

AGENDA

Page No

1. MINUTES

To confirm the minutes of the meeting held on 23 February 2017 (SC.29 - SC.33), previously circulated.

2. APOLOGIES FOR ABSENCE

3. POLICY REVIEW - CIVIL PARKING ENFORCEMENT - DRAFT FINAL REPORT

1 - 12

Report of the Chairman

4. MATTERS OF URGENCY

Any other business of which not less than 24 hours' prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

HAMBLETON DISTRICT COUNCIL

Report To: Scrutiny Committee
23 March 2017

From: Chairman of Scrutiny Committee

Subject: **POLICY REVIEW – CIVIL PARKING ENFORCEMENT**

All Wards

1.0 SUMMARY:

1.1 The purpose of this report is to consider the draft Final Report prior to submission to Cabinet in April 2017.

2.0 BACKGROUND:

2.1 The Committee has previously agreed to undertake this Review and identified information and issues that it would like to consider. The Project Plan for the review is attached as Annex A.

2.2 The Terms of Reference of the review are as follows:

To investigate whether the current arrangements for enforcement of Civil Parking are effective; whether there are any existing issues with delivery of the service and consider options for the future delivery of the service.

2.3 A summary of the key points highlighted from the evidence is attached at Annex B to the report along with a full memorandum of evidence at Annex C.

2.4 A copy of the draft report to Cabinet is attached at Annex D of the report.

3.0 RECOMMENDATION:

3.1 The Committee is asked to consider the draft Final Report prior to submission to Cabinet in April 2017.

COUNCILLOR STEPHEN DICKINS

Background papers: None
Author ref: LAH
Contact: Louise Hancock
Democratic Services Officer
Direct Line No: (01609) 767015

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SCRUTINY COMMITTEE

POLICY REVIEW – CIVIL PARKING ENFORCEMENT

TERMS OF REFERENCE:

To investigate whether the current arrangements for enforcement of Civil Parking are effective; whether there are any existing issues with delivery of the service and consider options for the future delivery of the service

SCOPE

- To ascertain what the current arrangements are for delivery of the service
- To examine whether the existing delivery of the service is effective
- To identify whether there are any issues which may require further investigation
- To explore options of future delivery

OBJECTIVES

- To determine whether the existing arrangements for enforcement of Civil Parking legislation are effective and value for money
- To identify any issues arising out of the delivery of the service and explore areas for improvement
- To ascertain future options for future delivery of enforcement to be considered

WITNESSES

- Executive Director, Dave Goodwin
- Head of Service – Customer and Economy – Helen Kemp
- Appropriate representative from Scarborough Borough Council

DOCUMENTS/EVIDENCE

- Civil Parking Enforcement Agreement
- Statistics on numbers of notices served; appeals; bailiff stats
- Benchmarking information from other Authorities

OTHER METHODS/CONSULTATION/RESEARCH

Task and Finish Groups.

OFFICER SUPPORT

Louise Hancock, Democratic Services Officer
Gary Nelson, Head of Service – Legal and Information (Monitoring Officer)

TIMESCALE

Commencing September 2016
Projected completion January 2017
Report to Cabinet February 2017

Key Points From Evidence

The following is a summary of the key points highlighted from the evidence received:

- It was recognised that the officers carrying out enforcement and issuing PCNs were carrying out their duties and that if the policies of the car parks were adhered to there would be less enforcement.
- Feedback was an area identified for possible improvement as this was considered to be weak.
- Options for future delivery would be considered at the appropriate time and could possibly include consideration of bringing the service back in-house. As the contract was due to expire within the next 12 months, Members requested updates on the current position as and when necessary.
- It was accepted that the current arrangements for Civil Parking Enforcement were adequate and presently fit for purpose.
- Training provided for Civil Parking Enforcement Officers on dealing with difficult customers.

Memorandum of Evidence

The Committee took evidence from Dave Goodwin, Executive Director, Hambleton District Council and received a presentation, a copy of which had previously been circulated and was available as part of the Committee's records.

The presentation covered the following areas:

- History/Context of Civil Parking Enforcement (CPE)
- Partnership arrangements
- Statistics – Penalty Charge Notices
- Car Park Usage
- Future Options

The Committee was provided with an explanation on the background to CPE and was advised that historically the police used to issue car parking notices for highway contraventions and the District Council employed officers to do 'off road' enforcement, such as in the car parks.

In 2002 Harrogate moved to CPE because the Government wanted the polices' time spent on other priorities. Then the Government wanted all authorities to move to this system. HDC entered into a partnership agreement in May 2013 and the agreement would run for a period of 5 years. If the Council wished to change the arrangement or withdraw from the partnership, a period of notice would be required of 6 months. It was suggested that, if this was to be an option that the Council wished to explore, it would be worth considering having a new system in place and up and running prior to the existing arrangement ceasing.

The Committee was advised that as part of the partnership, there was a 5 year agreement and income was protected. The District Council received a £14k subsidy each year because the Council had agreed to issue penalty charge notices at a lower rate than the previous system – hence why income was down.

The Committee was provided with information on statistics on benchmarking. When the figures were examined, it appeared that the District Council issued more notices but this could be interpreted in several ways. It could be that more people were breaking the rules and getting caught. An example was that in 2015/16 HDC issued 2000 PCNs, there were 410 issued in Richmondshire and 780 in Ryedale. Out of the 2000 HDC issued, 1700 were paid straightaway and 300 were challenged.

The Committee asked if officers were implementing a tougher regime in Hambleton rather than in Scarborough or Ryedale and whether a higher amount of parking contravention notices (PCN's) may be challenged because more people were unhappy. The Committee also wished to know whether the same staff worked in Hambleton as in other areas.

The Committee was advised that it could also be because of the number of car parking spaces. The staff worked on different rotas so that they did not regularly visit the same areas on the same days and times so that their visits could not be predicted by those using the car parking spaces.

The Committee commented that it would be interesting to identify of the PCNs issued, how many were residents and how many were visitors.

The Committee was informed that the finances showed that the District Council was making a surplus but the expenditure in terms of costs with undertaking CPE covered staff, equipment, etc and it did not cover the cost of maintaining the car parks, this was an entirely separate issue.

The Committee gave consideration to future options and suggested that bringing the function back in-house may be an option worth considering at the appropriate time. The Committee was advised that effectively this would mean going back to the old regime. This may not be in-line with the Government's initiative.

The Committee sought clarification as to who was the enforcing authority and was advised that this was Scarborough Borough Council as there was a single regime across North Yorkshire.

The Committee asked whether HDC could take on on-street parking which was currently policed by North Yorkshire County Council Highways and was advised that this was all part of the same Partnership regime and therefore subject to the same timescale regarding renewing the agreement.

The Committee enquired whether the days that enforcement was applicable, ie Sundays and Bank Holidays, could be altered or was this something that had to be agreed by the Partnership and was advised that this was a partnership approach but this could be altered including Sundays and Bank Holidays. HDC could make changes to when enforcement took place.

The Committee took evidence from Clive Thornton, Corporate Facilities Manager, HDC

The Benchmarking data on Civil Parking Enforcement (CPE) statistics had been circulated to the Committee prior to the meeting. A copy of this document was available as part of the Committee's records.

The Committee was advised that in the year 2015/16, benchmarking data indicated that Hambleton District Council had a good percentage of Penalty Charge Notices (PNC's) paid (86%) with fewer being cancelled (11%). This compared quite well with other Authorities.

The Committee noted that the statistics would indicate that there had been an increase in the number of PCN's issued and enquired as to what could be the reason for this. The Committee was advised that when Scarborough took over the service numbers increased, this could be because there was more consistency with enforcement. The more patrols there were the more PCNs would be issued if there were breaches. There was a consistent level of resources providing cover.

The Committee wished to know how Scarborough advertised and recruited their officers and how many were in the District. The Committee was advised that HDC had set out the service based on 43 hours a week of enforcement time. There were three full-time officers and resources were shared with NYCC but HDC received 43 hours of time a week. The District Council also supported Scarborough when interviewing for the posts.

The Committee was informed that HDC was a member of PATROL which was the Parking Adjudication Joint Committee and was made up of all Councils outside London operating Civil Parking Enforcement. It oversaw the operation of adjudication appeals against parking tickets. The Council had one Member on the Committee appointed at the annual meeting and this was Councillor Knapton. Councillor Knapton attended meetings and provided feedback.

The Committee enquired about Disabled parking and was advised that charges for disabled bays were applied in accordance with the policy for whichever car park the user was in and disabled bays were subject to Civil Parking Enforcement. Blue badge holders must comply with the requirements of the parking policy which was displayed on information boards and parking bays in the car parks.

The Committee commented that the rules for disabled bays could be quite complicated and wished to know how users were informed about the rules and was advised that all the information was on the signage in the car parks.

The Committee asked whether the current signage was adequate and whether there was a national standard. The Committee was advised that for off street parking it just had to be reasonable and for on street parking there was guidance which provided information on how signs should be laid out but they had to be distinctly different so that they could not be confused. If there were any deficiencies with the signage brought to our attention we would respond to it. Users should make themselves aware of the requirements and provided they comply, there would be no requirement for enforcement.

The Committee wished to know, in relation to HGV Parking, did overnight parking come under enforcement and was advised that the only provision for HGV parking was in the Applegarth Long Stay car park and users were subject to the policy of that car park. Provided users complied with the policy there would be no requirement for enforcement. If there were any breaches of HGV drivers using other car parks that they were not permitted to use, enforcement action would be used if necessary.

The Committee asked if the number of spaces that would be provided at the Bedale Car Park had been taken into account in the number of hours of enforcement and was advised that the proposals for Bedale were included within the regime and adequate resources would be provided to cover it.

The Committee enquired whether there was any feedback of any parking notices, compliments, complaints and was advised that there was no specific information collated although feedback was received from Scarborough. This was an area where the link had been lost directly with the car park users. HDC did review and respond when feedback was received and regular meetings are held with Scarborough about performance.

The Committee asked if the wording of a PCN was standard and was advised that, yes, this should be compliant with the Traffic Management Act 2004 which set out what needed to be included, such as vehicle registration, time of contravention, etc.

The Committee enquired whether the taking of pictures was a legal requirement and was advised that every PCN has a photograph accompanying it and this could be used as evidence.

The Committee noted that statistically, in 2015/16 more PCN's were successfully challenged and enquired as to the possible reason why. The Committee was advised that the reasons for cancellation varied and there was a process to go through and if you could provide a valid ticket the PCN may be cancelled. Each case had to be considered depending on individual circumstances.

The Committee asked whether the District Council were being too lenient and was advised that if HDC refused an appeal, it could go to arbitration and they might allow the challenge. Approximately 50% of cases were accepted when they went to arbitration.

The Committee wished to ascertain whether rebate would continue and was advised that this would not continue beyond the 5 year agreement.

The Committee took evidence from Helen Kemp, Director of Economy and Planning

The Committee wished to know whether it was possible to have a list of any parking tickets issued on behalf of HDC between 6pm and 8am since the beginning August and was advised that HDC do not issue tickets to cars between this period as a general rule Tickets may be issued to HGVs or for cars that are parked and are disrupting the market.

The Committee wished to ascertain whether it was stipulated in the SLA the expected hours of attendance, ie visits to occur between 8am and 6pm and was advised that the SLA is broken down into the number of hours enforcement time. HDC receive 43 hours of enforcement time – 14 hours in Thirsk; 14 hours in Stokesley and 1 hour in Bedale.

The Committee enquired as to whether timesheets or reports were completed in order to account for the 43 hours and was advised that timesheets are provided but hours are not clocked specifically. Officers are splitting their time between HDC and NYCC and through the rota's log on to do those specific duties. It is not a case of being paid twice by two separate organisations to do the same piece of work.

The Committee wished to know how the SLA compared in terms of contracted hours (43 per week) against hours at Ryedale and Richmond and was advised that this information had been requested from Scarborough and would be provided to the Committee upon receipt.

The Committee sought clarification regarding whether Scarborough was being paid twice and was advised that yes it was but for two separate pieces of work. The Council may provide enforcement for HDC and NYCC at the same officer but at different times but there are two separate billing structures.

The Committee wished to know whether HDC could alter the terms of the parking arrangements for the Hambleton controlled areas which could mean different parking restrictions from that of the NYCC areas. The Committee was advised that, HDC could put different parking restrictions in place but it had to be borne in mind that this has a knock-on effect in terms of traffic movement.

The Committee enquired about bank holidays and Christmas and whether this could be altered and was advised that if it is within HDC's control it can be altered.

The Committee wished to know what the financial implications for future years were if the £14000 per year rebate is not received and was advised that this would result in a loss of income. There are reasons why the surplus changes. When the penalty charges were set, they were set lower than when set in-house previously. If the income decreases consideration will have to be given to the budget and potentially raise income from elsewhere.

The Committee asked whether there would there be a surplus if the service was ran in-house and was advised that this was not that clear cut. There are changes in how CPE charges are applied – if they are paid within a certain length of time the charge reduces, if over a certain time it increases – this results in a drop in income from payment of CPE charges – we have to work within CPE rules.

The Committee suggested that it may be minded to recommend the alteration of the rule for Sundays and Bank Holidays and was advised that this could be included as a possible recommendation from the Committee within their report to Cabinet.

The Committee made an observation that one of the biggest issues related to complaints that this service is provided from Scarborough and that complainants are not listened to. HDC should take responsibility for something that happens to the service we offer. This was counteracted by an opinion that the fact that Scarborough administer the service is used as an excuse and that the same set of rules for parking apply regardless of who operates the service, it was perceived that it was the issue of CPE that people are not happy with.

The Committee sought clarification regarding confirmation of the Government Initiative that had been mentioned and was advised that the Government wished to roll out a joint working initiative and encouraged the Council to implement it. Ideally the Government wished to see on and off street parking done by the same company, in HDC's case it is still different so there is still confusion.

The Committee suggested that perhaps the Committee consider the provision of this service being done by one authority as a recommendation for consideration and was advised that this can be considered when formulating the recommendations in the report to Cabinet for consideration.

The Committee also suggest that perhaps consideration should be given to the SLA with NYCC when appropriate and was advised that this could be considered when formulating the recommendations in the report to Cabinet for consideration.

The Committee made comments regarding the inclusion of NYCC and consulting the other Councils involved in the SLA about this issue and that in order to take this forward more thought on the proposals would have to be given before this discussion could take place.

The Committee were advised that, at the appropriate time, consideration would be given to the future delivery of the service and all options would be considered at the appropriate time. It was suggested that Scrutiny Committee could request that they be kept informed of developments in this regard and consulted if appropriate.

The Committee enquired as to what was the reason for working with Scarborough and what was the principle behind this and was advised that this issue was considered by Cabinet and the report was available by way of background information.

The Committee discussed the justification for the purpose of this and what it hoped to achieve by receiving this information and accepted that as background information it would help inform the Committee as to the reasoning why this route was chosen.

The Committee made an observation that there was a difference in the number of enforcement tickets issued within different authorities and questioned whether the system was being fairly implemented.

The Committee observed that there was flexibility regarding the enforcement of the scheme, for example a 15 minute time lapse before a ticket is issued. However, it had to be borne in mind that any changes around this flexibility will have a knock-on effect.

The Committee asked if the flexibility rules differed, could consideration be given to making them the same so as to make this a level playing field all over? It was also commented that there is confusion of NYCC and HDC parking – if the service was delivered through one Council one recommendation could be to harmonise the rules between parking restrictions between NYCC and HDC so people know that the rules are the same.

The Committee received additional information from Clive Thornton, Corporate Facilities Manager, HDC

Copies of the following documents were circulated at the meeting:-

- SLA hours of coverage and the resources provided for Hambleton, Ryedale, Richmond and Scarborough.
- Spreadsheet with payments made in relation to Penalty Charge Notices by car park.
- Car Park usage on bank holidays and Sundays.
- Car Park usage and PCNs issued.

The number of PCNs issued for 2015/16 showed as a percentage was 0.18% - there were 1969 PCNs issued and 1767 were upheld (0.16%). These figures illustrated that this was a very small percentage of the overall car park usage whereby PCNs had been issued.

The Committee determined that the number of PCNs issued against the car park usage was very low and not a matter of concern.

The Committee recognised that there were differences in how each authority issued PCNs however the regulations had to be adhered to. Flexibility regarding HDC's parking restrictions was an operational issue.

HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
11 April 2017

From: Scrutiny Committee

Subject: **POLICY REVIEW – CIVIL PARKING ENFORCEMENT – FINAL REPORT**

All Wards

1.0 SUMMARY:

1.1 Between July 2016 and February 2017 the Committee undertook a review of the Council's Civil Parking Enforcement (CPE) regime. This report sets out the Committee's findings, conclusions and recommendations.

2.0 INTRODUCTION:

2.1 Civil Parking Enforcement was considered an appropriate topic for review because concern had been raised about whether the Council's current arrangements were effective.

2.2 The Committee as a whole undertook the review pursuant to the following terms of reference:

- to investigate whether the current arrangements for enforcement of Civil Parking were effective;
- to consider whether there were any existing issues with delivery of the service; and
- to consider options for the future delivery of the service.

2.3 In order to determine whether the District Council's plans, policies and practices were effective, the Committee decided to:-

- review the District Council's Civil Parking Enforcement Agreement;
- review statistics on numbers of notices served, the number of notices upheld and the number of appeals; and
- review benchmarking information from other Authorities.

3.0 EVIDENCE

3.1 The following witnesses attended meetings of the Committee to give evidence, namely:

- Dave Goodwin, Executive Director, Hambleton District Council (HDC);
- Clive Thornton, Corporate Facilities Manager (HDC); and
- Helen Kemp, Director of Economy and Planning (HDC).

3.2 The Committee also reviewed the following documents in detail:

- Civil Parking Enforcement Agreement;
- statistics on benchmarking;
- statistics on car park usage and CPNs issued; and
- a breakdown of the resources provided under the SLA for each authority.

4.0 FINDINGS

- 4.1 Based on the written and oral evidence presented, the Committee's findings were as follows:
- 4.1.1 The Committee explored the background to CPE and established that historically it was the police's responsibility to issue car parking notices for highway contraventions, and that the District Council had previously employed its own officers to carry out 'off road' enforcement, e.g. in car parks. CPE is a legal process and enforcement authorities should make sure that officers who operate CPE regimes have a clear and full understanding of what the law requires.
- 4.1.2 The Committee acknowledged that in 2002 Harrogate moved to CPE because the Government wanted the police's time spent on other priorities. At that time the Government indicated that it wanted all authorities to move to the CPE system. In consequence, HDC entered into an agreement with Scarborough Borough Council in May 2013 for the provision of CPE services for a period of 5 years. It was noted that if the Council wanted to make any changes to the contractual arrangements or indeed to withdraw from the agreement, then a period of notice would be required of 6 months.
- 4.1.3 As the contract with Scarborough Borough Council was now in its last year of operation, the Committee suggested that, as and when officers are considering future options for delivery, that all options, including bringing the service back in-house, should be explored. As the contract was due to expire within the next 12 months, Members requested that updates be provided on the current position as and when necessary.
- 4.1.4 The Committee was advised that the agreement provided for a 5 year period of income protection. It was noted that the District Council received a £14k subsidy each year. For good governance, enforcement authorities need to forecast revenue and expenditure in advance but raising revenue is not an objective of CPE.
- 4.1.5 The Committee acknowledged that the purpose of penalty charges was to dissuade motorists from breaking parking restrictions and that, ideally, there should be 100 per cent compliance, with no penalty charges.
- 4.1.6 In order to ascertain whether the District Council carried out its CPE operations efficiently, effectively and economically, the Committee requested statistics on the number of enforcement notices (PCNs) issued, upheld and appealed. The Committee also requested benchmarking information to assist it in comparing the HDC statistics with the other North Yorkshire authorities. Analysis of this information clearly demonstrated that, for this Authority, the number of PCNs issued was a very small percentage of the overall numbers using the Authority's car parks and, therefore, that the number of PCN's issued was not a matter for concern.
- 4.1.7 The Committee also noted that the District Council was a member of PATROL which was the Parking Adjudication Joint Committee and was made up of all Councils outside London operating Civil Parking Enforcement. It oversees the operation of adjudication appeals against parking tickets. The Council had one elected Member on the Committee appointed at the annual meeting and this Member attended meetings and provided feedback.
- 4.1.8 The Committee acknowledged that 'on-street' parking and enforcement was the responsibility of North Yorkshire County Council and that, although this was not a matter for this Committee, they wished it be recognised that different parking regimes (i.e. 'on-street' and 'off-street') and their enforcement might cause some confusion with members of the public. It was an aspiration of the Committee that there should be a consistent approach between authorities regarding enforcement.

- 4.1.9 In order to ensure that the public were aware of the relevant parking restrictions, the Committee asked whether the current signage within the Council's car parks was adequate and whether there was a national standard. The Committee was advised that there was guidance which provided information on how signs should be laid out, but they had to be distinctly different to 'on-street' parking signs in order to avoid confusion. The Committee was assured that signage within the car parks was adequate. It was the responsibility of users of the car parks to ensure that they were aware of the parking requirements and to ensure they complied.
- 4.1.10 The Committee recognised that enforcement officers may have to deal with difficult customers from time to time, and it suggested that relevant training should be provided to support them in their role.

5.0 CONCLUSIONS:

- 5.1 The Committee concluded from the evidence that the current arrangements for Civil Parking Enforcement were effective and fit for purpose.
- 5.2 Regular feedback on enforcement was an area identified for possible improvement as this was considered to be weak.
- 5.3 The Committee suggested that when considering options for future delivery, that this should cover all options including bringing the service back in-house. As the contract was due to expire within the next 12 months, Members requested updates on the current position as and when necessary.
- 5.4 The Committee also suggested that training should be provided for Civil Parking Enforcement Officers on dealing with difficult customers.

6.0 RECOMMENDATIONS:

- 6.1 To recommend to Cabinet that:-
- (1) it be noted that the current arrangements for Civil Parking Enforcement are effective and fit for purpose;
 - (2) consideration be given to providing more feedback on CPE to Members;
 - (3) when considering options for future CPE delivery, this should include consideration of bringing the service back in-house;
 - (4) updates be provided to the Committee on the position regarding the future delivery of the service as and when necessary; and
 - (5) training be provided for Civil Parking Enforcement Officers on dealing with difficult customers.

COUNCILLOR S P DICKINS
CHAIRMAN

Background Papers: None
Author ref: LAH
Contact: Louise Hancock
Democratic Services Officer
Direct Line: 767015