

# TONBRIDGE & MALLING BOROUGH COUNCIL

## SCRUTINY PANEL

13 December 2012

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

#### Part 1- Public

#### Delegated

## 1 REVIEW OF PARKING MANAGEMENT AND ENFORCEMENT

### Summary

To review the key issues agreed by the Overview and Scrutiny Committee which are considered in detail in the report.

### 1.1 Introduction

- 1.1.1 Members will recall that the Overview and Scrutiny Committee on 11 September agreed list of key issues and anticipated outcomes. These are expanded upon below and form an information base on which to base this review. This information can be supplemented by officers at the Panel Meeting.

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

- 1.2.1 The current agreement was effective from 1 September 2000 and runs indefinitely with either party having the ability to give two years notice of their intention to terminate. The agreement, in line with all those for other districts in Kent requires TMBC to provide an on-street parking management and enforcement service in line with relevant Traffic Regulation Orders. This is in line with Government desires to operate a single parking service for both on- and off-street. From a practical viewpoint the local operation of the on-street parking service provides the best opportunity of responding to the very localised parking issues. The Borough Council has been proactive in implementing and enforcing a wide range of area based and individual parking regimes that have been generally welcomed by local communities.
- 1.2.2 Separate accounts are held for both services and any surplus from the on-street service can be retained by the Council but must be used for traffic or on street parking matters. Up to £50k is at the discretion of the Borough Council whilst the use of sums above this amount must be approved by the County Council. On-street income is from a combination of ticket sales from the limited number of pay & display machines (Danvers Road, Avebury Avenue and Holford Street),

## Residents & Business Permit Parking schemes and from Penalty Charge Notices (PCNs) issued

- 1.2.3 Few districts actually make surplus funds from on-street parking and those that do generally have a large number of streets with on-street pay & display parking areas that generate significant amounts of income, or relatively few rural restrictions that require enforcement. The on-street service currently has a net cost of approximately £110k which reflects the characteristics of the Borough and the way the Council has chosen to roll out and operate regimes and restrictions in response to the local needs and demands.
- 1.2.4 Whilst we have the ability to terminate the on-street parking agreement, as an individual Council we are unlikely to secure any change in the present arrangement in isolation as all agreements with the districts are identical.
- 1.2.5 **To consider possible alternative models to managing and delivering the parking service;**
- 1.2.6 The two most common alternatives to the in-house arrangements for parking enforcement operated by TMBC are the use of a contracted-out CEO provider or the shared management, staffing, systems and other costs with another district(s). It is worth just highlighting some issues at this stage that might be worthy of future consideration.
- 1.2.7 The two main facets to parking enforcement are the patrolling/issuing of PCNs and the subsequent management of letters, payments and enforcement of unpaid notices. They could be treated separately for the purposes of management and delivery.
- 1.2.8 If we were to consider a sharing arrangement for the parking service with another council their CEOs should require little or no local knowledge to issue a PCN as the signs and lines required to support the issue are standard across the country. However there would need to be an agreement and understanding on the culture and application of parking enforcement practices as this sometimes varies considerably between authorities. This is likely to be a bigger issue if a private contractor were to be involved because of the potential for lack of familiarity with our ways of working.
- 1.2.9 Any benefits from sharing “back office” administration would normally only be achieved if all involved parties used the same management software. Greater local knowledge would be required but this aspect could be operated from a central office.
- 1.2.10 There are, of course, benefits and disadvantages to all options. Although there may be some efficiencies in terms of operational flexibility to be made with the above options, any that could be achieved must be weighed against the ability to retain control over the Council’s current approach to providing an all embracing parking service to the public.

**1.3 To review the policy approach to parking management, particularly the on-street parking regime;**

- 1.3.1 Our present focus on parking management is governed in part by the income both aspects generate from direct charging and PCNs and also by the high profile and busy nature of town centre car parks. Off-street parking generates a total of around £2.4m per annum whereas on-street parking only generates around £250k per annum. Quite naturally there is a need to protect this income and patrols are geared to this effect. However because of the rural nature of significant areas of on-street parking enforcement is less time and cost efficient than the off-street equivalent.
- 1.3.2 Additionally there are a number of other situations where a CEO presence is requested including the growing problems experienced outside schools, take-away establishments and the limited availability of on-street spaces in some locations.
- 1.3.3 When all CEO's are available they are split equally across both on- and off- street. During periods of sickness and leave, priority is generally given to ensuring the proper use of our car parks.

**1.4 To consider the effectiveness of the overall approach to parking enforcement including a review of current practices (e.g. Patrolling hours and operational practices by the CEOs);**

- 1.4.1 Patrols normally take place between 7.30 am and 8.00 pm Mondays to Fridays, every Saturday between 7.30 am and 5.30 pm, and every fourth Sunday between 8.00am and 2.00 pm. These hours are generally linked to charging periods in car parks and residential parking scheme restrictions hours. There is little late evening or Sunday patrolling and less overall enforcement presence on a Saturday. No enforcement takes place on Bank Holidays. Staff that work outside of the core hours of between 8.00 am to 6.00 pm, Monday to Friday are paid an additional supplement. The resources deployed during these times are reviewed regularly to ensure there is a balance between covering all necessary locations at the frequencies required and a workable and acceptable rota for the staff.
- 1.4.2 Part of our enforcement role is aimed at education and assistance and if the driver is with the vehicle and can be advised to move the vehicle or obtain the necessary ticket as appropriate then this is the approach generally adopted. If the driver refuses to co-operate or cannot be seen then a PCN is issued when the evidence could support this action. The level of evidence required is very prescriptive and can take several minutes to obtain and enter into the hand held device. Enforcement at some locations, including schools, rarely results in PCN being issued because the driver of the car is often within sight and will usually remove the vehicle before a PCN can be issued.

- 1.4.3 The South East Parking Manager's Guide on Challenges and Observation Times is carefully followed. Subsequent letters of mitigation are always considered on the merits of individual cases and due consideration is exercised.
- 1.4.4 Nevertheless there is an expectation that the motorist should take responsibility for their actions by reasonable planning and observation at the time of parking the vehicle. The experience of cases dealt with by the independent Appeals Adjudicator is also considered before a decision is made in relation to requests for waivers based on mitigation. An approach not always followed by other authorities who rely on motorists accepting their strict interpretation of the regulations.

## **1.5 To consider the approach to the direction and prioritisation of parking enforcement resources;**

- 1.5.1 The comments made in 1.3 are relevant to this point.
- 1.5.2 The patrolling of car parks is easier to organise with fewer potential contraventions to consider and less opportunity for a technical challenge of the lines and signs. In the majority of instances patrols can be carried out by an individual rather than in pairs. Personal safety is considered greater in town centre car parks with the contraventions normally being less contentious and the possibility of support and witnesses to any problems being more likely. As the high use and income car parks are in the centre of Tonbridge travel time is minimal and enforcement is usually immediate and continuous. Some limited on-street enforcement also takes place en route to these locations.
- 1.5.3 Conversely, on-street parking enforcement is the opposite and normally requires two staff to provide safety support at rural locations where they might be isolated, or to allow more effective enforcement in generally shorter periods. For instance one officer commences enforcement whilst the other finds a suitable parking space for the vehicle. Consequently when staff are sick or on leave suitable options for safe and effective patrols for individual officers are more limited. On-street enforcement also requires that the vast number of signs and lines are maintained to a high standard. There is a programme of regular replacement but external factors such as road works, leaves and snow can cause a temporary inability to enforce at some locations.

## **1.6 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;**

- 1.6.1 We play an active role in the South East Parking Group which comprises all district councils in Kent and some in East Sussex and South London. Separate quarterly meetings take place between managers and operational staff to identify and develop best practice as well as to discuss new issues and developments.

- 1.6.2 Annual benchmarking and regular comparisons are made between Kent districts to identify potential areas for increased efficiencies. However as each district is different in many ways including in size and type of stock, resources, location of enforcement areas and approach to enforcement, comparison is not always possible on a like for like basis. The latest benchmarking table is attached for reference in **Annex 1**. However it should be noted that there are some anomalies within this table that indicate an inconsistent approach to interpretation of data source.
- 1.6.3 The Traffic Penalty Tribunal produces annual figures and reports on appeals and these are used shape our approach in dealing with this aspect of the service.
- 1.6.4 Networking, both locally and nationally, is used extensively on ad hoc issues to seek information or best practice
- 1.7 To review the management information systems and other equipment that support the service;**
- 1.7.1 The management information systems used to record and process the PCN's and the season tickets, permits etc is provided by a company called ICES. Such systems are provided by only a handful of companies. All but 3 authorities in Kent use this system. The company have an active User Group, to which we contribute, that is continually considering and assessing developments and upgrades.
- 1.7.2 There is also a Management System linked to the ticket machines that provides management information on cash taken and tickets issued. This can provide useful statistics on the numbers of different tickets sold etc. Unfortunately this system produces data in an inflexible manner and has now been superseded by a web based alternative that allows more varied and relevant reports to be produced. Support for the original system is gradually being withdrawn and we will need to invest in an up-graded system in the near future.
- 1.8 To review the type and level of dispensations and use of car parks for other organisations.**
- 1.8.1 The Council issues a variety of dispensations to allow motorists to either park at locations, mostly on street, that they would not normally be legally entitled to do so or to park without paying the normal charge. The purposes and beneficiaries have developed over the years and range from contractors or businesses needing to park adjacent to a property to fulfil their contractual obligations; to individuals attending to a social or medical appointment. The range of and number of dispensations issued has risen to over 1000 dispensations each year, the vast majority of which are free. The level of dispensations issued and the purposes/circumstances under which they are issued by the Council is virtually unique within the county. The majority of districts either refuse to accept a need for a dispensation or make a charge where any are issued.

- 1.8.2 A considerable amount of resource is spent in considering, processing, issuing, managing and supervising their use, and this is an area that might be appropriate for review.
- 1.8.3 The Council does not generally allow its car parks to be used for any promotional events other than those associated with local health, educational or charitable activities. The only exceptions being some restricted use for farmer's and trader's markets in Tonbridge, West Malling and Snodland. Regular requests are received to make available car parks for a number of purposes including vehicle valetting, windscreen repairs, hot food vending and assorted product and vehicle promotions. Whilst many of these are considered and accepted by other districts, resulting in some additional income, we have not generally entertained these requests, we consider that the disadvantages outweigh the benefits.

## **1.9 Legal Implications**

- 1.9.1 The on-street parking service is provided by agreement with KCC and must continue unless or until determined by TMBC or KCC by giving the other two year written notice.

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

- 1.10.1 The current arrangements are intended to maximise income to the Borough Council consistent with parking management objectives.

## **1.11 Risk Assessment**

- 1.11.1 The investigation of parking management and enforcement by the Overview and Scrutiny Committee contributes towards the transparency of the Council's Parking Service. Any proposals resulting from this review will be subject to a risk assessment.

## **1.12 Recommendations**

- 1.12.1 Members are invited to identify any issues that require further explanation or investigation

Background papers:

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Nil

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