



**Norfolk** County Council  
at your service

## **Norfolk County Council & District Councils Norfolk Parking Partnership Joint Committee**

**Date:** 22 September 2011

**Time:** 3.00pm

**Venue:** Cranworth Room – County Hall

### **Membership**

#### **County Councillors**

Mr G Plant

#### **District Councillors**

Mr K Kiddie - South Norfolk District Council  
Mrs E Nockolds - Kings Lynn & West Norfolk District Council  
Mr C Reynolds - Great Yarmouth Borough Council

The Agenda follows: -

- 1. Apologies for Absence**
- 2. Appointment of Chairman**
- 3. Declarations of Interest**

Please indicate whether the interest is a personal one only or one which is prejudicial. A declaration of a personal interest should indicate the nature of the interest and the agenda item to which it relates. In the case of a personal interest, the member may speak and vote on the matter. Please note that if you are exempt from declaring a personal interest because it arises solely from your position on a body to which you were nominated by the County Council or a body

exercising functions of a public nature (e.g. another local authority), you need only declare your interest if and when

you intend to speak on a matter.

If a prejudicial interest is declared, the member should withdraw from the room whilst the matter is discussed unless members of the public are allowed to make representations, give evidence or answer questions about the matter, in which case you may attend the meeting for that purpose. You must immediately leave the room when you have finished or the meeting decides you have finished, if earlier. **These declarations apply to all those members present, whether the member is part of the meeting, attending to speak as a local member on an item or simply observing the meeting from the public seating area.**

**4. Inception Report**

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Report by the Director of Environment Transport and Development

**5. Date of Next Meeting**

To agree the date of the next meeting.

**County Hall**

Martineau Lane  
Norwich  
NR1 2DH

14 September 2011

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**Chris Walton**

**Head of Democratic Service**



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## Inception Report

Report by the Director of Environment Transport and Development

### Summary

This report provides background information on the Civil Parking Enforcement project and the benefits which are expected to be derived from its introduction, together with details of the proposal to delegate the CPE functions jointly and severally to the three Borough and District Councils who are members of this Joint Committee. The suggested draft Terms of Reference of the Joint Committee is included as an annex to this report.

The Joint Committee is asked to agree:

- (1) its Terms of Reference, including Membership, Voting Rights, Roles and Responsibilities, Frequency and Timing of Meetings and whether they should be held in public.
- (2) whether it will be represented at the Parking and Traffic Regulation outside London Adjudication Joint Committee (PATROLAJC) by one elected member representing the four parties who are members of this Joint Committee

### 1. Background

- 1.1 Norfolk County Council (NCC) as local traffic authority has a network management duty under Part 2 of the Traffic Management Act 2004 (TMA) to secure the expeditious movement of traffic on its road network and to make arrangements as it considers appropriate for carrying out the action to be taken in performing that duty. This network duty cannot be delegated to District Councils.
- 1.2 In order to assist in meeting its TMA responsibilities, the County Council has the power under Part 6 of the Act to introduce Civil Parking Enforcement (CPE) in Norfolk, subject to the consent of the Department for Transport (DfT). Under CPE the enforcement of on-street restrictions ceases to be the responsibility of the Police (and their Traffic Wardens) and passes to the local traffic authority. The Police will remain responsible for endorsable traffic offences.
- 1.3 In two – tier authority areas, CPE can be operated directly by the County Council or by delegation to District Councils (as they cannot themselves apply for CPE powers.)
- 1.4 There is no legal power to undertake CPE in Norfolk (the County outside Norwich) until the Secretary of State has approved an application by the traffic authority and has made an Order under the TMA that designates the geographical area to which the arrangements will apply (“the Designation Order”). Each Designation Order must be laid before Parliament, following which it will be processed by the traffic authority.
- 1.5 The County Council’s application was submitted in September 2010 and October 2011 was proposed as the target CPE implementation date. This provided 12 months from submission for consideration, agreement in principle and formal approval, in accordance with DfT recommendations. The application has now progressed to the formal approval stage and is currently being scrutinised by DfT lawyers. The implementation date has now been agreed with DfT as 07 November 2011.
- 1.6 One of the stated benefits of CPE is to permit the introduction of a common enforcement service for both on-street and off-street parking by Civil Enforcement

Officers (CEOs). This would potentially allow the service (including the resulting administration, processing and queries through the Central Processing Units) to be more uniform (for example by issuing common Penalty Charge Notices (PCNs)) and efficient for all users.

- 1.7 A main benefit of CPE is that the local control of on-street parking can enable consistent, efficient and effective enforcement provision across the county, thereby assisting the traffic authority to use its network management duty in such a way as to focus on key issues such as highway safety, accessibility and local environment. Consequently, CPE can be used to benefit both business and the community, to introduce/enforce Traffic Orders and to set up new measures as may be identified in Parking Strategies and the Traffic Management Programme. More fundamentally, it ensures at least an essential level of enforcement, given the Police withdrawal.
- 1.8 The CPE business case submitted as part of the County Council's application is based on the premise that any on-street income generated from CPE either through PCNs, pay and display or permit charging is retained and offset against the cost of the scheme and its ongoing enforcement. In addition, where there is an operational surplus, this can be used to support parking operation and other transport initiatives. Under the current system of traffic warden enforcement, paid parking penalties go directly to the Treasury. This does not affect the revenue generated through off-street car parks, which are owned by the District Councils who will continue to exercise their own controls.

## 2. Delegation of Functions

- 2.1 At its meetings in January 2011, the County Council's Cabinet agreed, subject to the Designation Order being made, the delegations of CPE functions jointly and severally to the Borough Council of King's Lynn and West Norfolk (BCKLWN), Great Yarmouth Borough Council (GYBC) and South Norfolk District Council (SNDC).
- 2.2 As an executive function, the legal basis for the delegation itself is under section 19 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 which leaves the executives of the District Councils to assume responsibility for it.
- 2.3 Offering the benefits of further developing a partnership approach with District colleagues and providing useful advantages in the operation and 'future proofing' of CPE, including establishing a means to allow the service to mature whilst providing an accountable and public face and to develop an efficient, seamless and common service, Cabinet also agreed:
  - that the delegations be subject to establishing with those Districts a CPE Joint Committee from which to exercise the functions (and with the option for other authorities to join at a later date should they wish to) and
  - that the delegations be subject to the resolution of relevant issues including the execution of an agreement as outlined in the Cabinet report and compiling the terms of reference for the Joint Committee.
- 2.4 At meetings in March and April 2011, the Borough Council of King's Lynn and West Norfolk, Great Yarmouth Borough Council and South Norfolk District Council agreed to accept the delegation of CPE functions subject to the establishment of a CPE Joint Committee.
- 2.5 A formal agreement between all four parties has been prepared which sets out the basis of the arrangements, financial matters and the appropriate management structure for the delegation of functions. The finer details of the draft agreement are currently being finalised by officers of the County and District Councils. For information, the agreement is subject to the statutory rights and duties of the County Council.

- 2.6 The Joint Committee is intended to be a high level, strategic Member group, supported by officers and the County Council's Democratic Services, and as such it is envisaged that it would meet periodically. It is proposed that whilst membership of the Committee be limited to the County Council and those District Councils who will be physically providing on-street enforcement, (BCKLWN, GYBC and SNDC in the immediate term), other District Councils may be allowed to attend to hear and make representations where appropriate at Joint Committee meetings. For the avoidance of doubt, they will not be members and will not have voting rights unless they choose to play an active enforcement role.
- 2.7 To assist with running the day to day operations, an officer working group will be established.
- 2.8 The suggested draft Terms of Reference of the Joint Committee is referenced in the above agreement and will need to be agreed. It is included as an annex to this report for consideration. The Joint Committee is asked to determine whether or not its meetings will be held in public. Although there is no legal requirement to do so under Section 22 (Access to Information) of the Local Government Act 2000, under the current Government's drive for transparency, the Joint Committee may wish to do so. If it is agreed to do so, agendas and minutes from meetings of the Joint Committee would then be made available to the public by publishing them on the internet as is the case with all other public meetings that the County Council hold.
- 2.9 The Joint Committee will need to determine the frequency of its meetings. It is suggested that the Committee meet twice per year, once in March to consider year end income projections together with forecasts for the following year and in once in September to consider the annual report to DfT, with consideration given to holding special meetings when required. Dates for the twice yearly meetings will need to be agreed annually in advance by the Committee so that they can be published in the Council's Forward Programme of Meetings each year. If necessary extraordinary meetings can be held.
- 2.10 Under CPE, formal appeals against PCNs are considered by the Traffic Penalty Tribunal which is overseen by the Parking and Traffic Regulation outside London Adjudication Joint Committee (PATROLAJC). Schedule 8 of the Traffic Management Act 2004 defines enforcement authorities in relation to contraventions relating to a parking place as the authority which provides the parking place. In relation to all other parking contraventions the enforcement authority is defined as the local authority in whose area the contravention is committed. This means the County Council is the enforcement authority for on-street contraventions and District Councils are the enforcement authority in their own off-street car parks
- 2.11 All enforcement authorities need to be members of the PATROLAJC and appoint an elected Member, even if an enforcement authority has made arrangements for the actual activity of enforcement to be carried out by another authority on its behalf. Due to the implementation of CPE in Norwich both the City and the County Councils are already members of the Joint Adjudication Committee. All the District Councils which will carry out off-street parking enforcement will have to join the PATROLAJC agreement and nominate a Member who will be able to attend PATROLAJC meetings. However councils which are members of the Norfolk Parking Partnership Joint Committee may agree that only one elected Member from BCKLWN, GYBC, NCC or SNDC could attend the meetings of the PATROLAJC on behalf of the Joint Committee.

### **3. Resource Implications**

#### **3.1 Finance:**

- 3.1.1 There are financial implications resulting from the implementation of CPE, including ensuring the accuracy of Traffic Regulation Orders, consultation, legal and contractual procedures to be undertaken, equipment and software to be procured. NCC has

currently both revenue and capital budget allocations to cover the costs of CPE implementation.

- 3.1.2 The capital costs of implementing CPE are estimated at £250,000 for equipment, including hand held computers and vehicles and software upgrades. No future capital requirements are envisaged as equipment renewals and upgrades etc will be charged to the CPE on-street operating account.
- 3.1.3 An important issue to consider however is the financial viability of CPE in operation. Guidance states that a CPE operation must not be seen by traffic authorities in isolation or as an income generator and should contribute to their parking strategy objectives, including managing the traffic network to ensure expeditious movement of traffic for users. While the objective is not to generate income, financial breakeven as a minimum is needed to reduce long term dependency upon other funding streams.
- 3.1.4 The current model relies on on limited revenue opportunities generated from unpredictable levels of PCNs, together with some of the surplus produced by on-street charging in Great Yarmouth (currently ring-fenced for transport related expenditure in the Borough). Although the business case predicts that the use of this surplus should be sufficient to cover the operating deficit in the short-term (and this is the basis on which CPE has been supported by GYBC), it is unsustainable into the future as the income stream is too heavily reliant on PCN revenue. NCC Cabinet has therefore recommended that we should seek to increase on street revenues from sources other than PCNs and locations other than Great Yarmouth in order that we may move forward to a sustainable longer term solution. Such measures will need to include detailed consideration of introducing additional on-street charging.
- 3.1.5 The District Councils to whom the functions are delegated wish to accept no financial liability arising out of or in relation to the on-street enforcement service. The Joint Committee will be aware of the financial risks that this poses to the County Council and will appreciate the need for partnership working to mitigate these risks as far as possible.
- 3.2 **Staff:** Staffing is a key issue for the implementation of CPE. The operational model requires the District Council to employ back office and/or enforcement staff (CEOs), including those transferred from the Traffic Warden service in accordance with the Transfer of Undertaking (Protection of Employment) Regulations 2006 (TUPE). All staff will need to be trained to undertake CPE duties, including on-street enforcement and there will be a need to roll out common procedures. There will be a need for a County Council parking manager function to monitor the delegation and ensure our statutory duties are discharged. These matters are in hand.
- 3.3 **Property:** No requirements other than those associated with the staff to be engaged on CPE duties.
- 3.4 **IT:**
  - 3.4.1 To function efficiently and economically a CPE scheme must base its administration and ticketing facilities on established hardware and software systems which, where appropriate, are compatible with other highways and traffic regulation management systems. For such systems to function at the peak efficiencies good telecommunication links are also necessary.
  - 3.4.2 It is proposed that the CPE back office function should be undertaken by both BCKLWN and GYBC. The County Council will be responsible for the costs of converting the existing software to operate CPE and fund the hand held terminals for operation by on-street enforcement staff.
  - 3.4.3 The benefits to the CPE operation in having an ICT solution for the management of Traffic Regulation Orders has been investigated in detail and a process is being implemented. The benefits of such a process expand beyond the CPE requirements.

## 4. Other Implications

### 4.1 Legal Implications:

4.1.1 Although Civil Parking Enforcement is a discretionary power rather than a duty, the County Council as local traffic authority has a network management duty under Part 2 of the Traffic Management Act 2004 (TMA) to secure the expeditious movement of traffic on its road network and to make arrangements as it considers appropriate for carrying out the action to be taken in performing that duty.

4.1.2 Implementation of CPE will require a Designation Order to be prepared by the DfT and for a statutory Instrument to be signed by the Minister and laid before Parliament. Therefore, these arrangements are subject to that and an understanding that ultimate responsibility for proper conduct and management will continue to lie with the County Council.

4.1.3 Furthermore, the Designation Order requires the County Council to have undertaken (and to confirm in writing that it has) a review of all on-street Traffic Regulation Orders and to ensure that any inaccuracies have been resolved. This is currently being undertaken by means of on-street surveys and drafting of consolidation orders for each town and parish where there are waiting restrictions and/or parking orders.

4.2 **Equality Impact Assessment (EqIA):** A detailed assessment of the changes (if any) considered likely to result from the introduction of CPE has been carried out. A broad assessment is that a more focussed and visible enforcement service should be beneficial, particularly for pedestrians and disabled drivers.

4.3 **Communications:** A communications strategy and key stakeholder consultation are required by the DfT. These are being implemented. A Norfolk Citizens' Panel survey in 2009 explored attitudes to parking enforcement. On-line consultation has been undertaken with businesses and local councils through the 'Norfolk Matters' and 'Business Matters' electronic newsletters to help establish these key stakeholders' parking enforcement priorities. The wider public have been kept informed through council magazines, including updates in Your Norfolk. (where appropriate).

4.4 **Health and Safety Implications:** The better enforcement of waiting restrictions should make a positive contribution to road safety, particularly where the incidence of footway parking can be reduced. (where appropriate)

**Health and Safety Implications:** Officers have considered all the implications which members should be aware of. There is a need for District Councils to update their own off street orders but they are aware and this is a matter for them. Apart from those listed in the report (above), there are no other implications to take into account.

## 5. Section 17 – Crime and Disorder Act (this must be included)

5.1 It is considered that the presence of identifiable uniformed personnel patrolling the streets during daytime, and in some locations up to the early hours of the morning, can arguably do much to increase the public's perception of safety and lead to a reduction in anti-social behaviour and opportunist crime. Whilst the overall level of on-street parking enforcement resource will not change significantly from that currently provided by the traffic wardens, its visibility should be increased particularly where the same enforcement staff undertake both on and off street enforcement duties in an area.

## 6. Action Required

- 6.1 The Norfolk Parking Partnership Joint Committee is asked to agree:
- (1) its terms of Terms of Reference, including Membership, Voting Rights, Roles and Responsibilities, Frequency and Timing of Meetings and whether they should be held in public.
  - (2) whether it will be represented at the Parking and Traffic Regulation outside London Adjudication Joint Committee (PATROLAJC) by one elected member representing the four parties who are members of this Joint Committee

## **Background Papers**

List here those papers referred to in compiling this report. (Only those that do not contain exempt information).

## **Officer Contact**

If you have any questions about matters contained in this paper please get in touch with:

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## **ANNEX A**

### **Norfolk Parking Partnership Joint Committee**

#### **Terms of Reference**

##### **1 Membership**

- 1.1 The Joint Committee shall consist of one executive member from each Council, appointed by the executive of the respective Council.
- 1.2 Each Council is entitled to appoint substitute members.
- 1.3 A member shall cease to be a member of the Joint Committee on ceasing to be an executive member of the appointing Council, but otherwise shall hold office at the discretion of the executive of the appointing Council.
- 1.4 A quorum shall be two executive members.
- 1.5 The Chairman of the Joint Committee shall be the member for the County Council.
- 1.6 The Joint Committee may invite or allow other District Councils in Norfolk to attend meetings where appropriate to understand the enforcement being or to be carried out in their respective administrative areas and to hear their representations from time to time. However this shall be a right of representation only and confers no voting rights on those District Councils unless and until such time as they themselves become a party to this Agreement. Furthermore, the Councils may ask those District Councils to leave the meeting when any confidential or commercially (or otherwise) sensitive information is to be discussed.

##### **2 Voting Rights**

- 2.1 Any matter will be decided by a simple majority of those members voting.

- 2.2 If there are equal numbers of votes for and against, the chairman will have a second and casting vote.
- 2.3 There shall be no restriction on how the chairman chooses to exercise their casting vote.
- 2.4 Any decision as to funding or the budget to be taken from time to time shall be solely for the County Council.

### **3 Roles and Responsibilities**

- 3.1 To carry out through the Councils the functions as laid down in the legal Agreement for the Joint Provision of Civil Parking Enforcement Services and the Functions currently in force.
- 3.2 Agree annually a set of targets as contemplated in and permitted by the Operational Guidance in relation to the Functions and shall review performance against such targets. This will include adopting key performance measures for use by the Councils to enable best value and best practice to be achieved.
- 3.3 Adopt general policies, strategies and guidance for the introduction and on-going operation of CPE in Norfolk including producing a handbook for use by the Civil Enforcement Officers.
- 3.4 Adopt key performance measures for use by the Councils to enable best value and best practice to be achieved through target setting and benchmarking.
- 3.5 Assist in policies and produce guidance or representations to feed back to the County Council for the implementation of:-
  - (i) Residents' Parking Schemes (within the Residents' Parking Zone Policy);
  - (ii) On-street pay and display and related charges.

- 3.6 Set Parking Charge Notice Levels to be applied across the Area in accordance with best practice.
- 3.7 Where deemed appropriate, respond to consultations relevant to CPE and make representations to government departments and others in respect of CPE issues.
- 3.8 Receive and consider performance and financial reports concerning CPE.
- 3.9 To assist the Councils in the efficient management of the Functions.
- 3.10 To evaluate and monitor the Business Plan.
- 3.11 To report the activities of The Norfolk Parking Partnership to their respective Councils.
- 3.12 To appoint internal Audit.
- 3.13 To approve its financial regulations.
- 3.14 To appoint support service advisors and to seek the advice, expertise and assistance of officers from the Councils as they may consider appropriate from time to time.
- 3.15 To design and implement internal controls and risk management systems.
- 3.16 To keep under review the effectiveness of its internal controls and risk management systems.
- 3.17 The Joint Committee and the Councils shall provide the County Council with all information reasonably required to enable it to fulfil its obligations as Traffic Authority including but not limited to making available in so far as is reasonable CEOs and its officers for personal interview.

#### **4 Conduct of Members**

- 4.1 The appointing Councils shall be responsible for the conduct of their respective Members of the Joint Committee.

#### **5 Scrutiny Arrangements**

- 5.1 Each Council will undertake its own scrutiny role, as appropriate.

#### **6 Administration**

- 6.1 The name of the Joint Committee shall be "The Norfolk Parking Partnership Joint Committee".
- 6.2 Meetings of The Norfolk Parking Partnership Joint Committee shall be held in public and accordingly its agendas and minutes will be published in accordance with the County Council's usual procedures.
- 6.3 Subject to paragraph 7 below, meetings will be held twice a year, once in March and in once in September. Dates will be agreed in advance by the Joint Committee and published in the County Council's Forward Programme of Meetings.

#### **7 Urgent Matters**

- 7.1 Where matters of an urgent nature arise a meeting of the Joint Committee shall be called.

#### **8 Legal Agreement**

- 8.1 These Terms of Reference shall be read in conjunction with the Agreement for the Joint Provision of Civil Parking Enforcement Services within which these Terms of Reference are referenced.