

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

11 June 2013

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Council

1 REVIEW OF PARKING MANAGEMENT AND ENFORCEMENT

To report on the conclusions of the review carried out via the Scrutiny Panel and to put forward recommendations for action on parking management and enforcement.

1.1 The Scrutiny Panel

- 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 were reviewed in detail at the Panel meeting chaired by Cllr Mrs Simpson.
- 1.1.2 The Panel meeting took place on 13 December and the report to the Panel is attached at **Annex A**.
- 1.1.3 The Panel agreed on a series of Key Issues which are examined in detail in the report with recommendations against each.

Key Issues

1.2 Patrolling between 6pm and 8pm. What is the cost of this service and is this justified? Could savings be found by reducing this part of the service?

- 1.2.1 Patrolling between the hours of 6pm and 8pm is confined to on-street locations as charging in car parks ceases at 6pm. The vast majority of reports of major problems during these hours are received in respect of the towns and villages in the north of the borough. Consequently these areas are our focus far more than anywhere else.
- 1.2.2 We aim to commence evening patrols at around 6pm which generally coincides with the increase in contraventions as residents returning from work begin to find legitimate parking spaces difficult to find and may resort to inappropriate parking.
- 1.2.3 Evening patrols require two staff for health and safety purposes at a cost of around £30 per person per hour, including on-costs. Evening patrols generally

result in only a maximum of 4 to 5 PCNs being issued. If all pay without mounting a successful challenge, then an evening patrol will break even financially. Enforcement is not continuous during this period because of the time taken travelling between locations, and the relatively small and sporadic areas of restrictions.

- 1.2.4 Currently two CEO posts are vacant and I am not planning to replace them until I have a better idea of the likely enforcement needs in Tonbridge following the town centre redevelopment which could bring significant operational changes. This reduces our current capacity to maintain evening patrols which, with a full complement of CEOs, can be a regular twice-weekly event within a normal rota. Evening enforcement is as much to do with public re-assurance of enforcement as a financially driven exercise and acts as a persuasive deterrent to inappropriate parking, particularly at known “hotspots”. Consequently the measurement of successful and effective parking enforcement is not measured by PCN income alone, but on our overall efforts to prevent inappropriate parking in our communities in the first place. However in the winter months it is inevitable that our operatives are hampered by inclement weather and poor lighting from a practical viewpoint.

1.2.5 **Recommendations**

Evening patrols are continued subject to the following: -

1. Details of specific problem areas are to be recorded and where justified, specific patrols will be arranged with the possible need to treat them as voluntary overtime.
2. Patrols between April and September will form part of the weekly rota with known problem locations being targeted.
3. Patrols between October and March are managed to reflect adverse weather and lighting conditions.

1.3 **Parking problem hotspots/areas where regular parking abuses occur – could other TMBC staff and/or Members help report problems so that warning letters could then be written or attendance by CEOs be organised? Could PCSO's and Wardens also be tasked to identify problem areas? Rural areas could be a specific focus area where such problems seem to occur more frequently.**

- 1.3.1 PCN's must be issued by an authorised CEO. A CEO should witness and obtain relevant evidence at the time of the contravention for a PCN to be issued and be valid.
- 1.3.2 No other individual including the Police, a PCSO or a Community Warden has the authority to issue PCN's for breaches of parking restrictions. However the Police do have the power to deal with a vehicle causing an obstruction. In such

circumstances they would probably arrange for the offending vehicle to be removed/relocated to a more appropriate location.

- 1.3.3 Many other TMBC staff and PCSOs together with the general public already do, and are encouraged to, report regular contraventions. These are a valuable source of intelligence to inform patrol patterns and targeted enforcement. I will continue to raise awareness amongst staff to maximise benefit from current practices.
- 1.3.4 Some schools also play an active role in deterring bad parking and encourage good parking outside of schools. Where appropriate joint exercises take place involving representatives from some, if not all of the following: - the schools, PCSOs, Police, Community Wardens, CEOs and KCC's "Schools Safety Team".
- 1.3.5 It occurs to officers that there may be more scope to seek assistance from other organisations in raising awareness and intelligence on parking issues. There is a careful balance to be struck so as not to unreasonably raise expectations, but some further publicity on how our parking service works, what its limitations are and how others can help might prove useful.

1.3.6 **Recommendation**

- 4. Continue to act on and encourage reports from the public and staff alike of problem locations and raise further awareness through information and publicity channels.
- 5. Continue to record and use these reports to target patrols and joint operations with other agencies.

1.4 **Shared CEO service or privatised services not favoured as culture/approach to parking enforcement might then change to the detriment.**

- 1.4.1 Management of Parking Enforcement can be broken down into two discrete areas. The patrolling/enforcement side which leads to the issuing of PCNs and the back office administration which deals with to the collection and enforcement of PCNs together with the administration of Season Tickets, Permits and dispensations.
- 1.4.2 Each aspect is capable of being outsourced or being the subject of a shared arrangement with one or more other local authority. Naturally there will be benefits and disadvantages to such arrangements and will require certain criteria to be met to be successful. The following is a brief summary of the issues that would need consideration. It is also important to note that our enforcement and back office services are closely integrated with our transportation team whose job it is to implement bespoke parking management controls and restrictions across the Borough, including (for example) our Parking Zones.

Shared Services

1.4.3 Enforcement and PCN issuing (CEOs)

- 1.4.4 One of the main advantages here is the flexibility a larger team could have in tackling staff shortages or special projects and exercises.
- 1.4.5 A CEO can be deployed to any location without special or lengthy additional training. Contraventions, formal procedures, and line/sign requirements will be the same although some local knowledge can be an advantage in some situations.
- 1.4.6 Some savings may be possible on bulk purchases of goods and services such as uniforms, tickets, and stationary and in the long term ticket machines and other equipment. However the level and speed at which any savings can be made will be dependent upon existing individual contracts.
- 1.4.7 Potential barriers include: (a) the need to have a common approach to parking philosophy and (b) the need to have similar charging and enforcement periods that provide for a workable rota and (c) potential conflict when identifying enforcement priorities.

1.4.8 Back Office Administration

- 1.4.9 Advantages will include the potential to adopt specialised roles and the ability to streamline practices which could result in some staff savings.
- 1.4.10 As much of the work is, or could be, carried out on line or over the phone there is less need to operate locally and may provide opportunities to operate from a single base offering efficiency savings.
- 1.4.11 There may be opportunities for some savings in the purchase of stationary and office equipment items.
- 1.4.12 However the biggest challenge would be to have the same management systems. Without that many of the potential savings would not occur. It may be quite expensive to abandon one or more systems and obtain a single one that can cope with the increased volume of work.
- 1.4.13 A further difficulty will be agreeing policies and the approach to enforcing PCNs. A service provision as against a more financially motivated one. A lack of local knowledge may also have a negative effect on efficiency.

Outsourcing

1.4.14 Enforcement and PCN issuing (CEOs)

- 1.4.15 The advantages and disadvantages will be very similar to the shared service model. However in addition there will be a simple contract arrangement requiring no regular budgetary control. There will only be a need to ensure that the agreed

standards and targets are being met. Staffing shortages and problems will be the responsibility of the provider.

1.4.16 However, if we were to outsource this we would lose direct control of the service and the hugely valued flexibility this provides.

1.4.17 Back Office Administration

1.4.18 Again similar benefits and disadvantages will result from outsourcing this aspect of Parking Enforcement.

1.4.19 Providing affected staff are transferred pursuant to the TUPE regulations then vital local knowledge would remain but at this stage there is no guarantee that this could be achieved.

1.4.20 **Recommendation**

6. At this point in time retaining local control and the ability to respond quickly to requests outweigh any potential savings which could be made by outsourcing this service. However, sharing back office or service management does offer some potential opportunities for efficiencies, particularly in the light of possible changes to the parking regime in Tonbridge town centre.

1.5 Net financial loss of on street service (£112K in 2013/14) needs to be reduced. Need to explore with KCC the opportunity to renegotiate the partnership agreement.

1.5.1 The net loss, after subtracting Central and Departmental costs is £112K made up of the following three main elements.

- Staff salaries and on costs
- Income generated by on-street charges – pay and display/RPP/Business permits
- Income generated by enforcement - PCN's

1.5.2 There is little scope for reducing staff salaries or other direct costs without obtaining a contribution from the County Council. KCC officers have recently indicated their intention to review and clarify the agreement but I think it is most unlikely that they will be offering any financial changes or benefits. The main area of focus seems to be how districts manage any surpluses that they may make.

1.5.3 District Councils in Kent operating on-street services with a profit or smaller losses generally have significant pay & display on-street parking opportunities. We have very little pay & display parking on-street. The other structured income comes from Residents' Preferential Parking Permits (£35 /year) and Business Permits (£130/year). Although there may be scope to increase these slightly it is likely to

attract significant adverse publicity in the present economic climate and it simply isn't practical to raise them to the point where we could break even financially.

- 1.5.4 Income from enforcement is linked to the type and number of restrictions in place. PCNs issued to infringements of bays linked to pay & display machines are more common and easier to substantiate than others. On-street patrols are determined by the need to strike the right balance between off-street and on-street enforcement within the resources available, and the need to strike the right balance between PCN income generating patrols, deterring illegal parking and promoting the correct public image.
- 1.5.5 Patrol patterns are regularly reviewed and varied to achieve this balance.
- 1.5.6 There are significant benefits from linking both on- and off-street services and a clear usefulness of the Borough Council retaining local control of on-street parking as part of the overall Street Management portfolio of street scene related services.

1.5.7 **Recommendations**

- 7. Consider whether there are other on-street locations where the use of a Pay & Display machines would improve parking management and would be appropriate.
- 8. Ensure that the planned review by KCC of the Agency Agreement takes place and lobby for a better financial arrangement.
- 9. Ensure that all costs associated with parking are properly evaluated, reviewed and apportioned correctly between the on- and off-street services.

1.6 **Level of enforcement undertaken is about right. No enthusiasm for more aggressive approach to ticketing. Do not want to deter visitors/shoppers to our town centres. Continue to educate drivers rather than penalise them.**

- 1.6.1 The TMBC approach has always been that the CEOs provide a service that is there to assist motorists in parking safely, conveniently and legally. Key to this has been the ethos of education in balance with enforcement. Unlike some authorities the CEO will attempt to advise the driver of the contravention that is taking place, and offer them the opportunity to rectify the situation, rather than simply issue the PCN. This is less confrontational, achieves greater respect from the public, and avoids unnecessary work in dealing with letters of mitigation and appeal that in many instances would be successful for the driver.
- 1.6.2 Of course there is the need to balance those situations caused by neglect, wilful abuse and failure to take reasonable responsibility for their actions, or lack of them; and those caused by unavoidable extenuating circumstances. There is also the ongoing need to be aware of the need to derive an appropriate level of penalty income in order to sustain the service.

1.6.3 Recommendations

10. Continue to adopt the culture of education in balance with enforcement.

11. Ensure that this does not prevent justifiable PCNs from being issued.

1.7 **Need to review categories of dispensations currently offered and explore what charges might be imposed to offset on-street losses, particularly ‘non-social’ parking eg by contractors who might expect to pay a charge as they have to do elsewhere in Kent.**

1.7.1 Dispensations are a means to enable vehicles to park at locations that are either restricted or require some other form of payment or permit, to allow the driver to carry out legitimate and sometimes urgent work nearby.

1.7.2 Over the years the range and number of applications has risen significantly. In its normal understanding way the Council has reacted sympathetically by granting them subject to any practical parking difficulties.

1.7.3 There are three main types of dispensations as follows:

- Those that allow contractors to carry out tasks associated with their normal work
- People involved in the health, care and voluntary sectors; and
- Miscellaneous groups where various decisions by members and officers have deemed it appropriate to provide dispensations to enable a service to be provided or was appropriate as part of an overall arrangement or agreement.

1.7.4 With few exceptions these are free of charge but they are time consuming and costly to process, issue, and monitor. Potentially they are another source of income.

Contractors

1.7.5 Around 700 dispensations are issued annually to contractors to allow them to park at restricted locations, mainly within Residents Preferential Parking schemes, to carry out work at adjacent properties. The length of stay ranges from a few hours to several months depending upon the nature of works involved.

1.7.6 The criteria adopted is that the vehicle contains tools, equipment or materials that need to be accessed throughout the day and where it is not practical or appropriate to load/unload them all daily and re-park the vehicle. It should be remembered that generally, the loading or unloading of a vehicle is a legitimate

activity, even where restrictions or a payment apply, and that dispensations are not always necessary.

- 1.7.7 Each application is individually considered to determine the need and the impact on others parking nearby and traffic safety issues. In some instances a site visit is necessary particularly if there are multiple applications for large construction projects.
- 1.7.8 The approach adopted by other Districts Councils, particularly in Kent, varies considerably but with a clear emphasis on minimising the instances of dispensations and the reliance on existing options, particularly the use of Visitor Permits for short stay needs.
- 1.7.9 Following a report that demonstrated that charging for dispensations was appropriate; Members at the Car Park Charges Advisory Board on 24 January 2005, approved the introduction of the following charges based on those applying across the County:
- 1.7.10 Contractors 1 – 14 Days - £10
- 1.7.11 Contractors 1 Year £100
- 1.7.12 However following subsequent concerns by Members that this would impact unfairly on some vulnerable residents who may have ended up paying directly for these charges rather than the contractor, the introduction of charging was suspended while further consideration was given as to how the scheme should be implemented and promoted.
- 1.7.13 In the interim, some charging has been made for longer periods of stay where the contractor has expected to be charged and for contractors (such as window cleaners) regularly working in the High Street etc. and for those depositing and collecting money from the various banks.
- 1.7.14 **Recommendations**

12. All applications for specific locations within Resident Parking Schemes of less than two weeks should be advised to use Visitor Permits which currently cost £1 per day. Residents with a Parking Permit are automatically given ten of these per year and it is clear that many are already using these for this purpose. Additional ones may be purchased at any time subject to residents without an existing permit satisfying the residency criteria that would apply.

13. Applicants for restricted locations, such as yellow lines, will be required to pay £10 for each application covering between 1 and 14 days. Many other districts charge more than this but it equates to the Visitor Permit charge and can be linked to this for the future. Limit each application

to a maximum of 6 months to allow monitoring of the larger construction works. Extension may be granted where appropriate.

14. Contractors needing to park on a regular basis, but at different locations, within Resident Scheme areas are required to pay an annual fee of £100.

15. An Administration Charge, currently £10, is applied to all changes and replacements of dispensations.

Health, Caring & Social

1.7.15 The Council issues over 300 dispensations / permits per year to individual medical and caring personnel to park in Residents Schemes enabling them to make home visits during restricted periods.

1.7.16 Applications are required from the employer who confirms the role and need for the dispensation. No differentiation is made between those employed by the NHS, Kent County Council, Private Companies or any other employer.

1.7.17 Those issued under the auspices of "Social" include 14 to mobile library volunteers, 14 to Kent Fire and Rescue whose local offices use the Angel Centre for meetings, 2 to home delivery prescription drivers and 4 to church employees.

1.7.18 The majority of the districts in Kent do not issue dispensations for any, or the range of issues that TMBC do, but rely upon the national scheme that applies solely to doctors and midwives on emergency call outs. They expect all other personnel involved in this field of work to use existing arrangements such as Visitor Permits or schedule appointments as these invariably are outside of the restricted periods.

1.7.19 In 2005 Members approved a £30 per year (equivalent to the RPP charge) charge for these permits but did not clarify which category of workers it applied to. In view of the concerns expressed over the impact on residents for a charge relating to a contractor's permit this was also suspended.

1.7.20 Recommendations

16. That a charge equivalent to the Residents' Parking Permit fee (currently £35/year) be applied to all new applications and renewals where the national scheme does not apply. This will invariably be less than charges made by other districts in Kent.

17. All current holders are advised of this change and alternative parking options, such as avoidance of restricted hours of Visitor Permits.

18. An Administration Charge, currently £10, is applied to all changes and replacements to dispensations.

1.8 Other

1.8.1 There are a number of other organisations and groups who receive dispensations including:

- Parents of children attending the Slade Primary School
- Tonbridge Junior Football Club
- Riverside Bowls Club
- Tonbridge Model Engineering Society

1.9 Explore potential additional income from franchises in car parks (hot food/car washing etc) and logistics of accommodating such services including size of car parking spaces, management issues, and enforcement.

1.9.1 The Council does not generally allow its car parks to be used for commercial purposes or promotions other than the Tonbridge Farmer's Market and, in Snodland (Friday Market) and Aylesford (seasonal fruit produce and an evening hot food van).

1.9.2 However requests associated with local health, educational or charitable activities are normally granted.

1.9.3 Regular requests are received to make available sites for a number of purposes including vehicle cleaning, windscreen repairs, the selling of food and assorted product and vehicle promotions. Many districts accept these requests and have set up beneficial agreements with regular income.

1.9.4 Up until now we have so far considered that the disadvantages outweigh the benefits.

1.9.5 Advantages include: -

- Additional income for the Council
- Practical use of vacant spaces
- Additional attractor into town centres

1.9.6 Disadvantages include: -

- Loss of flexibility of capacity
- Potential detrimental appearance of car park
- Potential adverse effect on car park cleanliness
- Identifying appropriate products and services

- Maintaining a balance between commercial activities and parking needs.
- Ensuring fair and proportionate letting process / consideration of requests

1.9.7 Recommendation

19. Identify areas that may accommodate such activities, bearing in mind the above points, and, if appropriate, consider suitable agreements to facilitate ad-hoc franchises within the car parks, subject to the future town centre parking situation in the context of the proposed redevelopment..

1.10 Legal Implications

1.10.1 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.

1.11 Financial and Value for Money Considerations

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

1.12 Risk Assessment

1.12.1 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.

1.13 Equality Impact Assessment

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

1.14 Recommendations

1.14.1 That the recommendations set out in the report be endorsed and implemented.

Background papers:

Nil

contact: Mike O'Brien
Roy Edwards

Steve Humphrey

Director of Planning, Housing and Environmental Health

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	Improvements to parking management and enforcement should be of benefit to all in the community.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	As 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.