



Civil Parking Enforcement: Town and Parish Council Partnership Working with Cornwall Council – Options

Version 3

February 2011

1.0 Purpose of Report

1. To set out the background and lay out improvements to create better communication between the communities and the Parking Enforcement Teams regarding the application of Civil Parking Enforcement.
2. To lay out a range of options and opportunities which Town and Parish Councils may wish to consider enabling them to have involvement in the delivery of civil parking enforcement in their area.

2.0 Background

Civil Parking Enforcement (CPE) is the name given to the transfer of powers from the Police to local authorities for enforcing parking contraventions. This is made possible by the Traffic Management Act 2004 and included Statutory Guidance and Operational Guidance to Local Authorities as to how it should be managed and the subsequent appeal process for the Penalty Charge Notices (PCN) issued.

Enforcement in Cornwall is carried out with the aims of improving road safety and reducing congestion. The regulations make it clear that CPE should not be used for generating income and local authorities must be open about what they are doing.

Civil Parking Enforcement was first introduced in May 2008, with enforcement being carried out by Cornwall County Council and two former district councils. From the 1st April 2010, Cornwall Council has been able to undertake Civil Parking Enforcement across the whole of Cornwall through merging its car-park enforcement teams and its on-street enforcement teams. Prior to this, in some of the former District areas, these were two distinctly different teams neither of which had the jurisdiction to enforce both on-street and within car-parks.

The former Cornwall County Council established through its Civil Parking Enforcement executive panel a list of all the priority routes in Cornwall to be inspected by the various teams of Civil Enforcement Officers (CEOs) and the inspection frequency of each route. These form the basis of all on street inspection routes covered by the CEOs. The practical experience gained by the parking managers has identified those areas where the level of inspections was unwarranted, enabling resources to be directed to where they were most needed. The scale of the original priority routes determined the total number of CEOs and as a consequence has established the

current budget for the provision of CEOs. Following the integration of the remaining district Parking Attendants and the former County Council CEOs efficiencies have been gained delivering improved coverage of the priority routes and some other areas where demand has required. The current level of enforcement in each area has been established as the 'core offer' that is deliverable with the current budgeted resource. It is not rigidly defined as the flexibility to vary routes and level of cover at any time is essential to create the unpredictable nature of inspections regime. The 'core offer' will vary as there will be a need to deploy the CEO's as effectively as possible across the Cornwall and address significant times of pressure, such as peak holiday seasons in tourist areas.

This 'core offer' will therefore in effect be set out as the average time per week that each area can expect to have CEO's visiting and operating in that area in order to inspect the original priority routes plus other current inspection areas achieved by the efficiency improvements.

3.0 Partnership working options and opportunities for Town and Parish Councils

To follow are a range of options and opportunities which Town and Parish Councils may want to consider to enable them to have a greater involvement and work in partnership with Cornwall Council to 'add value' to the local core offer.

3.1 Influencing an area's core offer

Town and Parish Councils can help inform the delivery of this 'core offer' by letting Cornwall Council know

- Key times / days parking in the area is a problem
- Key locations in the area that parking is a problem

This information can then be used by Cornwall Council to help try to address these priority times and/or hotspot locations within the core offer that is being provided.

It must be stressed that while Cornwall Council will endeavour to allocate resources to address these key times / days / locations, that it will not always be possible to be able to meet all of the local demands as there is a finite number of officers, some of which work part time, so there will be a challenge to be able to address every areas needs through the core offer. Undoubtedly times of peak need in neighbouring areas will often clash.

3.2 Monitoring and reviewing the core offer

It may be that a Town or Parish Council wishes to set periodic review meetings with the Area Parking Operations Managers of Cornwall Council to discuss how successful the services are being delivered.

This will provide the opportunity to feed back to Cornwall Council what is working well, perhaps where some previous problems have now been solved and also where it would now be more beneficial to target available resources. This information can then be taken back and considered to help further tailor available resources to maximum benefit.

3.3 'Buying' more CEO time

It may be that some Town or Parish Councils still feel that it would be beneficial to have the CEO's operating at a higher frequency or additional times to those that Cornwall Council can provide through its core offer.

If this is the case, Town and Parish Councils can buy more CEO time from Cornwall Council by providing the financial resource to enable either existing CEO's to spend additional time in an area as overtime in addition to the CEOs normal hours, or for Cornwall Council to employ additional CEO's which again can be allocated to the area. This type of arrangement could be done on a contract basis for a set period (i.e. six months), or as an ongoing arrangement.

The cost of the additional CEOs will be calculated by Cornwall Council as the cost of their employment less a sum calculated to represent the historic net income from PCNs issued per CEO hour in a locality. This will be a fixed cost for the initial contract period, irrespective of actual income: that is Cornwall Council will bear the financial risk. Where it is likely that additional CEO hours will not create additional PCN revenue it is possible that the cost to the Town or Parish will be required to cover the full cost of the CEO without any deduction.

Town and Parish Councils who opt to buy this additional CEO time will, through liaison with Cornwall Council, be able to inform and direct which additional areas the CEO

patrols and targets. If after a short while problems in a particular area are solved through this additional time, the Town or Parish Council can then consider where they would like the CEO to now focus on. Although it is simple to change the locations the CEO will be allocated to operate, it may not always be possible to change the times or days they are present in a town as easily as this will depend on whether there is the resource available at those specific times / days to do that. Again, liaison with Cornwall Council will however be important to discuss the options and possibilities.

The additional benefit of this option is that if after a period of time it is established that the cost of providing the additional CEO resource is cost-neutral (i.e. the staffing costs and the level of penalties being generated in this additional time is consistently breaking even), Cornwall Council will consider adding this additional time into the areas core offer, thus removing the need for the Town or Parish Council to have to pay for it any more (or potentially enabling the local Council to continue to provide this resource to Cornwall Council to buy even more additional CEO resource to be deployed locally).

3.4 Financing your own CEOs

This option is available to Town and Parish Councils if they wish to pursue it however they will need to be aware of some constraints and conditions which are set out in legislation, including:

- A Town or Parish Council would be required to purchase the equivalent number of hours of a full time CEO. That extra number of CEO hours would be assigned to the Town or Parish Council area, but in legal terms would remain Cornwall Council employees and would be provided from a pool of CEOs. The regulations require the rules of enforcement to be consistent across Cornwall and therefore the countywide rules would have to apply. It may be possible to collaborate with another Parish or Town to collectively create sufficient hours to recruit a full time CEO to cover the extra required hours.

- The adjudication of any contested Penalty Charge Notices would need to be undertaken by Cornwall Council's Transportation Service, and there can be no opportunity for Town or Parish Councils to intervene. (There is also no opportunity for Cornwall Council members to intervene.)

It is therefore strongly recommended that before any Town or Parish Council pursues this option, that they speak to Cornwall Council first so they can fully understand the restrictions that apply. .

3.5 Powers to 'direct traffic'

It is set in the Secretary of State's Regulations that CEOs cannot:

- Direct traffic
- Address 'moving parking offences'
- Deal with vehicles which are causing obstructions (and are not in areas covered by parking restrictions which are visible through the presence of 'signs and lines').

These powers currently remain with the Police.

Town and Parish Councils need to be aware that unlike former Traffic Wardens, CEOs can not perform these activities, regardless of the financing authority.

Schedule 5 of the Police Reform Act (2002) provides an opportunity for the Police to delegate specific powers to people including that to direct traffic. This delegation needs to be authorised by the Chief Constable. Either Cornwall Council or a Town or Parish Council could seek these powers although they would need to be exercised by staff other than CEOs. It should be noted that these powers do not extend to placing traffic cones to introduce temporary waiting restrictions or implementation of planned road closures.

If this option were taken up by a Town or Parish Council, and authorised by the Chief Constable, members of that local Council could then use these delegated powers to quickly and effectively address some types of obstruction or other traffic problems in the area.

In effect, an employee or representative of the Council would go out in a 'uniform' and have the authority to speak to drivers of obstructing vehicles and request that they move. If the driver refused to move, this then becomes an offence and the empowered officer would make a report and call the Police / PCSO to pursue the offence.

(Please note that guidance on traffic management for events will be published during spring 2011)

4.0 More information

Detailed information on Civil Parking Enforcement can be found on Cornwall Council's website at:

<http://www.cornwall.gov.uk/default.aspx?page=4448>

Local Councils are encouraged to look at these pages and the linked documents before considering the development of any proposals around civil enforcement.

If following this your Town or Parish Council is interested in finding out more about the issues discussed, please contact your local Community Network Manager in the first instance, who will help your Council to consider and discuss the options in liaison with the Transportation Service's Parking Operations Team.

If you would like this information in another format please contact:

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