

# TONBRIDGE & MALLING BOROUGH COUNCIL

## OVERVIEW AND SCRUTINY COMMITTEE

11 September 2012

### Report of the Director of Planning, Transport and Leisure

#### Part 1- Public

#### Delegated

## 1 SCOPING REPORT – REVIEW OF PARKING MANAGEMENT AND ENFORCEMENT

### Summary

**To agree the scope of the review of the parking management and enforcement service to be undertaken by a Scrutiny Review Group.**

### 1.1 Introduction

- 1.1.1 The purpose of this report is to set the scope for the forthcoming Scrutiny Review of Parking Management and Enforcement. This service has been highlighted as an area for review primarily because it is a frontline activity that often has a high profile amongst local communities and consequently with local Members. It is a service that affects the convenience and safety of local residents, businesses and visitors to our towns and villages.
- 1.1.2 The service is governed by a range of Regulations and guidance and the enforcement regime is subject to an arbitration process. It is resource intensive and the way in which the service is operated and managed is critical to the success, efficiency and the perception of the service by local people. The costs of providing the service and the revenue income are also important factors to be taken into account in this review.
- 1.1.3 It is important to understand that whilst the management and enforcement of the off-street car parks is a matter for the Borough Council, the on-street parking service is carried out by the Borough Council, under agreement, on behalf of the Kent County Council. There are, therefore, distinct differences between these two aspects of the service although in operational and practical terms they are managed and enforced in an integrated way.

### 1.2 Off-Street Parking

- 1.2.1 The Borough Council owns and/or manages some 30 car parks incorporating over 3,000 car parking spaces. The majority of the car parks are wholly owned and controlled by the Borough Council although in some instances the Council manage car parks in agreement with private land owners or parish councils.

Many of the car parks are subject to pay-and-display or park-and-display arrangements. The authority to manage all the car parks comes from a Car Park Order that sets out the restrictions and requirements that apply to each car park across the borough.

- 1.2.2 The off-street car parks managed by the Council across the borough perform a variety of functions. For example, the major parking stock in Tonbridge is split between shorter-term parking, primarily to support the important retail and economic vitality of the town centre and long-stay parking to support the town's employment base. In the other towns and villages across the borough the car parks serve multi-purpose functions in providing for local shoppers, workers and visitors and in some cases residential parking.

### **1.3 On-Street Parking**

- 1.3.1 In respect of on-street parking, the Borough Council's responsibilities derive from an agreement with Kent County Council (KCC) as Highways Authority. In 2000 KCC took over the responsibility for the enforcement of on-street parking when the police ceased to carry out this function, under a process known as 'Decriminalisation'. The County Council established agency agreements with all the district councils in Kent for them to manage and enforce the restrictions on their behalf. This way forward followed clear guidance from Government on how the service should be practically operated, recognising that the management of on and off-street parking, together with other street based activities, is best carried out and integrated at the district level. Under the terms of the agreement there are no specific financial arrangements although annual accounts are required to be produced and submitted to the County Council. The agreement requires that all new parking restrictions need to be authorised by the County Council through the making of a Parking Order. The agreement provides for a 2-year Notice of Termination by either party.
- 1.3.2 The Transport Management Act 2004 (TMA) is a significant piece of legislation that coordinated best practice and set out the requirements and recommendation for the enforcement of parking. This governs much about the way the service is provided and will be a useful reference for parts of this review.

### **1.4 Parking Policy**

- 1.4.1 Since taking responsibility for the on-street parking regime, the Borough Council has adopted a very progressive approach to its management in many locations across the borough. This has been achieved either by carrying out a range of interventions using parking restrictions to deal with localised problems. Most importantly, however, the borough council has taken the initiative to prepare and implement local parking plans for a large number of zones across Tonbridge and in the centres of other towns and villages in the north of the borough.
- 1.4.2 There can be little doubt that the approach to on-street parking particularly through local parking plans has proved successful in seeking to balance the

various parking demands at particular locations. For example, a comprehensive coverage of residents' preferential parking zones has been laid out in many locations, coupled with initiatives to provide for local business parking and other longer term and visitor parking. Inevitably, this has involved considering the on-street parking regime in tandem with the availability of off-street parking spaces demonstrating the interconnectivity between the two parts of the service.

- 1.4.3 The preparation and implementation of local parking plans has undoubtedly been a major call on resources, not least because the borough council has adopted a highly consultative approach, engaging with local communities', organisations and parish councils. In that way local parking tensions have been analysed and solutions brought forward that best address local circumstances. Such a process can be challenging to manage, but ultimately is probably the best way of achieving the most appropriate parking solutions in local areas. It is nevertheless a resource intensive activity and brings with it consequential demands on the enforcement aspects of the service.

## **1.5 Parking Enforcement**

- 1.5.1 Without adequate enforcement, parking restrictions implemented with the best of intentions could be potentially abused. That would result in potential road safety problems, the inefficient use of the parking stock and a dilution of the carefully thought out parking regime that the Council has striven to put in place. Proper and well planned parking enforcement is therefore a very important part of the overall service.
- 1.5.2 The way parking enforcement is carried out across Kent is guided by a protocol which sets out the general standards to be applied. Within that framework, however, there is variation in the way district councils actually provide the service and how it is operated in detail. We have a team of 10 Civil Enforcement Officers (CEOs) who patrol regularly both in car parks and on-street at all locations where parking management restrictions apply. The Parking Manager frequently assesses and reviews priorities and the frequencies of patrols in the light of experience and intelligence gathered during operations and information requests from the public. There is inevitably some tension and conflict in the calls on resources, most obviously demonstrated by, on the one hand, the need to properly police the intensive use of car parks in central Tonbridge and on the other hand responding to the call to deal with isolated indiscriminate parking. There are also specific calls on our Civil Enforcement Officers, for example to address parking difficulties around schools, which is a frequent occurrence and which we approach in liaison with the school management, the County Council and increasingly the police. It is the job of the Parking Manager to balance our resources between all the competing calls taking into account safety priorities, local demands for the service and of course sustaining the important financial position for the Council.

1.5.3 Current hours of enforcement vary on a daily basis to enable flexibility and prevent rigid patterns that could be identified and abused. However, the operational hours are currently between 07.30 and 20.00 on Monday to Friday, 07.30 and 17.00 on a Saturday and between 08.00 and 14.00 on a Sunday. Occasionally situations may cause these general working hours to be altered, but the current regime reflects a balanced approach to enforcement taking account of the competing demands set out above.

1.5.4 The requirements and Regulations governing the service of Penalty Charge Notices (PCNs) and subsequent enforcement processes are rigid and must be carefully observed in a timely and proper manner to be watertight. It is important then that appropriate training for frontline staff and suitable and robust management systems are in place. Equally, it is important that the signing and lining governing the various parking restrictions across the borough is well maintained and in accordance with the Regulations of the day. The integrity of all of these factors is particularly important as the parking enforcement system is subject to an appeals and arbitration process which tends to concentrate on technical matters.

## **1.6 Administration**

1.6.1 The Parking Manager has a team of 3 people who are responsible for dealing with all correspondence, appeals, the issue and management of season tickets, residents' permits and dispensations. The current office management system is vital in processing penalty charge notices and for tracking other administration tasks mentioned above. Reliable and detailed information is also very helpful in assisting the formulation of charging policies and modern ticket machines and associated information systems also provide a vital source of information and data to this end.

## **1.7 Dispensations**

1.7.1 The Borough Council provides dispensations to park at locations where restrictions and charges apply in order to facilitate a necessary activity. These range from voluntary and health care workers visiting residential properties in restricted areas, to essential contractors' vehicles parking adjacent to work sites.

## **1.8 Key Issues and Anticipated Outputs**

1.8.1 There are a number of aspects of the parking service that may usefully be reviewed and assessed in order to establish how the service might be evaluated and its effectiveness improved. These range from some strategic considerations through to some more detailed operational matters:

- To review the current agreement and arrangements with Kent County Council with a view to both service quality and financial considerations;

- To consider possible alternative models to managing and delivering the parking service;
- To review the policy approach to parking management particularly the on-street parking regime;
- To consider the effectiveness of the overall approach to parking enforcement including a review of current operational practices (eg. Patrolling hours, operational practices by the CEOs);
- To consider the approach to the direction and prioritisation of parking enforcement resources;
- To review costs and income from the service, benchmark with other authorities and consider the potential to increase efficiencies consistent with the culture and service quality that the Council prefers;
- To review the management information systems and other equipment that support the service;
- To review the type and level of dispensations and use of car parks for other organisations.

## **1.9 Review Process**

1.9.1 In view of the need to consider some of the above matters in detail it is proposed that a Review Group be drawn from the Scrutiny Committee to discuss and consider these matters. It is envisaged that the Review Group would need at least 2 meetings before a report back to this Committee.

## **1.10 Legal Implications**

1.10.1 None arising directly from this report, but the Review Group and Committee will be advised during the scrutiny process of the Legislation, Regulations and guidance that govern the provision of the parking service.

## **1.11 Financial and Value for Money Considerations**

1.11.1 There are none directly arising from this report although both the costs and income related to the parking service is an important part in the Council's overall financial position.

## **1.12 Risk Assessment**

1.12.1 The potential risks that must be taken into account during this scrutiny review are those to do with safety of road users affected by how the service is operated, reputational risks about the quality of the parking management service and financial risks in terms of level of income generated and cost.

### 1.13 Equality Impact Assessment

1.13.1 See 'Screening for equality impacts' table at end of report

### 1.14 Recommendations

1.14.1 That the terms of the review as set out in paragraph 1.7.1 above **BE APPROVED.**

Background papers:

Nil

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Director of Planning, Transport and Leisure

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	This report sets out the scope for the Scrutiny Review. The scrutiny process may consider the parking needs of particular groups and organisations within the context of the overall service.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	See above
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*