a potential area where savings could be made and where there is a potential to achieve these savings by the implementation of on-street parking charges.
- 3.4. Legislation states that any surplus from the on-street account is to be spent on transport related schemes and cannot be used for any other purpose.
- 3.5. HCC has drafted a new Agency Agreement, attached as Appendix 1, which is based on the enforcement of parking restrictions (on-street) being either cost neutral or in surplus. This should be achieved by way of an effectively managed, well accounted service.
- 3.6. The cost of enforcement and any other on-costs associated with it will be met through the income from Penalty Charge Notices (PCNs) and income from any on-street permits, such as Residents' Permits, visitor permits, tradesman waivers etc.
- 3.7. As part of the agreement the County Council intend that all Residents Parking Schemes are operated on a full cost recovery basis. This would include the cost of the administration and enforcement of any existing scheme and potentially set up costs for any future Residents Parking Schemes. As part of the review HCC has looked at the cost of Residents Permits for Resident Parking Schemes across the County and has discovered that there is a significant variation between different boroughs/districts. To enable districts to run these schemes effectively they are intending to set the cost of a Residents Permit to a minimum of £50.00. Currently HBC charges residents £30.00. Having undertaken some cost analysis work regarding the admin and enforcement costs of a Residents Parking Scheme, there is scope to increase our charges, although this would be dependent on the size, location and number of properties taking part in the scheme. HCC is stating that the new costs should be in effect from April 2020. It should

be noted that this is a minimum charge and the Borough Council has the flexibility to set the charge higher or lower. However, if a lower charge is set the cost of any shortfall relating to the delivery of CPE would need to be met by the Borough.

3.8. The new agreement stipulates that the Traffic Management Agency Agreement must be maintained to support the CPE Agreement. If HBC were to decide not to continue with CPE on behalf of HCC then the Traffic Management Agency will also be terminated. This would result in the following being directly delivered by HCC:-

- Implementation of Traffic Regulation Orders (TROs) – HBC Councillors would have no power or control over the investigation into local parking problems and providing solutions.
- Implementation of Temporary TROs (TTRO) – HBC would lose all income related to this activity £1300 per TTRO – This was around £45,000 in 18/19
- Implementation of Disabled Parking Bays
- Access Protection Lines – Loss of income (£120.00 each)
- Speed Limit Reminder Signs – HBC would have no means of community reassurance where speeding concerns are raised
- Local directional signing schemes would be HCC responsibility – This will also result in a loss of income
- Local knowledge would be lost as staff would not be retained
- There would be no traffic management/parking input/advice for Planning Applications or for other departments within the Council
- All enquiries would be dealt with by HCC which is likely to result in a reduction in customer service and satisfaction.
- Impact on resources in other departments, such as Legal services, who would not be required to carry out the legislative side of the implementation of TROs

3.9. The new agreement also includes the following key proposals-

- A requirement for the Borough to operate on street parking to ensure full cost recovery. This includes HCC's associated costs
- Where surplus income is achieved from the service, this will be shared equally between the Borough and County
- The Borough must produce an Annual Parking Report
- The on-street parking account must show true operational costs for running the service
- The Borough must be willing to work in partnership with HCC to deliver pilot on-street electric charging points and targeted areas of 'paid for' parking
- HCC will have overall responsibility for on-street 'paid for' chargeable parking
- HCC will retain metered income achieved through on street 'paid for' chargeable parking

- If the Borough continues to deliver on-street enforcement, it will also be required to have a Traffic Management Agency agreement with HCC
- The Borough will conform to policies for operation of the service including the proposed Operational Policy for Residential Parking Schemes (Attached as Appendix 2)

3.10. On Street Parking Controls - Where new parking controls are deemed to be required, they will be introduced on the basis that income from parking charges will cover their full costs. HCC intend therefore to implement chargeable parking in these areas, the expectation is that this will generate revenue and simplify enforcement. In addition, areas of existing free limited waiting are being identified by HCC for potential paid for parking.

3.11. Electric Vehicle On-Street Charging Points - HCC is also looking at opportunities to meet both initial and growing demand for EV charging points. Small scale off street charging provision is being implemented across Hampshire, there is no current on street provision in place.

3.12. HBC Costs for On-Street Parking - Annual financial returns submitted to HCC by district and borough councils show the majority report annual losses on their on-street parking accounts resulting in a collective deficit across the County. The operation in HBC currently runs at a deficit and the 2019/20 forecast is £17,700. Officers will be looking at options to bring this back to a break-even position by a combination of increased charges and operational changes where possible.

3.13. Apart from the loss of the Traffic Management Agency, the main risk of not entering into this agreement is the loss of control of the service. This would result in the following:-

- No ability for Councillors to request direct enforcement
- No flexibility to be reactive to customers
- No targeted enforcement (especially around Schools)
- No enforcement of local 'hotspots'
- No ability to react to special enforcement requests
- No flexibility for 'out of hours' enforcement
- No control over parking policy (leave alones, special concessions for events, zero tolerance)
- No flexibility for concessions to take into account specific local issues
- No flexibility for compromise
- No public service ethos – currently the CEOs offer an ambassadorial role to promote safety, traffic flows and customer engagement. A private enforcement company may have a conflicting ethos likely to be giving priority to profits and targets.

- No ability to influence the location for on street parking meters

Other risks are identified in the Risk Register attached as Appendix 3

#### 4.0 Additional Budgetary Implications

4.1.1. Opportunities to Increase Revenue - Residents Permit Schemes in the Borough total around 133 permits, in response to earlier discussions with HCC, work has already been undertaken to review pricing for permits. Early indications suggest that to provide the Permit Schemes on a full cost recovery basis, HBC's current charges need to be increased by 100%. However, whilst this will generate additional income for the council the positive impact this will have on the overall deficit is not significant.

No of Residents Permits	Current income - £30 fee	Income by increasing fee to £50 - 60% in line with HCC policy	Income by increasing fee to £60 100% to ensure full cost recovery
133	£3,990	£6,650	£7,980

4.1.2 Potential Loss of Revenue due to loss of the Traffic Management Agency (as detailed in paragraph 3.8).

Income from Temporary TRO's	£46,000 in 2018/19
Income from Access Protection Lines	£1,500 in 2018/19
Total Income	£47,500

4.1.3 A review of all On Street permits including Residents' Permits, Tradesman Waivers and Visitor permits is recommended to fully recover the cost of administration and enforcement, in line with the new agreement with effect from April 2020.

#### 5.0 Background and relationship to the Corporate Strategy and Directorate Business Plan/s

- 5.1. The recommendations put forward in this report aim to support the corporate priorities of financial stability and public service excellence. The recommendation to enter into a new agreement with HCC supports the corporate priority to formulate partnerships and opportunities for collaborative working.
- 5.2. The proposals also support the Business Plan objective which is to contribute to and mutually benefit from HCC's aspirations as set out in the 'Transformation to T19' Programme if appropriate. Also to explore options in conjunction with EHDC to determine how to shape Parking and Traffic Management.

## **6.0 Options considered and reasons for the recommendation**

- 6.1. Option One – Enter into an agreement with HCC in April 2020 – This is the recommended option given the risks associated with Option 2.
- 6.2. Option Two – Hand back on-street parking services in April 2020 – There are numerous risks associated with this option, primarily reputational. These are outlined in the attached Risk Register (Appendix 3). Given the risks associated with this option it is recommended that Option One is pursued.

## **7.0 Resource Implications**

### **7.1. Financial Implications – Option 1**

As mentioned above the On-Street Parking Enforcement will be required to run on a full cost recovery basis. Any deficit will be met by the Borough and any surplus will be split evenly between the Borough and HCC. For clarification income will be solely from PCNs and On Street Parking Permits.

Whilst HCC is requiring a balanced account, in view of previous years accounts, we are not in a position to guarantee this, but financially nothing would change for the Council.

To ensure that the service runs on a full cost recovery basis the cost of all permits will need to be reviewed and likely increased.

Permits for 'on street' residents parking permits will need to be increased in line with HCC Policy.

### **7.2. Financial Implications – Option 2**

Whilst some savings may be made by not entering into this agreement these are not quantifiable at this time and would likely be minimal as resource will still be required to undertake the off-street enforcement.

### **7.3. Human Resources Implications**

7.3.1. There are no implications with Option One above.

7.3.2. The loss of the 'On Street' parking enforcement (Option 2) will have implications on staffing numbers. This will potentially affect Civil Enforcement Officers and Parking back office staffing. Entering into the agreement will ensure that staffing remains at the current levels. Section 9 of the draft agreement attached as Appendix 1 sets out any TUPE arrangements should they be required.

7.3.3. Currently all Parking staff are employed by EHDC. EHDC undertakes Parking enforcement on behalf of HBC through an

agreement. Therefore the staffing implications would mainly fall to EHDC. However, it should be noted that should the agreement with HCC not be entered into, sufficient staffing to enforce the Boroughs' Off Street Car Parks would still be required through an agreement with EHDC.

## **8.0 Legal Implications**

8.1. The new Agency agreement will be legally binding and the implications are being considered by our Legal Team.

## **9.0 Risks**

9.1. Risks have been identified in the table shown as Appendix 3

## **10.0 Consultation**

10.1. If the Borough agrees to entering into this Agency agreement there should be no need to undertake any formal consultation.

## **11.0 Communication**

11.1. Any changes to the current parking enforcement arrangements would need to be communicated by means of a press release, use of the Council's website and through Serving You as appropriate.

12.0 Appendices: Appendix 1 – Draft new agreement  
Appendix 2 – Proposed Operational Policy for Residential Parking Schemes  
Appendix 3 - Risks Associated with new agreement

13.0 Background Papers: None.

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